MODESTO CITY COUNCIL
RESOLUTION NO. 2023-01

RESOLUTION APPROVING THE APPOINTMENTS OF AUSTIN GRANT AND JOEL CAMPOS TO THE EQUITY COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2027

WHEREAS, the Affirmative Action Commission of the City of Modesto was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987; and

WHEREAS, with the passage of Proposition 209, the City reviewed its employment policies, affirmative action policies and other relevant policies and procedures and amended them as necessary to comply with Proposition 209; and

WHEREAS, as part of the compliance effort, the Commission retitled from the Affirmative Action Commission to Equal Opportunity and Disability Commission by Resolution No. 98-134; and

WHEREAS, with the creation of the Diversity, Equity, and Inclusion Program which includes Equal Opportunity and Disability accessibility; and

WHEREAS, City staff retitled and repurposed the Equal Opportunity/Disability Commission to the Equity Commission and amended Article II Duties by Resolution No. 2022-054; and

WHEREAS, the Equity Commission is established to advise on matters of diversity, equity, and inclusion; and

WHERAS, the Appointments Committee met on December 12, 2022 and recommended the appointments of Austin Grant and Joel Campos to the Equity Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Austin Grant and Joel Campos as commission members to the Equity Commission for a four-year term, with an expiration date of January 1, 2027.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Equity Commission, and secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-02

RESOLUTION REAPPOINTING CHRIS GUPTILL TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE (TRRP CAC) THROUGH DECEMBER 31, 2026

WHEREAS, the primary role of the Tuolumne River Regional Park Citizens Advisory Committee is to act in an advisory capacity to the Tuolumne River Regional Park Joint Powers Authority (JPA) Commission in matters pertaining to the design, development, enhancement and use of the park; and

WHEREAS, the Citizens Advisory Committee is a group of residents and registered voters from the members of the JPA, comprised of five (5) residents of Stanislaus County, three (3) residents of Modesto, and two (2) residents of Ceres, and

WHEREAS, the members are appointed, by their respective jurisdictions, to four-year terms with no limit to the number of terms they may serve; and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions with the recommendation of the City's Appointments Committee; and

WHEREAS, on February 10, 2015, Council appointed Chris Guptill to fill a vacancy on the Tuolumne River Regional Park Citizens Advisory Committee by Resolution No. 2015-36, through January 1, 2019; and

WHEREAS, Mr. Guptill was reappointed to the Tuolumne River Regional Park Citizens Advisory Committee on March 5, 2019, by Resolution No. 2019-103, with a term expiration of January 1, 2023; and

WHEREAS, during Mr. Guptill's time with the TRRP CAC, he has been an active member in good standing, and has expressed a desire to continue as a member of the TRRP CAC; and

WHEREAS, the Appointments Committee met on December 12, 2022, and recommended the reappointment of Mr. Guptill to the TRRP CAC.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby appoints Chris Guptill to the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC) through December 31, 2026.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-03

RESOLUTION CONTINUING TO AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE CITY OF MODESTO PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the City of Modesto (the "City") is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which allows for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-370 authorizing remote teleconference meetings pursuant to AB361 (Government Code section 54953(e)); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and whether State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, on March 8, 2022, the County of Stanislaus Board of Supervisors terminated the Declaration of a Local Health Emergency that was issued on March 11, 2020; and

WHEREAS, State of California health officials recommend masks to be worn when individuals might be around unvaccinated people, especially while indoors; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Consideration of State of Emergency. The City Council has considered the conditions of the state of emergency declared pursuant to Government Code section 8625, and determined that such emergency conditions continue to be present in the City.

Section 3. Continued Social Distancing Measures by State and Local Officials. The City Council finds that the State of California Health Officer's recommended measures to promote social distancing remain in effect.

Section 4. Remote Teleconference Meetings. The City Council finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-04

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH MEYERS NAVE TO ADD SPECIALTY LEGAL SERVICES RATES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, Meyers Nave has successfully served the City of Modesto as City Attorney and Special Counsel on a wide variety of critical City projects since the Fall of 2013; and

WHEREAS, on May 13, 2014, by Resolution No. 2014-186, Council approved a Legal Services Agreement with Meyers Nave, a professional law firm, to provide City Attorney services for the City, and appointed Adam U. Lindgren as City Attorney; and

WHEREAS, on February 4, 2020, City Council reported out of Closed Session the Appointment of Jose M. Sanchez, as Acting City Attorney during City Attorney Lindgren's medical leave of absence; and

WHEREAS, by Resolution No. 2020-250, Council approved a First Amendment to the Legal Services Agreement with Meyers Nave, appointing Jose M. Sanchez as City Attorney, effective June 2, 2020; and

WHEREAS, as complex specialty matters arise, it is critical that the City is able to designate qualified specialists to handle such matters; and

WHEREAS, Meyers Nave desires to amend the Agreement to include specialty rates for unique projects involving areas of law such as labor and employment, land use, environmental, water law, First Amendment issues, eminent domain, construction, housing, and litigation; and

WHEREAS, this proposed amendment will allow the City access to the top specialist in the above areas, establishes rates for those special counsel services, and updates the attorney listed as Assistant City Attorney to Alex Mog.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Legal Services Agreement with Meyers Nave to add specialty legal services rates.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOHN FUKASAWA, Deputy City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-05

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $100,000 is necessary in the Capital Grants – CIP Projects Fund (3140) to recognize revenue and establish the expense budget for the California Automated Permit Processing (CalAPP) Program grant from the California Energy Commission. The funding will be used to implement an online, automated permitting platform that assists in verifying code compliance and issuing permits in real time for solar energy systems.

- A budget adjustment in the amount of $225,000 is needed to account for the Homeowner Rehabilitation Loans that are being converted to Grants in the Revolving Loan Fund (1155). This program is designed to eliminate health and safety hazards in residential properties for qualifying low-income households, and each loan has met the affordability covenant. The Homeowner Rehabilitation Program is funded through the Community Block Grant Revolving Loan Fund.

- A budget adjustment is necessary for project 101411 – 1208 9th St CHS Youth Housing to increase the total project amount by $177,753 as part of an increased allocated grant amount from the Housing and Community Development Division of the State of California. After the original application was submitted by the City, the State allocated additional funds for the HomeKey 2.0 Grant of Property Acquisition and Rehabilitation which were used to convert commercial property into 14 permanent supportive housing units for youth. The final disbursement of the Homekey 2.0 grant allocate $3,796,555 for property acquisition and $176,798 for operating subsidies, for a total HomeKey 2.0 Grant of $3,973,353.

FINANCE DEPARTMENT

- A budget adjustment of $70,396 is necessary to modify Direct Charge Agreement (DCA) FIN-STO-01. 40% of a Senior Buyer will be allocated to Jefferson Stores. 50% of the Assistant Buyer time, after removing 350 hours for DCA FIN-PUR-03, will be allocated to Jefferson Stores. 60% of the Stores Supervisor will be allocated to Jefferson Stores.

- A budget adjustment of $32,171 is necessary to modify Direct Charge Agreement FIN-PUR-09. Supervisory support for oversight of Litt Stores will use an estimated 7.5% of the Purchasing Manager position.

- A budget adjustment of $10,137 is necessary to establish Direct Charge Agreement FIN-PUR-15. Supervisory support for oversight of Jefferson Stores will use an estimated 7.5% of the Purchasing Manager position.

- A budget adjustment of $14,270 is necessary to modify Direct Charge Agreement FIN-PUR-03. The Assistant Buyer and Senior Buyer are housed in a difference cost center and this adjustment will remove them from the agreement.

- A budget adjustment of $14,270 is necessary to establish Direct Charge Agreement FIN-PUR-16. The Assistant Buyer and Senior Buyer will provide review of the Construction Contracts for the Construction Administration to ensure all of the required approvals and procurement procedures are followed. Post PlanetBid items including bids and amendments. Handle all change orders that get posted into Oracle, and manage each encumbrance process for review and approval.

INFORMATION TECHNOLOGY

- A budget adjustment in the amount of $55,000 is needed in the Public Educational Government (PEG) Fund 1321 for the second-floor upgrades related to broadcasting for public meetings. The increase in the budget will be covered by the current Fund 1321 reserves.

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of $1,692,931 is necessary in the JPA TRRP Special Revenue Fund – CIP (6710) to recognize the revenue related to the American Legion Hall insurance claim and increase expenses in Project 101425 – American Legion Fire Remediation to pay for outstanding expenses. As additional projects are identified, a portion of the revenue will be moved to those projects. Due to the urgent need to pay for invoices related to clean-up, a budget adjustment in the amount of $50,000 was completed on the City Manager's authority. This adjustment will increase the budget by an additional $1,642,931 for a total of $1,692,931.

- A budget adjustment in the amount of $300,000 is necessary in the Golf Fund (4600) to increase the budget for project 101294 – Dryden Course Clubhouse Renovation to recognize additional revenue received from the insurance provider and allocate to the project discretionary expenditure budget. Due to the urgent need to pay outstanding invoices on the project, a budget adjustment in the amount of $50,000 was completed on the City Manager authority. This adjustment will increase the budget by an additional $250,000 for a total of $300,000.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 22-23 for the activity through September 2022. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
4109	Water Fleet Replacement Fund	$125,692
4899	Solid Waste Fleet Replacement	$121,435
	Total Transfer Outs	**$247,127**
5409	Transfer In – Fleet Management Fleet Replacement	$247,127
	Total Transfer Ins	**$247,127**

A budget adjustment is necessary to establish a transfer in the amount of $125,692 from the Water Fleet Replacement Fund to Fleet Replacement Fund for purchase of (2) ¾ Ton Extended Cab Utility Trucks.

A budget adjustment is necessary to establish a transfer in the amount of $121,435 from the Solid Waste Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) loader claw.

UTILITIES

- A budget adjustment in the amount of $1,670,000 is necessary in the Water CIP Fund (4180) to create and establish the expense budget for the Bret Harte Strengthen & Replace Water Mains Project (101450). This project will improve system reliability and upgrade existing infrastructure to meet City Standard Specifications.

- A budget adjustment in the amount of $145,042 is necessary in the Wastewater Fund (4210) to increase the expense budget for the Roosevelt Park Cross Connection Project (100793) to cover expenses associated with staff time and consultant services.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-06

RESOLUTION APPROVING A WILL SERVE LETTER AND AN OUTSIDE SERVICE AGREEMENT FOR WATER CONNECTION FOR THE PROPERTY LOCATED AT 323 BOTHUN ROAD IN UNINCORPORATED STANISLAUS COUNTY JUST OUTSIDE THE CITY LIMITS OF TURLOCK (APN: 043-029-001) ADJACENT TO THE FORMER DEL ESTE WATER SERVICE ARE NOW OWNED BY THE CITY OF MODESTO

WHEREAS, Mary Lou Brewer, LLC, an unmarried woman, owns property located at 323 Bothun Road; and

WHEREAS, the owner has requested water service connection; and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001; and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas; and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001; and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval; and

WHEREAS, the property located at 323 Bothun Road is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection; and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development; and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction; and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Will Serve Letter and an Outside Service Agreement for water connection for the property located a 323 Bothun Road in unincorporated Stanislaus County just outside of the city limits of Turlock (APN: 043-029-001) adjacent to the former Del Este water service area now owned by the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve Letter and execute the Outside Service Agreement for Water Service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-07

RESOULTION APPROVING AN AGREEMENT WITH PLACEWORKS (BERKELEY, CALIFORNIA) FOR THE DEVELOPMENT OF THE SOUTHWEST MODESTO PLAN, IN AN AMOUNT NOT TO EXCEED $216,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on March 8, 2022, the Planning Division, in coordination with the Purchasing Division, issued a formal request for proposals (RFP) to prepare a comprehensive analysis for the development of additional housing units, barriers to economic development, street project design and infrastructure needs focusing on the neighborhoods of Southwest Modesto (RFP No. 2122-04); and

WHEREAS, the purpose of the Southwest Modesto Plan (Plan) is to establish a vision for the future of Southwest Modesto with a focus on enhancing development conditions and opportunities and to identify ways to realize that vision; and

WHEREAS, the focused implementation plan for Southwest Modesto includes a comprehensive public outreach and visioning process, recommendations for development of opportunity sites, evaluation of economic development issues in the Southwest area, an integration of City-planned physical street improvements, and the integration of County-jurisdictional "islands" into the city; and

WHEREAS, the award of RFP No. 2122-04 and agreement for the Southwest Modesto Plan to PlaceWorks of Berkeley, California, conforms to the Modesto Municipal Code because the City complied with the bid procedures and PlaceWorks, was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with PlaceWorks, Berkeley, California, for the

development of the Southwest Modesto Plan to not exceed $216,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement with PlaceWorks, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-08

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH HOUSING TOOLS LLC, (HOUSING TOOLS) FOR CONSULTANT SERVICES RELATED TO GRANT ASSISTANCE, LABOR COMPLIANCE AND REGULATORY CONTRACT MONITORING INCREASING THE AMOUNT BY $150,000 FROM $45,000 FOR A TOTAL AMOUNT NOT TO EXCEED $195,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AMENDMENT

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the objective of the CDBG Program is to support community development activities to build strong and more resilient communities through decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons by supporting activities such as public facilities improvements, social services, affordable housing, fair housing, economic development and addressing homelessness; and

WHEREAS, the City also receives funding from the State of California Housing and Community Development (HCD) Department for housing and community development related projects; and

WHEREAS, the City of Modesto requires consultant services to assist with additional grant fund application processing and project compliance; and

WHEREAS, the City of Modesto entered into a contract with Housing Tools, LLC (Housing Tools) on February 8, 2022 in the amount of $45,000; and

WHEREAS, an amendment to the agreement is necessary to expand the scope of

work for consulting services related to labor compliance and regulatory contract monitoring for current and future Project Homekey grant applications; and

WHEREAS, this contract amendment would adjust the existing contract of $45,000 by the amount of $150,000, for a new total amount of $195,000; and

WHEREAS, on December 8, 2022, the Citizens Housing and Community Development Committee reviewed and recommended forwarding this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the first amendment to the Housing Tools LLC. (Housing Tools) agreement increasing the contract amount for consultant services related to grant assistance, labor compliance and regulatory contract monitoring by $150,000 from $45,000 to a new total amount of $195,000.

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-09

RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) GRANT TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO), IN AN AMOUNT NOT TO EXCEED $450,428 AND $25,000 IN ACTIVITY DELIVERY COSTS FOR A GRAND TOTAL OF $475,428 FOR THE ACQUISITION AND REHABILITATION OF THE PROPERTY LOCATED AT 319 LAUREL AVENUE, MODESTO AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) requires the City of Modesto, as an entitlement community, to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds and the Annual Action Plan should align and support the priorities in the City's five-year Consolidated Plan, and

WHEREAS, on May 14, 2019, by Resolution 2019-240, the City Council approved the Program Year 2019-2020 Annual Action Plan through which CDBG, ESG, and HOME Program funds for Fiscal Year 2019-2020 were allocated and programmed, and

WHEREAS, On October 27, 2020, by Resolution No. 2020-448 approved Program Year 2019-2020 Annual Action Plan Amendment #4 by Resolution 2020-448, which includes funding for the acquisition and rehabilitation of a property to mitigate the spread of COVID-19, and

WHEREAS, The City has designated affordable safe housing as a priority for its COVID-19 response as housing vulnerable individuals is the best way to minimize their exposure to COVID-19 and permanent housing creates greater stability for these individuals within the community, and

WHEREAS, Stanislaus County Affordable Housing Corporation (STANCO) is seeking funding to acquire property located at 319 Laurel Avenue, Modesto 95354. This property is a 2-bedroom 1-bathroom, 756 square foot single family home already located in a residential zone. The proposed use for this home, after some minor rehabilitation, will be permanent supportive housing. The site location is approximately 5600 square feet with alley access that allows for additional ADU style units to be added to the property in the future, and

WHEREAS, this property is a 2-bedroom 1-bathroom, 756 square foot single family home already located in a residential zone, and

WHEREAS, the proposed use for this home, after some minor rehabilitation, will be permanent supportive housing and the site location is approximately 5600 square feet with alley access that allows for additional ADU style units to be added to the property in the future, and

WHEREAS, the home is in good condition, but property requires some rehabilitation for safety and sustainability that includes demolition exterior sheds, trim trees and remove roots, replace fencing, remove bark, replace with artificial turf, and placement of gravel, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Community Development Block Grant CARES Act (CDBG-CV) grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,428 and $25,000 in activity delivery costs for a grand total of $475,428 for the acquisition and rehabilitation of the property located at 319 Laurel Avenue, Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby

authorized to execute the agreement with Stanislaus County Affordable Housing Corporation, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-10

RESOLUTION APPROVING AN AGREEMENT WITH NEIL SULLIVAN LLC, CONCORD, CALIFORNIA, FOR EXECUTIVE TEAM AND MANAGEMENT ENGAGEMENT SERVICES FOR A THREE-YEAR PERIOD FOR AN AMOUNT NOT TO EXCEED $150,000; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Table Group is a consultant firm that provides highly qualified and experienced professionals to deliver the Lencioni organizational management content and methods; and

WHEREAS, Lencioni content consists of principles derived from the works of Patrick Lencioni focusing on overall organization health, communication, and leadership development; and

WHEREAS, Table Group creates tailored content for each organization it works with to address the specific operational roots of politics and confusion in the context of real issues and behaviors impacting the workgroup; and

WHEREAS, the workshops, that are designed by Table Group, are intended to introduce, and provide practical experience of the concepts and methodologies outlined above; and

WHEREAS, with new Executive Leadership team members over the couple of years, there is value to ensure we continue to engage in these consulting services to continue to develop a cohesive team and continue to align our objectives for the organization; and

WHEREAS, the goal is to expand these sessions to our management teams across all City departments; and

WHEREAS, this three-year agreement would provide multiple day engagements with both the executive and City department management teams to continue to develop a high-performance organization which focuses on aligned goals and objectives; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement; and

WHEREAS, the approval for the executive team and management engagement services to Neil Sullivan LLC conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services for over 25 years globally focused on specialized expertise on how to strengthen the leadership, teamwork, and organizational health for executive teams and all levels of management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Neil Sullivan LLC, Concord, California, for Executive Team and Management Engagement Services for a three-year period for an amount not to exceed $150,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-11

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA FOR ONE (1) RAVO 5-ISERIES COMPACT SWEEPER FOR AN AMOUNT NOT TO EXCEED $336,152; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDER NOT TO EXCEEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs; and

WHEREAS, throughout the fiscal year, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments; when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on August 12, 2021, Sourcewell issued Request for Proposals (RFP) #093021 under Contract #093021-FAY for Street Sweepers and Specialty Sweepers, with Related Equipment, Accessories, and Supplies on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, and Oklahoman; and

WHEREAS, on September 30, 2021, proposals were formally opened electronically; and

WHEREAS, twenty-two (22) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlines in the RFP, six contracts were awarded for Street Sweepers and Specialty Sweepers, with Related Equipment, Accessories, and Supplies which includes the Compact Sweeper; and

WHEREAS, the use of state contracts are cooperative agreements to streamline the procurement process by developing RFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA for one (1) Ravo 5-iSeries Compact Sweeper for an amount not to exceed $336,152.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

BE IT FURTHER RESOLVED that the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-12

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH 72 HOUR LLC DOING BUSINESS AS (dba) NATIONAL AUTO FLEET GROUP, WATSONVILLE, CA TO PURCHASE THREE (3) ONE-TON TRUCK TURNER VALVE FOR AN AMOUNT NOT TO EXCEED $720,372; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDER NOT TO EXCEEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs; and

WHEREAS, once a unit is replaced and placed into City service, funds for its replacement are charged out as monthly recurring charges until the end of the unit's service life; and

WHEREAS, on August 12, 2021, Sourcewell issued Request for Proposals (RFP) #091521 under Contract #0191521-NAF for Automobiles, SUV, Vans, and Light Trucks with related equipment and accessories on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, and Oklahoman; and

WHEREAS, on September 15, 2021, proposals were formally opened; and

WHEREAS, seventeen (17) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlines in the RFP, one contract was awarded for Automobiles, SUV, Vans, and Light Trucks with related equipment and accessories which includes the One-Ton Truck Turner Valve; and

WHEREAS, the use of state contracts are cooperative agreements to streamline the procurement process by developing RFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with 72 Hour LLC doing business as (dba) National Auto Fleet Group, Watsonville, CA to purchase three (3) One-Ton Truck Turner Valve for an amount not to exceed $720,372.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

BE IT FURTHER RESOLVED that the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-13

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA TO PURCHASE TWO (2) VACUUM 3 AXLE TRUCKS FOR AN AMOUNT NOT TO EXCEED $1,296,449; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDER NOT TO EXCEEED 15% OF THE TOTAL PURCHASE PRICE

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2023-112

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs; and

WHEREAS, throughout the fiscal year, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments; when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on August 24, 2021, Sourcewell issued Request for Proposals (RFP) #101221 under Contract #101221-VAC for Sewer Cleaning, Hydro-Excavation, Municipal Pumping Equipment with related Accessories and Supplies on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon, State of Oklahoma, USA Today, and Public Purchase; and

WHEREAS, on October 12, 2021, proposals were formally opened; and

WHEREAS, twenty-two (22) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlines in the RFP, nine contracts were awarded for Sewer Cleaning, Hydro-Excavation, Municipal Pumping Equipment with related Accessories and Supplies which includes the Vacuum 3 Axle Trucks; and

WHEREAS, the use of state contracts are cooperative agreements to streamline the procurement process by developing RFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase two (2) Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

BE IT FURTHER RESOLVED that the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-14

RESOLUTION APPROVING THE PURCHASE OF A GRANT MANAGEMENT SOFTWARE SUBSCRIPTION WITH CARAHSOFT TECHNOLOGY CORPORATION, RESTON, VA (DBA) ECIVIS IN THE AMOUNT OF $295,685 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, City departments actively pursue new grant applications to receive funding from federal, state, and local agencies; and

WHEREAS, the City receives total grant awards ranging from $80 to $100 million annually from various state and federal grant agencies; and

WHEREAS, the City is the financial administrator for five (5) joint power agencies/program audits and twelve (12) Community Facilities Districts and will require the financial statement compilation and express an opinion on the financial statements and programs for these funds; and

WHEREAS, under Administrative Directive 7.2 Grant Management policy, this policy defines the grant management process and steps to establish better controls on local match requirements, including potential future costs which could be required as part of a grant agreement; and

WHEREAS, the Finance Department coordinated with all City departments involved in the grant process to develop an evaluation team to determine what grant management software tools are available for local governments; and

WHEREAS, based on this review, there was one grant management software which was highly recommended by several local governments (City of Tracy, City of Los Angeles, City of Raleigh) of smaller, similar, and larger size to Modesto called eCivis; and

WHEREAS, the eCivis solution has been serving local governments for over 20 years and serves over 400 local governments across the nation and they work closely with local governments and grant agencies to ensure their software addresses the needs of grant compliance and focuses on public sector government; and

WHEREAS, on November 19, 2019, Region 4 Education Service Center, Houston TX issued Request for Proposals (RFP) 19019 for an Educational Grant Management Solution on their public bidding website and various newspapers and daily business journals; and

WHEREAS, on February 5, 2020, proposals were awarded for this state contract through OMNIA partners; and

WHEREAS, nine (9) proposals were received and based on the Proposal Selection Committee and criteria outlines in the RFP, three (3) companies were awarded this contract and eCivis were ranked as one of top scorer for this contract Grant Management Solution; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served;

WHEREAS, by utilizing this government agencies bidding process, the City is complying with the requirements defined under this code.

WHEREAS, OMNIA Partners is the cooperative purchasing organization that with his extensive scope of competitively-solicited local government contracts from world-class suppliers streamlines the purchasing process and helps local government agencies achieve their procurement needs and still ensure the competitive bidding requirements are met.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Grant Management Software Subscription with Carahsoft Technology Corporation, Reston, VA doing business as (dba) eCivis in the amount of $295,685 over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-15

RESOLUTION APPROVING A FIRST AMENDMENT WITH ZOLL DATA SYSTEMS, INC. FOR HOSTED SERVER SERVICES FOR BOTH EPCR AND FIRERMS RECORDS MANAGEMENT AND REPORTING SOFTWARE FOR SALIDA FIRE SERVICES AND FUTURE FIRE CONTRACT SERVICES BY INCREASING THE AMOUNT BY $33,424 FOR A TOTAL REVISED AMOUNT NOT TO EXCEED $272,296 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the Modesto Fire Department (MFD) has been utilizing ZOLL's FireRMS as the department's records management system for more than 15 years; and

WHEREAS, on May 3, 2022, by Resolution No. 2022-205, Council approved the renewal agreement with Zoll Data Systems, Inc. for hosted server services for both ePCR and FireRMS records management and reporting software, in an annual estimated amount of $77,124, with a one-time ePCR implementation fee of $7,500, for a total three-year agreement not to exceed $238,872.00; and

WHEREAS, on September 13, 2022, by Resolution 2022-370, Council approved an agreement to provide fire protection services between the City of Modesto and the Salida Fire Protection District. With this addition of service by the Modesto Fire Department, the city now faces increased expenditures for services by Zoll Data Systems which necessitates the amendment to the agreement; and

WHEREAS, the proposed amendment will allow services to be utilized by Station 12 (Salida) for a cost of $8,424; and

WHEREAS, based on successful fire services agreements in the recent past, the department is seeking the additional $25,000.00 as a contingency in the event the department enters into a new fire services agreement which would then require additional Zoll hosted server services. This option will provide a greater ease of service transition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment with ZOLL Data Systems, Inc. for Hosted Server Services for both ePCR and FireRMS Records Management and Reporting Software for Salida Fire Services and future fire contract services for a total revised amount not to exceed $272,296.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-16

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH UNITED SITE SERVICES, INC. OF MODESTO, CA FOR PORTABLE TOILET RENTAL SERVICES FOR A REVISED AMOUNT NOT TO EXCEED $583,250 OVER THE TERM OF THE AGREEMENT FOR UNITED SITE SERVICES AND SUN VALLEY PORTABLE RESTROOMS, INC., TURLOCK, CA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 28, 2020, by Resolution 2020-194, Council approved the award of bid for portable toilet rental services to United Site Services, Inc. of Modesto, CA as the primary supplier for daily, weekly and monthly rentals and the secondary supplier for yearly rentals and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for a two-year agreement with three (3) one-year extension options for an estimated combined annual cost of $54,888 and a total combined cost not to exceed $274,440 over five years for both; and

WHEREAS, on April 13, 2021, by Resolution 2021-135, Council approved the First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of $365,650 over the term of the agreement; and

WHEREAS, the Dryden Golf Clubhouse renovation is ongoing and staff estimates that construction will not begin until Fall 2023; and

WHEREAS, the City continues to rent the portable ADA restroom and will require these services until the end of 2024 in anticipation that the Clubhouse will be rebuilt by that time; and

WHEREAS, staff is requesting a one-time increase of $217,600 to the Portable Toilet Rental Services agreement for these additional services; and

WHEREAS, the current agreement for Portable Toilet Rental services is $365,650 and the additional $217,600 will bring the agreement to a revised total of $583,250.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Purchasing Agreement with United Site Services, Inc. of Modesto, CA for Portable Toilet Rental Services for a revised total amount not to exceed $583,250 over the term of the agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to adjust financial amounts between both providers without exceeding an estimated annual cost of $136,488.

BE IT FURTHER RESOLVED that the City Manager, or her designee, is hereby authorized to execute the Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-17

RESOLUTION AUTHORIZING ADDITIONAL PAYMENT NOT TO EXCEED $151,225 TO BELFOR PROPERTY RESTORATION, MODESTO, CA FOR EMERGENCY WORK RELATED TO THE AMERICAN LEGION HALL FIRE REMEDIATION AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PAYMENTS

WHEREAS, on July 21, 2022, the American Legion Hall was heavily damaged by a fire; and

WHEREAS, the City contacted Alliant, the property insurance company that insured the structure on behalf of the City, to establish a claim and to identify the next steps; and

WHEREAS, the insurance company dispatched Belfor Property Restoration of Modesto, CA (Belfor) to complete emergency work at the site; and

WHEREAS, on July 22, 2022, Belfor provided emergency services and mitigation to secure the property against additional damages, performed environmental testing, removed debris resulting from the fire, removed the deck and fenced the structure off to protect the public from unnecessary hazards; and

WHEREAS, the City sent Allied Security to secure the property and ensure the safety of the public until Belfor was able to place fencing around the site and remove the deck; and

WHEREAS, there were two large trees adjacent to the American Legion Hall that were significantly damaged and needed heavy trimming or removal; and

WHEREAS, on September 27, 2022, by Resolution No. 2022-398, Council authorized payments not to exceed $160,000 to Belfor Property Restoration, Modesto, CA and other vendors for the above-mentioned emergency related work; and

WHEREAS, the above-mentioned work is complete and the total cost of that work is $147,631; and

WHEREAS, at the time, the full cost of the damage to American Legion Hall had not been determined, nor had it been determined if the building could be rebuilt at this location; and

WHEREAS, over recent months, the insurance company has dispositioned the building as a total loss, and since it is in the floodway of the Tuolumne River, it cannot feasibly be reconstructed at this location; and

WHEREAS, the building will need to be demolished; and

WHEREAS, Belfor's cost for demolition of the building is estimated at $131,500; and

WHEREAS, this cost has been reviewed and approved by the City's insurance company as an eligible insurance-related expense; and

WHEREAS, due to the fire damage, the building has been subject to weekly break-ins over the past few months and it is unsafe to be occupied in its current condition; and

WHEREAS, staff requested and received emergency approval from the City Manager to demolish and remove the building to protect the public from unnecessary hazards; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid but exceptions to the formal bidding process are granted in MMC 8-3.204(c) "Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances"; and

WHEREAS, this project meets these requirements, as the contractor has been selected directly by the insurance company and it makes the best business sense to utilize their services, given the active insurance claim and the need for this work to be completed as soon as possible to minimize the risk to the public.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves additional payment not to exceed $151,225 to Belfor Property Restoration, Modesto, CA for Emergency Work related to the American Legion Hall Fire Remediation.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the payments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-18

RESOLUTION APPROVING AN AGREEMENT WITH MARK THOMAS & COMPANY, INC. TO PREPARE CONSTRUCTION DOCUMENTATION FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVERWALK TRAIL - GATEWAY TO NEECE PROJECT FOR AN AMOUNT OF $263,257, PLUS $26,326 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $289,583 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Tuolumne River Regional Park consists of 500-acres of riparian land within the City of Modesto and Stanislaus County; and

WHEREAS, in 1999, the Tuolumne River Regional Park Commission updated the original land use plan, which included preparation of a TRRP Master Plan and Master Environmental Impact Report; and

WHEREAS, the Master Plan and Master Environmental Impact Report (MEIR) were developed over a two-year period and were certified by the TRRP Commission and adopted by Ceres City Council, Modesto City Council and County Board of Supervisors in 2001; and

WHEREAS, construction of the Gateway Parcel development (the area on the north side of the river from the confluence of the Tuolumne River and Dry Creek to Highway 99) commenced in 2006; and

WHEREAS, riparian habitat restoration activities have included construction of backwater channels, riparian terraces, wildlife areas, amphimeadow and river structure dam removal; and

WHEREAS, within the Tuolumne River Regional Park the City is actively planning for the Neece Drive Non-Motorized Boat Launch Facility (TRRP Golf Course Area), Bellenita Soccer Field Complex (TRRP Carpenter Road Area), Gateway River Overlook (TRRP Gateway

Area), Legion Park River Pavilion (TRRP Legion Park Area) and Legion Park Learning Theater (TRRP Legion Park Area) projects; and

WHEREAS, the TRRP Riverwalk Trail – Gateway to Neece Drive Project will provide a new paved trail connection between the existing trail just below Highway 99 at the Gateway Parcel to the corner of Neece Drive and Rouse Avenue; and

WHEREAS, the project will extend the active recreational use of the river frontage to the future Neece Drive Boat Launch and is compatible for commuting uses between City employment centers and neighborhood destinations; and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for Capital Projects", staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, on October 6, 2021, the City's Parks Planning and Development Division issued a Request for Proposals (RFP) # PRN-21-101164 for professional design consulting services for the Tuolumne River Regional Park (TRRP) Three Trails Connection Project; and

WHEREAS, on November 10, 2021, staff received two (2) consultant proposals and a consultant selection committee was formed and met to review the proposals received; and

WHEREAS, the committee decided that the project be split into three different sections (Section One – TRRP Riverwalk Trail - Gateway to Neece, Section Two – TRRP Riverwalk Trail - Gateway to Legion, and Section Three – Dry Creek Regional Park to TRRP) and determined that the prospective professional design consultant, Mark Thomas & Company, Inc., is well qualified to complete Section One – TRRP Riverwalk Trail - Gateway to Neece, of the project; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement; and

WHEREAS, the approval of the agreement for construction documentation services for the Tuolumne River Regional Park Riverwalk Trail - Gateway to Neece Project to Mark Thomas & Company, Inc. of Fresno, CA conforms to Modesto Municipal Code 8-3.204, subsection (a).

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Neece Project for an amount of $263,257, plus $26,326 for additional services, if needed, for an Agreement total not to exceed $289,583.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-19

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE ENVIRONMENTAL PROTECTION AGENCY CONSUMER RECYCLING EDUCATION AND OUTREACH GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the Environmental Protection Agency (EPA) announced the *United States National Recycling Goal* in 2020 to increase the U.S. recycling rate to 50% by 2030 and provided the *National Recycling Strategy: Part One of a Series on Building a Circular Economy for All* in 2021; and

WHEREAS, in compliance with Senate Bill (SB) 1383 on June 14, 2022, Council approved by Resolution No. 2022-276 the addition of a third container dedicated for recycling. Given this change and trends in recycling contamination, the City anticipates that residents and businesses will have difficulty adapting to the three-container system; and

WHEREAS, the 2021 Bipartisan Infrastructure Law provides funding for the above goal and strategy and allows for the Consumer Recycling Education and Outreach Grant Program; and

WHEREAS, the City of Modesto benefits from EPA grant programs by receiving funding for the purchase of equipment or materials related to infrastructure, direct operating expenses, education and outreach opportunities, and various other expenses related to promoting recycling and materials recovery and decreasing contamination in source-separated recycling.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to apply for all EPA Consumer Recycling Education and

Outreach grants available.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-20

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE FURNISHING OF BIO-SOLIDS REMOVAL AND LAND APPLICATION SERVICES TO JIM BRISCO ENTERPRISES, INC., ATWATER, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $145,500, AND A TOTAL AMOUNT NOT TO EXCEED $810,891 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Water Quality Control Facility (WQCF) in part operates under the Waste Discharge Order (WDR) No. 94-030 for bio-solids land disposal operations. During the primary treatment process at the City's Sutter WQCF, solids are separated and removed from the wastewater stream, and

WHEREAS, the City currently uses an outside service provider under a purchasing Agreement to remove the dried sludge (bio-solids) from the drying beds which are then transported to the City's Jennings WQCF for land application on the Jennings ranch, and

WHEREAS, on September 5, 2017, by Resolution 2017-342, Council approved the award of bid for bio-solids removal and land application services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual cost of $145,600, or a total of up to $728,000 over five years, the existing Agreement is set to expire on March 4, 2023, and

WHEREAS, The City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for bio-Solids removal and land application services, and

WHEREAS on June 30, 2022, the Purchasing Division issued RFB 2122-35, for Bio-Solids Removal and Land Application services on Planet Bids via the City's website

under six (6) commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Nineteen (19) companies chose to download the RFB document, and

WHEREAS, on August 9, 2022, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream. One company chose to respond. Based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for Bio-Solids Removal and Land Application services to Jim Brisco Enterprises, Inc., Atwater, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. An award of bid and Agreement for Bio-Solids Removal and Land Application services, to Jim Brisco Enterprises, Inc. conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Jim Brisco Enterprises, Inc., Atwater, CA, was the lowest responsive and responsible bid, and

WHEREAS, the requested estimated annual amount of $145,500 and a total amount not to exceed $810,891 over five (5) years allows for a 9% CPI increase for years three (3) through five (5) of the Agreement to ensure we have enough funds to cover any unforeseen fuel or other increases over the five (5) year term of this Agreement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Award of Bid and Agreement for the Furnishing of Bio-Solids Removal and Land Application services to Jim Brisco Enterprises, Inc., Atwater, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of $145,500, and a total amount not to exceed $810,891 over five (5)

years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-21

RESOLUTION APPROVING A LEASE AGREEMENT WITH THE STATE OF CALIFORNIA, STATE LANDS COMMISSION, FOR THE USE OF A 30-FOOT-WIDE STRIP OF SUBMERGED LAND SITUATED IN THE BED OF THE TUOLUMNE RIVER, STANISLAUS COUNTY, STATE OF CALIFORNIA FOR AN ESTIMATED AMOUNT OF $12,000 AND A TOTAL AMOUNT NOT TO EXCEED $32,000 OVER TWENTY YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has two wastewater conveyance pipelines that pass under the Tuolumne River that connect the City's two wastewater treatment plants, Sutter and Jennings. This conveyance system is required for compliance with the City's NPDES Permits (R5-2022-0034 and R5-2017-0085-020) as well as WDR 99-112. The two pipelines consist of one 60-inch diameter reinforced concrete pressure pipe (RCPP) utilized for the cannery segregation and one 60-inch diameter concrete cylinder pipe (CCP) utilized for domestic waste, and

WHEREAS, on July 11, 1997, the City Attorney signed a lease agreement with the State Lands Commission, for the installation of a 60-inch RCPP (Cannery Segregation line) and an existing 60-inch Concrete Cylinder Pipe (Domestic Outfall line). The term of this lease was for 25 years, and

WHEREAS, the current Lease Agreement number 4074.9 expired on June 30, 2022. Staff applied for a new lease on May 26, 2022, and

WHEREAS, the City continues to operate under the terms of the old lease until the new lease is approved and signed, and

WHEREAS, the City of Modesto Wastewater Division is requesting to renew the lease agreement with the State Lands Commission for the Cannery Segregation line and Domestic Outfall line between the Sutter and Jennings Water Quality Control Facilities

(WQCF). These lines cross under the Tuolumne River and require a signed lease agreement for use of the land from the State Lands Commission, and

WHEREAS, the proposed lease agreement includes the States term and conditions for a 20-year General Lease for Public Agency Use. The lease authorizes the City to use and maintain one existing 60-inch-diamter reinforced concrete pressure pipe (RCPP) and one existing 60-inch-diameter concrete cylinder pipe (CCP) sewer force main for wastewater conveyance, and

WHEREAS, these pipes are the only source of conveyance of the City's primary treated wastewater and cannery segregation water to the Jennings WQCF where the water is further treated and discharged. This conveyance and treatment process is required for compliance with the City's NPDES Permits (R5-2022-0034 and R5-2017-0085-020) as well as WDR 99-112, and

WHEREAS, the lease term is from July 1, 2022; ending June 30, 2042, unless sooner terminated as provided under the Lease, and

WHEREAS, the State has requested reimbursement costs of $2,000 for Land Management Review and $10,000 for Engineering Review for an Estimated Total Cost of $12,000 for staff time spent managing the Lease including, but not limited to, reviewing submittals required by the Lease such as reports, surveys and plans for the duration of the Lease, and

WHEREAS, the State has provided the lease at no rental cost to the City but the lease terms allow the State to impose a rental fee in the future, if the use by the City dictates the need for such a charge, and

WHEREAS, the City is requesting approval for an additional $20,000 in

contingency (if needed) should the State choose to impose a rental fee in the future and to cover any additional costs incurred in the event the actual costs for managing and monitoring compliance of the Lease will exceed the Estimated Total Cost of $12,000 over the twenty-year term, and

WHEREAS, any increases beyond the $32,000 over the term of the lease will be resubmitted for Council approval.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves a lease agreement with the State of California, State Lands Commission for the use of a 30-foot-wide strip of submerged land situate in the bed of the Tuolumne River, Stanislaus County for an amount not to exceed $32,000 over the term of the lease.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease agreement and any other related documents necessary to carry out the purpose and intent of this Resolution, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-22

RESOLUTION APPROVING AGREEMENT(S) WITH FORWARD, INC. FOR THE DISPOSAL OF NON-HAZARDOUS SEWER GRIT, SEWER SPOILS, AND STORM SPOILS FOR A THREE (3) YEAR AGREEMENT WITH ONE (1) THREE-YEAR EXTENSION OPTION, FOR AN ANNUAL ESTIMATED COST OF $67,485, AND A TOTAL NOT TO EXCEED $404,910 OVER SIX (6) YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Wastewater and Stormwater Divisions require a landfill site for the disposal of non-hazardous Wastewater Grit, Sewer Spoils, and Storm Spoils; and

WHEREAS, disposal of these wastes are required for compliance with the City's National Pollutant Discharge Elimination System (NPDES) Permit R5-2022-0034 and R5-2017-0085-020 pursuant California Water Code Section 13050; and

WHEREAS, due to the classification of the wastes and regulatory disposal requirements, the landfill site must be certified by the State Water Resourced Control Board to accept waste classified as grit or sewer/stormwater spoils; and

WHEREAS, each classification of waste must be tested and a waste profile created in order to verify composition and non-hazardous status; and

WHEREAS, the City currently holds Agreements with Republic Services, Inc. dba Forward, Inc. Landfill in Manteca, CA due to the proximity of the landfill site to the City; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC Section 8-3.204(d) provides that a purchase may be exempted where the Purchasing Manager, in her discretion, determines that a process

other than the formal bid procedure will result in a procurement for the City at the lowest possible cost commensurate with the desired quality. Additionally, Republic Services, Inc. dba Forward, Inc. Landfill should be exempt from the formal bidding procedure in accordance with MMC 8-3.204(d) due to the limited disposal options available and the financial impacts beyond this immediate Agreement if these services were awarded to an alternative landfill site. Therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement(s) with Forward, Inc. for the Disposal of Non-Hazardous Sewer Grit, Sewer Spoils and Storm Spoils for a three (3) year Agreement with one (1) three-year extension option, for an annual estimated cost of $67,485, and a total not to exceed $404,910 over six (6) years,

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement(s), in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-23

RESOLUTION ACCEPTING THE REBID SONOMA SANITARY SEWER TRUNK EXTENSION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,230,697 TO A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, OF ROSEVILLE, CA

WHEREAS, this project extended the Sonoma Sanitary Sewer Trunk by installing a 27-inch diameter gravity sewer trunk along Sylvan Avenue, from Wood Sorrel Drive to Aria Way, as well as approximately 250 linear feet of 24-inch diameter sewer trunk north of Sylvan Avenue, along future Aria Way; and

WHEREAS, due to interference with the existing Modesto Irrigation District (MID) irrigation main, referred to as the Cavil Drain, a realignment of this system was included in this project; and

WHEREAS, the existing irrigation lines were relocated and a new diversion box with lift station was constructed to avoid interference with the new sewer trunk at Sylvan Avenue and Aria Way; and

WHEREAS, the Project was originally advertised for bids on March 19, 2019. However, due to the conflict with the Cavil Drain, Staff concluded that additional coordination with MID was necessary to ensure the sewer trunk was a continuous system able to serve proposed development; and

WHEREAS, staff determined that the adjustments to the Cavil Drain would result in a change in scope and subsequent change order, if project was awarded. Staff determined that it would be in the best interest of the City to reject the bids and re-advertise the project to include the scope of work related to the MID coordination; and

WHEREAS, on May 28, 2019, by Resolution 2019-248, Council rejected all bids for the Sonoma Sanitary Sewer Trunk Extension Project and authorized staff to re-advertise the project for bids at a future date with an amended scope of work; and

WHEREAS, the project was re-advertised for bids on July 24, 2020. Bids were publicly opened on August 25, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and City Charter Section 1307; and

WHEREAS, five bids were received, and A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, was the apparent lowest bidder at 20.46% below the engineers estimate; and

WHEREAS, on October 6, 2020, by Resolution No. 2020-416 Council awarded a contract to A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA for the construction of the Rebid Sonoma Sanitary Sewer Trunk Extension project for the amount of $2,022,180; and

WHEREAS, the contractor received the Notice to Proceed with a start date of December 7, 2020. All contract work was completed on July 16, 2021; and

WHEREAS, the total project costs were $2,724,293 which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,854,747 which included $2,264,842 for the construction contract and contingency with A. Teichert and Son, Inc., DBA Teichert Construction of Roseville, CA; and

WHEREAS, The City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, states that a contract of at least $1,000,000, but less than $10,000,000 allows

Directors Authority not to exceed eight percent (8%) of the contract amount. By Resolution No. 2020-417, on October 6, 2022, authorization was given to the Director of Utilities to approve change orders up to the cumulative amount of $242,662 (12%) of the original contract price; and

WHEREAS, there were five change orders resulting in an overall increase of $208,517, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Rebid Sonoma Sanitary Sewer Trunk Extension project, is hereby accepted as complete from contractor, A. Teichert and Son, Inc., DBA Teichert Construction, of Roseville, CA., and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling $2,230,697.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-24

RESOLUTION RATIFYING THE PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE SEVERE STORM EVENT, DATED JANUARY 9, 2023

WHEREAS, beginning December 27, 2022, severe winter storms, often referred to as an atmospheric river system struck California, bringing high winds, substantial precipitation, and river and urban flooding; and

WHEREAS, it is forecasted that additional storms related to this atmospheric river system will continue threatening California, bringing heavy rainfall, expected flooding, strong winds and wind gusts, falling debris, downed trees, and widespread power outages; and

WHEREAS, these storms threatened and continue to threaten critical infrastructure, may continue causing urban flooding due to excessive and prolonged rainfall, and may cause power outages to thousands of households and businesses, as well as other damage throughout the City; and

WHEREAS, due to the actual and anticipated impact of these storms, several other emergencies have been declared. Governor Newsom proclaimed a statewide emergency on January 4, 2023, President Biden declared that an emergency exists in the state of California on January 8, 2023, and Stanislaus County Director of Emergency Services declared an emergency on January 9, 2023. These orders allow Federal and State assistance to supplement the local response efforts due to the severe winter storms, flooding, and mudslides; and

WHEREAS, California Government Code section 8630 and Modesto Municipal Code section 3-4.06 authorize the Director of Emergency Services for the

City of Modesto to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code designates the City Manager as the Director of Emergency Services and on January 9, 2023 the City Manager proclaimed the existence of a local emergency regarding the local storms; and

WHEREAS, an emergency exists due to the severe storm event and atmospheric river conditions that may result in additional flooding and damage to critical infrastructure. The current storm conditions combined with atmospheric river conditions warrant declaring the existence of a local emergency because the conditions are, or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, the proclamation of a local emergency allows the City to respond effectively to the storms, seek and utilize mutual aid, and strengthen the City's ability to obtain reimbursement for its efforts in dealing with the local emergency; and

WHEREAS, the City Council must ratify the proclamation within seven (7) days or the proclamation will not be effective thereafter; and

WHEREAS, the local emergency shall be deemed as continuing to exist until proclaimed otherwise by the City. Staff will return to the City Council with a resolution to terminate the emergency as soon as conditions warrant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies the Proclamation of the Existence of a Local Emergency regarding the severe storm events, dated January 9, 2023, attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED, that said local emergency shall be deemed as continuing to exist until proclaimed otherwise by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-25

RESOLUTION REAPPOINTING RHODA YARE AND SANDRA WILSON TO THE HOUSING REHABILITATION LOAN COMMITTEE FOR A SECOND TERM WITH A TERM EXPIRATION OF DECEMBER 31, 2026

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) is responsible for reviewing and approving Housing Rehabilitation Loans and Homebuyers' Assistance Loans and for reviewing policies and procedures for both programs, and

WHEREAS, seven (7) members are appointed by the City Council for a four (4) year term, and

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

WHEREAS, Rhoda Yare is currently serving as the Financial Institution Representative, and was appointed by City Council for a first term on August 14, 2018, by Resolution 2018-323, set to expire on January 1, 2023, and

WHEREAS, Sandra Wilson is currently serving a Citizen at Large, and was appointed by City Council for a first term on August 14, 2018, by Resolution 2018-322, set to expire on January 1, 2023.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, Rhoda Yare and Sandra Wilson are hereby reappointed to the Housing Rehabilitation Loan Committee for a second term with a term expiration of December 31, 2026.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-REREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-26

RESOLUTION APPOINTING ESPARZA VARGAS, PAUL ADAMS, AND JULIE BETTS-ALBERT TO THE MODESTO DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD FOR A FOUR-YEAR TERM FROM JANUARY 1, 2023 TO DECEMBER 31, 2026

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

WHEREAS, Modesto Downtown Improvement District promotes a positive atmosphere in the downtown by caring for physical space, with the mission to attract and retain business, employees, residents and visitors to downtown Modesto, and

WHEREAS, the Modesto Downtown Improvement District Advisory Board, also known as Board of Directors, consists of nine (9) members serving in the role of the City's concierge, and

WHEREAS, the Modesto Downtown Improvement District Board of Directors are recommending the appointments of Esparza Vargas, Paul Adams, and Julie Betts-Albert the Downtown Improvement District Board of Directors, and

WHEREAS, each appointee shall serve a four-year term from January 1, 2023 to December 31, 2026

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that is hereby approves the appointments of Esparza Vargas, Paul Adams, and Julie Betts-Albert to the Modesto Downtown Improvement District Board of Directors for a four-year term to expire December 31, 2026

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this Resolution to the appointed member of the Downtown Improvement District Board of Directors, and 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-27

RESOLUTION APPROVING THE APPOINTMENTS OF ELENA MARTINEZ AND KATHERINE ZAGONE TO FILL TWO MODESTO RESIDENT VACANCIES ON THE CULTURE COMMISSION FOR A FOUR-YEAR TERM FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2026

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

WHEREAS, the Culture Commission acts as an advisory body to the City Council and the City Manager in all matters pertaining to art, literature, music, and other cultural activities, and

WHEREAS, the Culture Commission is comprised of seven members with five (5) members representing the City of Modesto and two (2) living outside of the City but representing Stanislaus County, and

WHEREAS, on December 12, 2022, the Appointments Committee recommended the appointment of Elena Martinez and Katherine Zagone as Modesto Resident representatives, and

WHEREAS, each will serve a four-year term from January 1, 2023 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Elena Martinez and Katherine Zagone to the Culture Commission from January 1, 2023 through December 31, 2026.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members 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 24th day of January, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-28

RESOLUTION APPROVING THE REAPPOINTMENT OF RICARDO SEMERIA OF THE MODESTO GOLF CLUB AND THE APPOINTMENTS OF ARNOLD FIDALGO OF THE SIRS GOLF CLUB, AND JEFFREY LAMBAREN, MEMBER-AT-LARGE, TO THE GOLF COURSES ADVISORY COMMITTEE FOR A FOUR-YEAR TERM FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2026

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Women's Golf Club, and six Members-At-Large, and

WHEREAS, appointments specific to the named golf organizations are nominated by each respective organization and recommended to the City for consideration, and

WHEREAS, by Resolution No. 2019-100, Council appointed Ricardo Semeria to the Golf Courses Advisory Committee as the representative of the Modesto Golf Club, and

WHEREAS, Ricardo Semeria served one term and has been nominated by the Modesto Golf Club for reappointment, and

WHEREAS, Arnold Fidalgo has been nominated by the SIRS Golf Club to serve on its behalf, and

WHEREAS, Jeffrey Lambaren is qualified to serve as a Member-at-Large, and

WHEREAS, on December 12, 2022, the Appointments Committee and recommended the reappointment of Ricardo Semeria as the Modesto Golf Club

representative, the appointment of Arnold Fidalgo as the SIRS Golf Club representative, and the appointment of Jeffrey Lambaren as a Member-at-Large, and

WHEREAS, each will serve a four-year term from January 1, 2023 through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointment of Ricardo Semeria, as the Modesto Golf Club representative, to the Golf Courses Advisory Committee from January 1, 2023 through December 31, 2026.

BE IT FURTHER RESOLVED, that it hereby approves the appointment of Arnold Fidalgo, as the SIRS Golf Club representative, to the Golf Courses Advisory Committee from January 1, 2023 through December 31, 2026

BE IT FURTHER RESOLVED, that it hereby approved the appointment of Jeffrey Lambaren, as a Member-At-Large, to the Golf Courses Advisory Committee from January 1, 2023 through December 31, 2026.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses 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 24th day of January, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-29

RESOLUTION CONTINUING TO AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE CITY OF MODESTO PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the City of Modesto (the "City") is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which allows for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-370 authorizing remote teleconference meetings pursuant to AB361 (Government Code section 54953(e)); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and whether State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, on March 8, 2022, the County of Stanislaus Board of Supervisors terminated the Declaration of a Local Health Emergency that was issued on March 11, 2020; and

WHEREAS, State of California health officials recommend masks to be worn when individuals might be around unvaccinated people, especially while indoors; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Consideration of State of Emergency. The City Council has considered the conditions of the state of emergency declared pursuant to Government Code section 8625, and determined that such emergency conditions continue to be present in the City.

Section 3. Continued Social Distancing Measures by State and Local Officials. The City Council finds that the State of California Health Officer's recommended measures to promote social distancing remain in effect.

Section 4. Remote Teleconference Meetings. The City Council finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-30

RESOLUTION APPROVING THE 2023-2024 STATE AND FEDERAL LEGISLATIVE PRIORITIES

WHEREAS, to help the City of Modesto become more active in the creation of legislation, the adoption of legislative priorities invites state and federal policymakers to engage and be partners in our Strategic Plan goals; and

WHEREAS, these legislative priorities include input and consultation from each department and make clear the fiscal or policy assistance needed to implement different department programs; and

WHEREAS, this legislative platform is a tool for the City of Modesto to protect and promote the City's interests on priority programs, legislative proposals, and other regulatory issues by providing a framework that summarizes the City's position on policy issues, without precluding the consideration of additional legislative and budget issues that arise during legislative sessions; and

WHEREAS, the 2023 and 2024 legislative sessions at both the state and federal levels will see significant changes, and the City will need to find other avenues to attract federal dollars to fund the various policy initiatives the city will be pursuing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the 2023-2024 State and Federal Legislative priorities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-31

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH TOWNSEND PUBLIC AFFAIRS, FOR STATE ADVOCACY SERVICES BY $35,000 FROM $180,000 TO A NEW TOTAL AMOUNT OF $215,000, AND EXTENDING THE TERM OF THE AGREEMENTS FROM APRIL 27, 2023, TO NOVEMBER 28, 2023 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, this service includes legislative monitoring and analysis, state budget advocacy, monitoring grant opportunities, and advocacy; and

WHEREAS, the consultants work with the legislature or corresponding offices to recommend amendments to policies that reflect the City's interests and priorities; and

WHEREAS, the current contracts with Townsend Public Affairs was executed on April 28, 2020, for 2 years with an optional 1-year extension; and

WHEREAS, that extension was executed in April of 2022 and the current contract is set to expire on April 28, 2023; and

WHEREAS, April 28 is in the middle of the state legislative calendar and is not an ideal time to change lobbying firms; and

WHEREAS, the cost of $87,500 will be absorbed within the General Fund, Water Fund, and Surface Transportation Funds; and

WHEREAS, the State Advocacy Services for Townsend is not to exceed an annual amount of $60,000; and

WHEREAS, the First Amendment modification would increase the agreement amount with Townsend Public Affairs, for State Advocacy Services by $35,000 from $180,000 to a new total amount of $215,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves First Amendment increasing the Agreement amount with Townsend Public Affairs, for State Advocacy Services by $35,000 from $180,000 to a new total amount of $215,000, and extending the term of the Agreements from April 27, 2023, to November 28, 2023.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-32

RESOLUTION TO APPROVE THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH VAN SCOYOC ASSOCIATES FOR FEDERAL ADVOCACY SERVICES BY $52,500 FROM $270,000 TO $322,500 AND EXTENDING THE TERM OF THE AGREEMENTS FROM APRIL 27, 2023, TO NOVEMBER 28, 2023 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, this service includes legislative monitoring and analysis, state budget advocacy, monitoring grant opportunities, and advocacy; and

WHEREAS, the consultants work with the legislature or corresponding offices to recommend amendments to policies that reflect the City's interests and priorities; and

WHEREAS, the current contract with Van Scoyoc Associates was executed on April 28, 2020, for 2 years with an optional 1-year extension; and

WHEREAS, that extension was executed in April of 2022 and the current contract is set to expire on April 28, 2023; and

WHEREAS, April 28 is in the middle of the state legislative calendar and is not an ideal time to change lobbying firms; and

WHEREAS, the cost of $87,500 will be absorbed within the General Fund, Water Fund, and Surface Transportation Funds; and

WHEREAS, the Federal Advocacy Services for Van Scoyoc and Associates is not to exceed an annual amount of $90,000; and

WHEREAS, the First Amendment modification increases the Agreement with Van Scoyoc Associates for Federal Advocacy Services by $52,500 from $270,000 to $322,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the Agreement amount with Van Scoyoc Associates for Federal Advocacy Services by $52,500 from $270,000 to $322,500 and extending the term of the Agreements from April 27, 2023, to November 28, 2023.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-33

RESOLUTION APPROVING THE SALE OF 5.01 ACRES OF REAL PROPERTY AT 1500 ROBERTSON ROAD JOINTLY OWNED BY THE CITY OF MODESTO, THE CITY OF CERES AND STANISLAUS COUNTY AS PART OF THE TUOLUMNE RIVER REGIONAL PARK FOR $191,000, AND APPROVING THE PURCHASE OF SUCH PROPERTY BY THE CITY OF MODESTO TO BE USED FOR THE SUTTER PRIMARY TREATMENT FACILITY PARKING LOT/SECURITY PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT, AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION AND CLOSE OF ESCROW

WHEREAS, the City of Modesto desires to expand the entrance area of the Sutter Primary Treatment Facility because the current entrance requires additional area for efficient traffic flows, added parking and equipment storage, and

WHEREAS, the Sutter Primary Treatment Facility is only able to expand to the west due to surrounding development and the Tuolumne River, and

WHEREAS, adjacent to the Sutter Primary Treatment Facility is approximately 28.13-acres, which is part of the Tuolumne River Regional Park (TRRP), and

WHEREAS, this property is located at 1500 Robertson Road and managed by the City of Modesto as administrator of the TRRP, and

WHEREAS, TRRP is a partnership between the City of Ceres, Stanislaus County and the City of Modesto, and is governed pursuant to a Joint Powers Agreement between the agencies, and

WHEREAS, the City of Modesto requests the purchase of a 5.01-acre portion of the adjacent parcel, and

WHEREAS, the sale of this land for a treatment plant entrance would not negatively affect the implementation of the TRRP Master Plan, and

WHEREAS, an appraisal prepared by Chapman & Patton on September 3, 2019, determined that the fair market value of the Property was $191,000, and staff believes the appraised value is within fair market range for the property, and

WHEREAS, a Purchase and Sale Agreement is needed for the acquisition and sale of the property, and

WHEREAS, the City of Modesto will file a record of survey to show the established boundaries of the two parcels, and

WHEREAS, the sale of the property to the City of Modesto to be used by the Utilities Department for a public use as part of the Sutter Primary Treatment Facility is exempt from compliance with the Surplus Land Act because the property is "exempt surplus property" pursuant to Government Code Section 54221 (f)(1)(D), and

WHEREAS, Pursuant to the Subdivision Map Act, Government Code Section 66428 (a)(2), the creation of parcels of land conveyed between public agencies is exempt from requirements of a parcel map, and

WHEREAS, the creation of the 5.01-acre parcel is allowed to be created by the **attached** legal description and then transferred between the agencies by grant deed, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee, on August 3, 2022, by a vote of 4-1, recommended the sale of this land; and

WHEREAS, the Tuolumne River Regional Park JPA Commission on August 10, 2022, by a vote of 3-0, recommended the sale of this land and forwarded to the legislative bodies of the members of the JPA for approval, and

WHEREAS, the item was reviewed by the Economic Development Committee on January 11, 2023, and the Committee recommended the item be forwarded to Council for approval, and

WHEREAS, proceeds of the sale in the amount of approximately $191,000 will be disbursed to the TRRP Operating Fund (Fund 6700) at the City of Modesto and will be allocated in accordance with the requirements of the TRRP JPA agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sale of 5.01 Acres of real property at 1500 Robertson Road jointly owned by the City of Modesto, City of Ceres and Stanislaus County for $191,000 to the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of such real property for $191,000 to be used by the Utilities Department for the Sutter Plant Parking Lot/Security Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Purchase and Sale Agreement on behalf of the City in its capacity as one of the sellers of the property and as the sole buyer of the property, in a form approved by the City Attorney, and all related documents required to complete the transaction and close of escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A
LEGAL DESCRIPTION – DESCRIBED AREA

Being a portion Parcel A, as shown on that certain Parcel Map recorded in Book 2 of Parcel Maps at Page 12, Stanislaus County Records, lying within the Southeast Quarter of the Southeast Quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the northeasterly corner of said Parcel A, said corner also being the intersection of the southerly line of Robertson Road (50' wide) with the easterly line of said Section 6; thence along the easterly line of said Parcel A, same being the easterly line of said Section 6, South 00°09'23" West, 160.05 feet; thence leaving said easterly line of Section 6 and along the southeasterly line of said Parcel A, South 26°03'17" West, 892.75 feet to the southeasterly corner of said Parcel A; thence across said Parcel A, along a line parallel with the easterly line of said Section 6, North 00°09'23" East, 959.36 feet to the northerly line of said Parcel A and said southerly line of Robertson Road; thence along said northerly line, North 89°36'00" East, 389.95 feet to the **POINT OF BEGINNING**.

Containing 5.01 Acres, more or less.

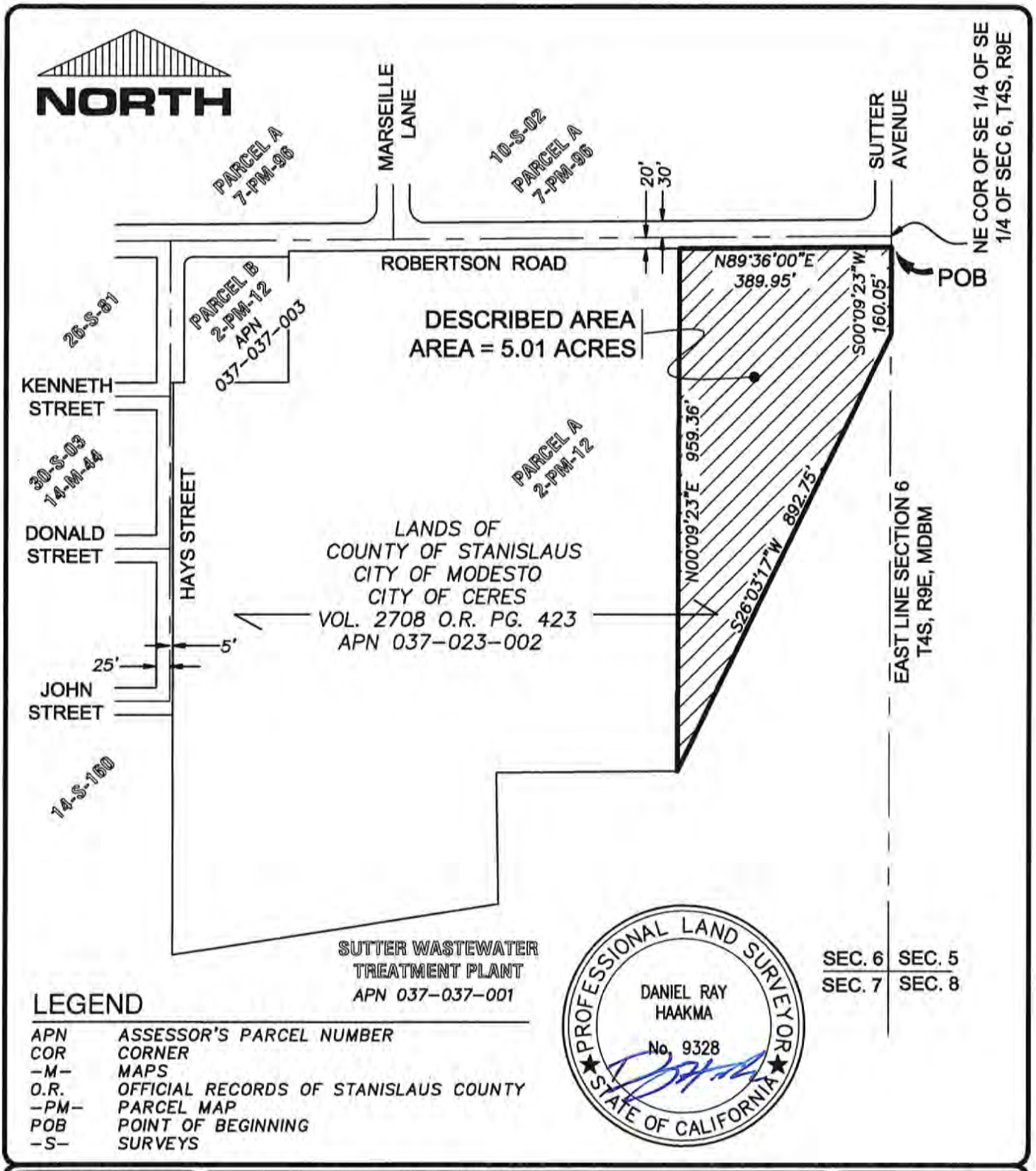
See Exhibit B Attached Hereto and made a part Hereof.

This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyors' Act.

Daniel Haakma, PLS 9328

9/13/2019
Date

PROFESSIONAL LAND SURVEYOR
DANIEL RAY HAAKMA
No. 9328
STATE OF CALIFORNIA



LEGEND

APN	ASSESSOR'S PARCEL NUMBER
COR	CORNER
-M-	MAPS
O.R.	OFFICIAL RECORDS OF STANISLAUS COUNTY
-PM-	PARCEL MAP
POB	POINT OF BEGINNING
-S-	SURVEYS

PREPARED BY: D. HAAKMA	EXHIBIT B	MODESTO CALIFORNIA
DATE: SEPTEMBER 13, 2019	PLAT TO ACCOMPANY LEGAL DESCRIPTION	
SCALE: 1" = 250'		
SHEET: ONE OF ONE	PROJECT: SUTTER TREATMENT PLANT	PROJECT NUMBER 100372

EXHIBIT A

All of Parcel A, as shown on that certain Parcel Map recorded in Book 2 of Parcel Maps at Page 12, Stanislaus County Records, lying within the Southeast Quarter of the Southeast Quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California.

Excepting therefrom the following described parcel of land:

BEGINNING at the northeasterly corner of said Parcel A, said corner also being the intersection of the southerly line of Robertson Road (50' wide) with the easterly line of said Section 6; thence along the easterly line of said Parcel A, same being the easterly line of said Section 6, South 00°09'23" West, 160.05 feet; thence leaving said easterly line of Section 6 and along the southeasterly line of said Parcel A, South 26°03'17" West, 892.75 feet to the southeasterly corner of said Parcel A; thence across said Parcel A, along a line parallel with the easterly line of said Section 6, North 00°09'23" East, 959.36 feet to the northerly line of said Parcel A and said southerly line of Robertson Road; thence along said northerly line, North 89°36'00" East, 389.95 feet to the **POINT OF BEGINNING**.

Containing 23.13 Acres, more or less.

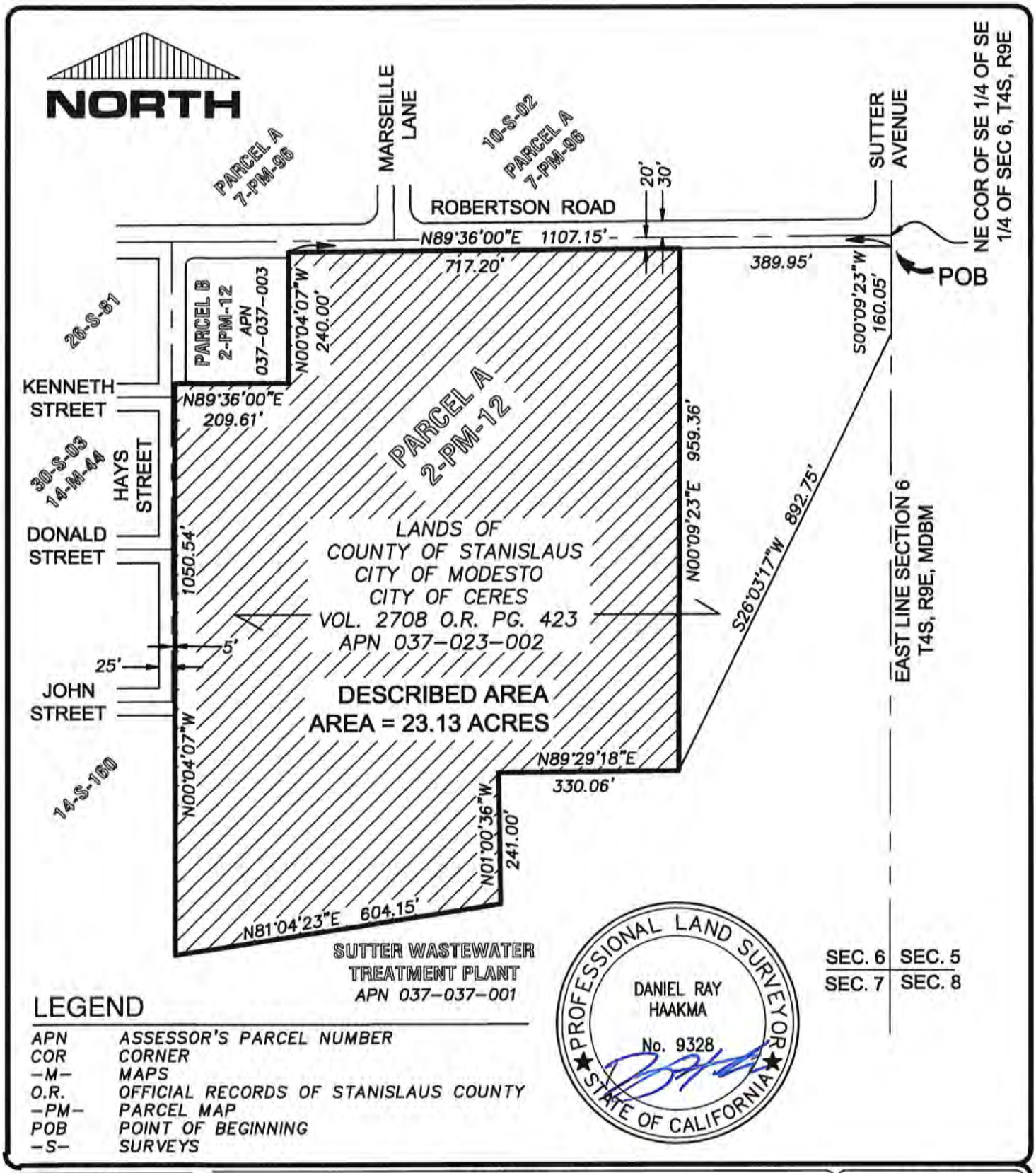
See Exhibit B Attached Hereto and made a part Hereof.

This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyors' Act.

Daniel Haakma, PLS 9328

9/13/2019
Date

PROFESSIONAL LAND SURVEYOR
DANIEL RAY HAAKMA
No. 9328
STATE OF CALIFORNIA



LEGEND

APN	ASSESSOR'S PARCEL NUMBER
COR	CORNER
-M-	MAPS
O.R.	OFFICIAL RECORDS OF STANISLAUS COUNTY
-PM-	PARCEL MAP
POB	POINT OF BEGINNING
-S-	SURVEYS

PREPARED BY: D. HAAKMA	EXHIBIT B	MODESTO CALIFORNIA
DATE: SEPTEMBER 13, 2019	PLAT TO ACCOMPANY LEGAL DESCRIPTION	
SCALE: 1" = 250'		
SHEET: ONE OF ONE	PROJECT: SUTTER TREATMENT PLANT	PROJECT NUMBER 100372

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-34

RESOLUTION APPROVING A LAND EXCHANGE AGREEMENT WITH E. J. GALLO WINERY AND GALLO GLASS COMPANY TO ACQUIRE CERTAIN REAL PROPERTY LOCATED ALONG THE TUOLUMNE RIVER (A PORTION OF APNS 035-016-010, 035-018-009, 035-018-013 AND 035-024-007), IN EXCHANGE FOR A PORTION OF BEARD BROOK PARK (APN 106-034-001); APPROVING A TRANSFER AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto acquired Beard Brook Park in 1919, and

WHEREAS, there have been numerous improvements to the park over the years, but since the 1990's, the park's usage by the general public has significantly declined for a variety of reasons; and

WHEREAS, along with decreased use by the general public, the park has also experienced an increase in undesirable usage, such as transient encampments, illegal waste dumping, drug use and other criminal activity; and

WHEREAS, in the early 2000's, the City received grant funding under the Per Capita Program in the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (the "Grant"), which approximately $39,000 of the Grant was used to install the playground at Beard Brook Park; and

WHEREAS, both the grant agreement and State statute provide that, by using Grant funds at the park, the City committed to maintain and operate the property as a public park in perpetuity; and

WHEREAS, based on conversations between the City and the California Department of Parks and Recreation (CA State Parks), CA State Parks indicated that the

City could not sell or otherwise transfer the park without an act of the California State Legislature; and

WHEREAS, adjacent to the Tuolumne River, between Dry Creek and Legion Park Drive, there is a section of land that is owned by E. J. Gallo Winery and Gallo Glass Company (Gallo): portions of Stanislaus County Assessor's Parcel Numbers 035-016-010, 035-018-009, 035-018-013 and 035-024-007; and

WHEREAS, approximately 5 years ago, staff approached Gallo to begin discussions about acquiring the property that they own along the Tuolumne River; and

WHEREAS, Gallo expressed an interest in exchanging their property for a portion of Beard Brook Park; and

WHEREAS, staff proposes transferring ownership of Beard Brook Park to Gallo Winery in exchange for the property they own along the Tuolumne River; and

WHEREAS, from 2019 to 2021, staff worked with then-Assembly Member Gray and CA State Parks to propose and adopt legislation; and

WHEREAS, , AB 1476, which was signed into law by Governor Newsom on October 10, 2021, authorizes the City to dispose of Beard Brook Park in exchange for other property, subject to certain requirements; and

WHEREAS, in order to dispose of Beard Brook Park, the City is required to restrict a property of equal or greater value to Beard Brook Park as a park in perpetuity; and,

WHEREAS, the Gallo property that the City will receive as part of the land exchange will be the equal alternative land as required by AB 1476; and

WHEREAS, as part of the proposed land exchange, Gallo will retain an easement over the portion of the property the City will be receiving in order to access and maintain a small pump station and related infrastructure; and

WHEREAS, similarly, the City will retain an easement over a portion of Beard Brook Park to accommodate City utility lines; and

WHEREAS, the City will reserve ownership of sufficient land along the edge of Morton Blvd. to construct a Class I bike trail ensuring a vital connection from the Dry Creek Trail to the Tuolumne River Regional Park's Riverwalk Trail; and

WHEREAS, the subject Gallo property is a scenic river frontage with existing dirt trails, as well as stately oak trees and rich riparian habitat vegetation; and

WHEREAS, the addition of this property to the Tuolumne River Regional Park (TRRP) will allow the City to construct a permanent trail connection (a pedestrian bridge over Dry Creek and a Class I Trail) necessary to complete the Riverwalk Trail within TRRP; and

WHEREAS, this linkage will also close the existing gap within TRRP and provide 7.5 miles of continuous trail along the Tuolumne River; and

WHEREAS, in May of 2021, staff contracted with Chapman & Patton to complete an appraisal of the parcels; and

WHEREAS, the portion of the Beard Brook Park property (11.99 Acres) appraised at $240,000 and the portion of the Gallo Parcels (12.13 Acres) appraised at $243,000; and

WHEREAS, the land that the City would acquire in this transaction is of greater monetary and use value than the property that the City would dispose of, as required by the legislation; and

WHEREAS, As required by AB 1476, the City also retained another qualified appraiser to peer review Chapman & Patton's appraisal; and

WHEREAS, that peer review confirmed the accuracy of the appraisal; and

WHEREAS, the appraisals also take into consideration the easements to be retained by the parties; and

WHEREAS, as part of the proposed land transaction, ownership of all of the above-mentioned improvements at Beard Brook Park will be transferred to Gallo Winery, and no longer accessible to the public; and

WHEREAS, pursuant to the Subdivision Map Act, Government Code Section 66428 (a)(2), the creation of parcels of land conveyed to and/or from a public agency is exempt from requirements of a parcel map; and

WHEREAS, the creation of the 5.01-acre parcel is allowed by the attached legal description, then transferred between the parties by grant deed, and

WHEREAS, additionally, disposal of Beard Brook Park is not subject to the requirements of the Surplus Land Act, because the City is exchanging Beard Brook Park for comparable property that will be put to a public use, as well as pursuant to the authority of AB 1476.

NOW, THEREFORE BE IT RESOLVED, the City Council approve the Land Exchange Agreement with E. J. Gallo Winery and Gallo Glass Company to acquire 12.13 acres of certain real property located along the Tuolumne River, also known as a portion

of Stanislaus County Assessor's Parcel Numbers 035-016-010, 035-018-009, 035-018-013 and 035-024-007, in exchange for a 11.99 acre portion of Beard Brook Park, also known as a portion of Stanislaus County Assessor's Parcel Number 106-034-001 and approve a Transfer Agreement with CA State Parks.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Land Exchange Agreement, Transfer Agreement, and any other documents necessary to carry out the purpose and intent of this Resolution, in such form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to accept on behalf of the City the 12.13 acres of certain real property located along the Tuolumne River, also known as a portion of Stanislaus County Assessor's Parcel Numbers 035-016-010, 035-018-009, 035-018-013 and 035-024-007, pursuant to Government Code Section 27281.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-35

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE SUTTER NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH WEST VALLEY INC., OF SAN JOSE, CA, IN THE AMOUNT OF $2,149,680, PLUS $214,968 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $2,364,648 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Sutter Neighborhood Strengthen and Replace (S&R) Water Mains Project is located within Stanislaus County's West Modesto Sewer Improvement Project, and

WHEREAS, this area has deficient water mains that are undersized, lack pressure and are prone to leaks, and

WHEREAS, the Sutter Neighborhood S&R Water Mains Project will replace and upgrade water mains, associated water valves, services and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, the City has partnered with Stanislaus County to coordinate the Sutter Neighborhood S&R Water Mains Project with their upcoming West Modesto Sewer Improvement Project, and

WHEREAS, the Project was re-advertised for bids on September 28, 2022, and

WHEREAS, October 25, 2022, bids were publicly opened, pursuant to City Charter Section 1307, four bids were received and West Valley Construction Inc., San Jose, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of the Sutter Neighborhood S&R Water Mains Project to West Valley Construction Inc., San Jose, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to West Valley Construction Inc., of San Jose, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Sutter Neighborhood S&R Water Mains Project; accepting the bid and awarding a construction contract to West Valley Construction Inc., of San Jose, for a total of $2,149,680 plus $214,968 in contingency (if needed) for a total amount not to exceed $2,364,648.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-36

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE SUTTER NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PROJECT FROM 8% ($171,974) TO 10% ($214,968) OF THE CONSTRUCTION CONTRACT AMOUNT OF $2,149,680, WITH WEST VALLEY CONSTRUCTION INC., OF SAN JOSE, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for construction contracts of this dollar value, and

WHEREAS, given the nature of rehabilitation projects where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed the Director's Authority of 8% ($171,974) of the contract amount of $2,149,680, and

WHEREAS, staff is requesting an increase in the Director's Authority for the Construction Contingency to 10% ($214,968).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Utilities authority to issue change orders for the Sutter Neighborhood Strength & Replace Water Mains Project from 8% ($171,974) to 10% ($214,968) of the construction contract price of $2,149,680 with West Valley Construction Inc., of San Jose, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-37

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH BLACK WATER CONSULTING ENGINEERS, INC., MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE SUTTER NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PROJECT BY $72,696 FROM $126,430, PLUS $12,643 IN ADDITIONAL SERVICES (IF NEEDED) TO A NEW TOTAL AMOUNT OF $211,769; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on July 14, 2020, per Resolution No. 2020-315, Council approved an agreement with Black Water Consulting Engineers (Black Water) for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project, in an amount not to exceed $126,430, plus 12,643 in additional services if necessary, and

WHEREAS, to ensure construction of the facilities meets the original design described in the plans, staff is recommending a first amendment to Black Water's current Engineering Design Services Agreement to allow them to continue their engineering support effort through construction and provide assistance with the review of construction submittals, responses to requests for information, change orders, and the preparation of punch lists and as-built drawings, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.2504(a) Exceptions to Formal Bidding Requirements, this amendment to the agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Black Water Consulting Engineers, for Engineering Design Services of the Sutter Neighborhood

Strengthen & Replace Water Mains Project in an amount not to exceed $72,696 for the identified scope of services, for a revised maximum total amount of $211,769.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-38

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,850,500 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE SUTTER NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $1,850,500, in order to fund the Sutter Neighborhood Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,850,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-39

RESOLUTION ACCEPTING THE CROWS LANDING ROAD PAVEMENT REHABILITATION, STPLCML-5059(208) PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,308,516 TO UNITED PAVEMENT MAINTENANCE, INC., HUGHSON, CA

WHEREAS, the California Department of Transportation (Caltrans) authorized funding for Preliminary Engineering in December 2014 in the amount of $250,000; and

WHEREAS, in August 2019, Caltrans authorized $2,101,983 in Regional Surface Transportation Program funds and $701,725 in Congestion Mitigation and Air Quality (CMAQ) funds for construction and construction engineering; and

WHEREAS, the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, rehabilitated deteriorated pavement with an asphalt rubber chip seal and asphalt overlay on Crows Landing Road from Pecos Avenue to Hatch Road; and

WHEREAS, within the scope of this project was center median, ADA improvements, sidewalk installation, and Class II bicycle lanes; and

WHEREAS, the project was advertised for bids on May 10, 2021 and bids were publicly opened on June 8, 2021, pursuant to Modesto Municipal Code Section 8-3.403 and City Charter Section 1307; and

WHEREAS, four bids were received; and

WHEREAS, the first apparent low bidder was deemed non-responsive, and their bid was excluded from the bid results; and

WHEREAS, United Pavement Maintenance, Inc. of Hughson, CA was the next, apparent, responsive low bidder at 8.34% below the engineer's estimate; and

WHEREAS, on August 10, 2021, by Resolution No. 2021-310, Council awarded a contract to United Pavement Maintenance, Inc., of Hughson, CA for the construction of the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project in the amount of $2,291,624; and

WHEREAS, the contractor received the Notice to Proceed with a first working day of October 4, 2021. All contract work was completed by July 28, 2022; and

WHEREAS, the total project costs were $2,792,457 which included design, construction, and construction administration costs. The total project amount originally budgeted was $3,083,708 which included $2,520,786 for the construction contract and contingency with United Pavement Maintenance, Inc., of Hughson, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, establishes a contract change order budget of 8% for projects over $1 Million; and

WHEREAS, City staff requested authorization to increase the contract change order budget to 10% due to increased costs for asphalt and concrete material suppliers; and

WHEREAS, on August 10, 2021, by Resolution No. 2021-311, Council authorized the Director of Utilities approval of change orders up to 10% of the original contract price, and

WHEREAS, there were six change orders on this project with an overall increase of $16,892; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project is hereby accepted as complete , authorizing all necessary steps to file with the County Recorder, releasing securities , and releasing payments totaling $2,308,516 to United Pavement Maintenance, Inc., of Hughson, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-40

RESOLUTION ACCEPTING THE FLEET MAINTENANCE FACILITY HEAVY BAY ADDITION AND BUS MAINTENANCE FACILITY – PARTS STORAGE ROOM PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $5,634,840 TO HARRIS BUILDERS, INC., HILMAR, CA

WHEREAS, the Fleet Services Division maintains all City owned vehicles and equipment; and

WHEREAS, there are currently 1,220 pieces of active equipment in the City's fleet which is used by all City departments in their daily operations as they provide service to the citizens of Modesto; and

WHEREAS, the current fleet facility was extremely outdated, overcrowded and was inadequate in several areas to properly service all of the vehicles and equipment; and

WHEREAS, the construction of a new Fleet Maintenance Facility (FMF) Heavy Bay provides future capacity and operational efficiencies as well as reducing the potential work-related risk associated with repairs and maintenance; and

WHEREAS, the construction of a new parts storage room building is crucial in the safety and efficiency of the Transit maintenance services, and

WHEREAS, the BMF Parts Storage Room project was advertised for bids on April 9, 2019; and

WHEREAS, bids were publicly opened on May 21, 2019, pursuant to City Charter Section 1307; and

WHEREAS, only one bid was received, which was more than twice the engineer's estimate; and

WHEREAS, on June 25, 2019, by Resolution 2019-287, Council approved rejecting the bid for the BMF Parts Storage Room project and authorized staff to re-advertise the project for bid at a future date with an amended scope of work; and

WHEREAS, considering the FMF Heavy Bay project and BMF Parts Storage Room project are located within the same overall facility, City staff combined these projects and bid as a single project; and

WHEREAS, due to the differing funding sources, the project involved two separate contracts for each respective facility (Fleet & Transit); and

WHEREAS, the combined project was advertised for bids on September 24, 2019, and bids were publicly opened on October 29, 2019, pursuant to City Charter Section 1307; and

WHEREAS, Harris Builders, Inc., of Hilmar, CA was the responsible bidder at 12.42% above the engineer's estimate; and

WHEREAS, on March 10, 2020, by Resolution No. 2020-133 and 2020-134 Council awarded a contract to Harris Builders, Inc. for the construction of the FMF Heavy Bay Addition and BMF – Parts Storage Room project for the amount of $5,365,992. By Resolution No. 2020-135 and 2020-136 Construction Management agreements were awarded to Consolidated CM, Inc., (CCM) for Construction Management, Special Inspection, and Materials Testing Services for an amount not to exceed $563,024 ($420,309 for the FMF Heavy Bay Addition and $142,715 for the BMF Parts Storage Room); and

WHEREAS, the contractor received the Notice to Proceed with a start date of May 11, 2020. All contract work was completed on June 30, 2022; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-164 and No. 2022-165 Council approved an amendment to the agreement with CCM, of Oakland, CA, for construction management, testing and inspection services for the FMF Heavy Bay Addition in the amount of $103,818, as an amendment to the original $420,309 for a total amount not to exceed $524,127 and approving an amendment to the agreement with CCM for Construction Management, Special Inspection, and Materials Testing Services for the BMF Parts Storage Room in the amount of $41,797, as an amendment to the original $142,750 for a total amount not to exceed $184,512; and

WHEREAS, the total project expenditures were $7,717,709. Originally, the total project amount originally budgeted was $8,020,822 which included $5,795,272 for the construction contract and contingency with Harris Builder, Inc., of Hilmar, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for construction contracts greater than $1,000,000; and

WHEREAS, the project had a total of 39 change orders resulting in an overall increase of $268,848; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fleet Maintenance Facility Heavy Bay Addition and Bus Maintenance Facility Parts Storage Room project as complete, and releasing payments totaling $5,634,840 to Harris Builders Inc., Hilmar, CA.

BE IT FURTHER RESOLVED, that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling $5,634,840.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-41

RESOLUTION ACCEPTING THE 2022 PUBLIC HEALTH GOALS REPORT IN COMPLIANCE WITH TITLE 22 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the California Health and Safety Code Title 22 Section 116470 specifies that utilities with greater than 10,000 service connections prepare a special report if any of the water quality measurements taken during the previous three years have exceeded a Public Health Goal (PHG); and

WHEREAS, the water system providers are mandated to hold a public hearing for comments regarding the PHG Report and a copy is on file in the office of the City Clerk; and

WHEREAS, State law requires the report to include numerical public health risk, category/type of health risk, Best Available Treatment (BAT), and estimated treatment cost; and

WHEREAS, only constituents that meet or exceed a PHG or Maximum Contaminant Level Goals (MCLG) if there is no PHG, are addressed; and

WHEREAS, the report was prepared using all water quality data collected between 2019 and 2021; and

WHEREAS, the drinking water quality of the City of Modesto meets all State Water Resource Control Board and U.S. Environmental Protection Agency drinking water standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2022 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-42

RESOLUTION APPROVING THE MULTIFAMILY DWELLING BULKY ITEM PICKUP PROGRAM AS A PILOT FOR A TERM OF ONE YEAR

WHEREAS, in 2019, the City of Modesto conducted citywide community surveys that identified blight as one of the most pressing issues for residents; and

WHEREAS, in 2020, the Council adopted the 2020-2025 Blight Abatement Strategy, developed through collaboration with community members, local partnerships, other agencies, and internal City departments to outline initiatives for blight abatement on public and private property, encourage public and private partnerships, and further action to minimize and mitigate blight; and

WHEREAS, the City of Modesto identified illegal dumping originating in multifamily dwellings as a significant source of blight and an area to expand access to government services; and

WHEREAS, on July 12, 2022, by Resolution 2022-327, Council approved the development and implementation of a Bulky Item Pickup Program to serve multifamily dwellings under an allocation from the America Rescue Plan Act; and

WHEREAS, the City developed a pilot program with input from property owners and managers, tenants, City departments, and solid waste haulers that allows for collection of bulky items, including furniture, appliances, and large items that do not fit into waste containers, by appointment from the public right of way on the first week of the month; and

WHEREAS, City staff will evaluate the utilization and success of this pilot over a term of one year and return to Council with recommendations on a permanent program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Multifamily Dwelling Bulky Item Pickup Program as a pilot for a term of one year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-43

RESOLUTION ACCEPTING THE RESIGNATION OF JANICE KEATING FROM THE CITY OF MODESTO CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, The Citizens' Transportation Sales Tax Commission was established to provide oversight of the collection and spending of tax revenue from any local transportation sales tax; and

WHEREAS, August 3, 2017, by Resolution No. 2017-291, Janice Keating was appointed to the City of Modesto Citizens' Transportation Sales Tax Commission; and

WHEREAS, for personal reasons, Janice Keating is no longer able to serve on the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto it hereby accepts the resignation of Janice Keating from the City of Modesto Citizens' Transportation Sales Tax Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-44

RESOLUTION CONTINUING TO AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE CITY OF MODESTO PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the City of Modesto (the "City") is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which allows for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-370 authorizing remote teleconference meetings pursuant to AB361 (Government Code section 54953(e)); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and whether State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, on March 8, 2022, the County of Stanislaus Board of Supervisors terminated the Declaration of a Local Health Emergency that was issued on March 11, 2020; and

WHEREAS, State of California health officials recommend masks to be worn when individuals might be around unvaccinated people, especially while indoors; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Consideration of State of Emergency. The City Council has considered the conditions of the state of emergency declared pursuant to Government Code section 8625, and determined that such emergency conditions continue to be present in the City.

Section 3. Continued Social Distancing Measures by State and Local Officials. The City Council finds that the State of California Health Officer's recommended measures to promote social distancing remain in effect.

Section 4. Remote Teleconference Meetings. The City Council finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) March 16, 2023, (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953, or (iii) until such time that the state of emergency is no longer in effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-45

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH CASTILLO, MORIARTY, TRAN & ROBINSON IN THE AMOUNT OF $200,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $245,000, FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 22, 2022, the City entered into a Legal Services Agreement with Castillo, Moriarty, Tran & Robinson to represent the City in police litigation matters for an amount not the exceed $45,000; and

WHEREAS, the City decided to enter into an agreement with this law firm after the attorneys representing the City in several law enforcement matters left the firm of Allen, Glaessner, Hazelwood & Werth, LLP to start this new firm; and

WHEREAS, entering into an agreement with Castillo, Moriarty, Tran & Robinson ensured the continuation of services by the same key attorneys; and

WHEREAS, our office is requesting an increase to the agreement budget in the amount of $200,000 to support continued services, for a total agreement amount not to exceed $245,000; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bidding requirement. The approval of this amendment conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional legal services; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Castillo, Moriarty, Tran & Robinson for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson in the amount of $200,000, for a total agreement amount not to exceed $245,000 for continued representation in police litigation matters as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "**First Amendment**"), is made and entered into on 14th day of February 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **CASTILLO, MORIARTY, TRAN & ROBINSON** ("**Attorney**"), located at 75 Southgate Ave., Daly City, California 94015. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide litigation, trial counsel, legal advice, representation and assistance to City in relation to police matters including use of force and the discharge of a weapon; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $245,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Castillo, Moriarty, Tran & Robinson dated September 22, 2022, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred, forty five thousand dollars ($245,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated September 22, 2022, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Nayares-Perez, City Clerk

_____
Joe Rodriguez, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
CASTILLO, MORIARTY, TRAN & ROBINSON
_____

88-3503648
Federal I.D. No.

202022214002
State I.D. No.

_____N/A_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person
____Partner_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-46

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT FOR BARTKIEWICZ, KRONICK & SHANAHAN P.C. TO ADJUST HOURLY RATES FOR CONTINUED REPRESENTATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 6, 2016, by Resolution No. 2016-479, Council approved an agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide legal services for the State Water Resources Control Board Substitute Environmental Document, in the amount of $57,300; and

WHEREAS, on July 11, 2017, by Resolution No. 2017-282, Council approved a First Amendment to the Legal Services Agreement with BKS for continued services in an amount not to exceed $92,300; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-367, Council approved a Second Amendment for continued services for a total agreement amount not to exceed $142,300; and

WHEREAS, on May 3, 2022, by Resolution 2022- 202, Council approved a Third Amendment to the Legal Services Agreement in the amount of $75,000, for a total not to exceed $217,300 for continued representation; and

WHEREAS, the City is currently seeking to overturn the State Water Resources Control Board's action in approving the Bay-Delta Plan; and

WHEREAS, this is the suit challenging the State Water Board's approval of regulatory changes that require that about 40% of the flow of the Tuolumne River remain in the stream for fish; the regulations are known locally as the "water grab"; and

WHEREAS, BKS has maintained their original rates for the past five and a half years and the regional economy has experienced significant inflation and BKS is requesting an increase to their rates; and

WHEREAS, the City mainly receives services from principal attorneys at BKS and for the principal attorneys assigned to the City's matter, the rate adjustment will reflect as an increase from $310 to $325 an hour for Principal I and $280 to $295 an hour for Principal II; and

WHEREAS, this amendment to will not increase the not to exceed amount; it will only increase the hourly rates.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan, P.C., to adjust hourly rates for continued representation, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment to the Legal Services (this "**Fourth Amendment**"), is made and entered into on this 14th day of February 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BARTKIEWICZ, KRONICK & SHANAHAN, P.C.** ("**Attorney**"), located at 1011 22nd Street, Sacramento, California 95816. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal services for the State Water Resources Control Board Substitute Environmental Document; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, Attorney has not increased their rates or received any cost of living adjustments since 2016. City and Attorney desire to amend the Agreement for further service by increasing the hourly rates.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Bartkiewicz, Kronick & Shanahan, P.C. dated December 6, 2016, and amended by Resolutions No. 2017-282, 2019-367 and 2022-202 is amended as follows:

1. Exhibit A, "Proposal for Legal Services Regarding Preparation of City's Comments on State Water Board's Draft Substitute Environmental Document for Phase 1 of Bay/Delta Water Quality Control Plan Update Proceedings" to the Agreement is amended to replace the rates listed in Exhibit A, Section "Proposed Budget" with the following rates:

Principal I	$325/hour
Principal II	$295/hour
Associate I	$285/hour
Associate II	$270/hour
Of Counsel	$325/hour
Paralegal	$195/hour

2. **Entire Agreement**. The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 6, 2016, remain in full force and effect to the extent they are not in conflict with this Fourth Amendment. This document, including all exhibits, contain the entire amendment to the

Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fourth Amendment. No alteration to the terms of this Fourth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Nayares-Perez, CMC City Clerk

_____
Joe Rodriguez, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
BARTKIEWICZ, KRONICK & SHANAHAN, P.C.

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-47

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment is necessary to re-allocate $2,470,000 from Project 101214 – Granger Neighborhood Pavement Rehabilitation to Project 101169 – Scenic Drive Pavement Rehabilitation Phase 2. Both of the projects are funded with Measure L – Local Streets and Roads funds. Additionally, a budget adjustment in the amount of $465,580 is needed to allocate higher than anticipated Measure L – Local Streets and Roads revenue to Project 101169. The adjustment will increase the transfer out from Fund 1410 – Measure L Local Road tax to the project and increase the projects discretionary expense accounts. Both requests were presented to the Measure L Sales Tax Commission at the December 1, 2022 and were approved.

- A budget adjustment in the amount of $350,000 is necessary in Fund 3170 Capital Grants – HUD CIP Projects and Fund 1130 – Community Development Block Grants (CDBG), to budget the transfers for capital projects that are funded by CDBG funding. This amount varies each year based on the number of projects. These transfers being budgeted are primarily for Project 100866 – Senior Playground and Project 101293 – Boys and Girls First Tee.

FIRE DEPARTMENT

- A budget adjustment is necessary in the amount of $276,842 to recognize additional revenue on Project 100960 – AMR/General EMS for the American Medical Response Contract. The revenue will be recognized and allocated to the project discretionary expenditure budget for anticipated expenses in the fiscal year. Due to the urgent need to pay for invoices in the project, a budget adjustment in the amount of $50,000 was completed on the City Manager's authority. The adjustment will increase the budget by an additional $226,842 for a total of $276,842.

INFORMATION TECHNOLOGY

- A budget adjustment in the amount of $90,544 is needed in the Information Technology (IT) Fund 5230 for the first year of service for the Grant Management Software Subscription with Carahsoft Technology Corporation (eCivis). The agreement was approved by Council on January 10, 2023 per resolution 2023-14 and this adjustment will account for expenditures in the first year.

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of $200,000 is needed to increase the transfer out from the Parks & Air Quality Capital Facility Fee Fund 3432 to Project 101233 – Dry Creek to TRRP Trail Connection project within the Capital Grants – CIP Projects Fund 3140. The additional budget will be allocated to the project discretionary expenditure task to pay for expenses related to the preparation of the construction document.

- A budget adjustment in the amount of $324,938 is necessary in the Golf Fund – (4600) to recognize the revenue related to the Clubhouse at the Muni Golf Course insurance claim and increase expenses in Project 101464 – Muni Clubhouse Remediation to pay for outstanding expenses. As additional projects are identified, a portion of the revenue will be moved to those projects.

POLICE DEPARTMENT

- A budget adjustment is the amount of $130,542 is needed to create a new non-capital project budget for the 2022 Byrne Justice Assistance Grant (BJAG) awarded to the Modesto Police Department in the amount of $134,579. The amount budgeted in the project subtracts out the 3% administration fee that is paid to the Stanislaus County Sheriff's Department as the fiduciary of the grant ($4,037). This adjustment will budget the revenues and the expenditures as approved per the grant program categories.

PUBLIC WORKS

- A budget adjustment in the amount of $237,371 is needed to reduce the budget in the Non-Capital Public Works (Non-Grant) Fund (1381), Cost Center PW – City Services for StanRTA – Citywide Agreement and Temp Staff (51019) to $0. The cost center was originally created by two staff members prior to the transition to StanRTA. The cost center is no longer being used for Fiscal Year 2022-2023 and the budget needs to be reduced to $0.

UTILITIES

- A budget adjustment in the amount of $100,000 is necessary in the Water Fund (4100) to increase the expense budget for the Water – Grant Research & Writing Project (101452) to cover expenses associated with staff time and consultant services.

- A budget adjustment in the amount of $100,000 is necessary in the Wastewater Fund (4210) to increase the expense budget for the Wastewater – Grant Research & Writing Project (101453) to cover expenses associated with staff time and consultant services.

- A budget adjustment in the amount of $100,000 is necessary in the Storm Drain Fund (4480) to increase the expense budget for the Storm Drain – Grant Research & Writing Project (101454) to cover expenses associated with staff time and consultant services.

- A budget adjustment in the amount of $927,500 is necessary in the Water Fund (4180) to establish the expense budget for the Empire Yosemite Water Main Crossings Strengthen & Replace Project 101458 to cover expenses associated with staff time and consultant services.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-48

RESOLUTION REJECTING ALL PROPOSALS FOR RFP. NO. 2122-44 FOR THE STANISLAUS REGIONAL TRANSIT ORIENTED DEVELOPMENT PLAN

WHEREAS, the City solicited proposals from qualified consultants to prepare a Multi-Modal Transit Center Concept Development (TOD) Plan to establish a more refined vision for the future of Downtown Modesto, on and around the transit center site, consistent with the Downtown Master Plan that was adopted by Council in 2020; and

WHEREAS, on May 24, 2022, the Purchasing Division issued Request for Proposal (RFP) No. 2122-44 for the preparation of a Transit Oriented Development Plan; and

WHEREAS, in the 2019-20 Budget Act, Governor Gavin Newsom allocated $250 million for all regions, cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community; and

WHEREAS, with this allocation, HCD established the Local Early Action Planning Grant Program (LEAP) with $119 million for cities and counties; and

WHEREAS, LEAP provides one-time grant funding to cities and counties to update their planning documents and implement process improvements that will facilitate the acceleration of housing production and help local govts. prepare for their 6th cycle RHNA much like the SB2 Planning Grants; and

WHEREAS, the purpose of the Multi-Modal Transit Center Concept Development (TOD) Plan is to establish a more refined vision for the future of

Downtown Modesto, on and around the transit center site, consistent with the Downtown Master Plan that was adopted by Council in 2020; and

WHEREAS, residential development will be a primary consideration and urban, vertical mixed-use development will also be a priority in terms of the desired goals and outcomes to be realized; and

WHEREAS, purchasing received two bids for the Transit Oriented Development Plan RFP No. 2122-44; and

WHEREAS, the Housing Element costs came back approximately $100,000 higher than what staff had anticipated; and

WHEREAS, staff utilized the additional LEAP funding allocated to this project to support the 6th Cycle Housing Element; and

WHEREAS, therefore, due to funding issues, staff is recommending to reject all bids and not move forward with this project; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a) Formal Bid Procedures, the Council shall have the authority to accept or reject any or all bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all proposals for Request for Bid RFP No. 2122-44 for the Stanislaus Regional Transit Oriented Development Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-49

RESOLUTION APPROVING THE FIRST AMENDMENT TO AN AGREEMENT WITH MANAGEMENT ADVISORY SERVICES FOR PLANNING CONSULTATION AND SUPPORT, INCREASING THE AGREEMENT AMOUNT BY $60,000 FROM $49,500 TO A NEW TOTAL NOT TO EXCEED $109,500 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto determined that, due to unanticipated reductions in planning Division staffing levels, contract staffing services should be arranged in order to maintain an acceptable level of services provision to internal and external customers; and

WHEREAS, Planning staff reached out to various consultants in August 2022, and under the City Manager's authority, the City entered into an agreement with Management Advisory Services on November 15, 2022, for a not to exceed amount of $49,500; and

WHEREAS, the Planning Division continues to be impacted by unanticipated staffing shortages as the recruitment process continues for several positions. In order to continue providing uninterrupted planning services an amendment to the Management Advisory Services contract will be required; and

WHEREAS, Management Advisory Services will assist with on-call consultant of development applications, General Plan Update, Housing Element, staff resources and training, as well as recommendation of municipal code updates; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203. The

approval for the contract staffing services to Management Advisory Services (MAS) conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services for on-call consultant support services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to an Agreement with Management Advisory Services for Planning Consultation and Support, increasing the agreement amount by $60,000 from $49,500 to a new total of not to exceed $109,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-50

RESOLUTION AUTHORIZING EXECUTION OF ESCROW DOCUMENTS TO TRANSFER FEE TITLE TO 2.61 ACRES OF REAL PROPERTY (APN 007-037-012) CURRENTLY OWNED BY THE CITY TO HANS WAGNER III 2015 TRUST CONSISTENT WITH A PREVIOUSLY AUTHORIZED SETTLEMENT OF AN EMINENT DOMAIN ACTION TO ACQUIRE PROPERTY FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY – PHASE I PROJECT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway – Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-85, the Council authorized Staff to engage in real property negotiations and to proceed with acquisitions not to exceed $3.45 Million dollars to support the construction of the State Route 132 West Freeway/Expressway Phase 1 Project (the "Project"), and

WHEREAS, in order to facilitate construction of a portion of the Project, the City filed and ultimately settled an eminent domain case in Stanislaus Superior Court, City of Modesto v. Nina Wagner, et al., Case No. CV-18-003095 to acquire property owned in trust by members of the Wagner family ("Subject Property")., which included as part of the settlement the transfer of a City-owned, landlocked, remnant parcel consisting of approximately 2.61 acres of land, and identified as APN 007-037-012 ("Remnant Property") from City to Hans J. Wagner III 2015 Trust; and

WHEREAS, the City authorized the settlement that included transfer of the Remnant Property on August 9, 2022 and agreed to complete the settlement through escrow; and

WHEREAS, to close escrow consistent with the settlement, City is to execute a deed or other similar document to transfer the Property to Hans J. Wagner III 2015 Trust; and

WHEREAS, exchange of Remnant Property qualifies as "Exempt Surplus Land' pursuant to Government Code section 54221(f)(1)(C) because the City is exchanging the Remnant Property for the Subject Property which was necessary for the Project. Accordingly, the City is exempt from compliance with the requirements of the Surplus Land Act.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the execution of all documents necessary to transfer fee title to approximately 2.61 acres of real property (APN 007-037-012) from City to the Hans J. Wagner III 2015 Trust.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it authorizes the City Manager to execute all documents necessary to carry out the purpose and intent of this Resolution, in such form as approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-51

RESOLUTION APPROVING THE FIRST AMENDMENT WITH READY TO WORK FOR LITTER ABATEMENT SERVICES TO EXTEND FOR TWO (2) YEARS, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS; FOR AN ANNUAL ESTIMATED COST $174,500 AND INCREASING THE OVERALL AGREEMENT AMOUNT BY $872,500 FROM $450,000 TO A NEW REVISED TOTAL AMOUNT OF $1,322,500; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto launched the Camp2Home program in 2020 as an innovative approach to address homelessness through five key fronts: (1) outreach, (2) shelter, (3) job training, (4) permanent employment, and (5) permanent housing.; and

WHEREAS, a core element of the success of the Camp2Home program includes the partnership that it has with the California Department of Transportation (CalTrans) for litter abatement services on State rights-of-way via a Delegated Maintenance Agreement (DMA); and

WHEREAS, the City entered into a DMA with CalTrans on November 26, 2019, under Resolution 2019-512, which authorizes the delegation of litter abatement responsibilities on designated State properties, and reimburses the City for work performed on State Highways 99, 132, and 219 (Highway 99, Maze Boulevard, and Kiernan Avenue, respectively); and

WHEREAS, to fulfill the responsibilities of the Delegated Maintenance Agreement, the City entered into a subsequent agreement with Ready to Work (RTW) on February 4, 2020, with Ready to Work (RTW) to perform litter abatement on State properties and within City limits by Council Resolutions 2020-057 for a 3-year term that expired on February 3, 2023; and

WHEREAS, based on the proven success of the program, and the limited availability and capacity of programs with the ability to focus on State Right-of-Ways the State of California has authorized additional funding to the existing DMA increasing the annual allocation from $100,000 to $126,500 with additional locations listed in **Exhibit A** to the First Amendment of the RTW agreement; and

WHEREAS, as such, the City wishes to extend the term of the RTW agreement for a continued annual allocation of $48,000, in addition to the allocation from the State, for litter abatement services along key corridors in the City for an additional two (2) years, with three (3) one-year extension options for the updated scope of services; and

WHERARS, the terms of the Delegated Maintenance Agreement between the City and CalTrans allows the State to add locations and additional funding for litter abatement activity with written consent from the City, and does not require a formal amendment to the DMA; and

WHEREAS, the total reimbursable amount from CalTrans for work performed is $126,500 annually, and these funds will be utilized exclusively for litter abatement on State right-of-ways that run through Modesto and that are designated as safe for litter abatement activity by CalTrans; and

WHEREAS, the total reimbursable amount from CalTrans via the DMA for work performed is $126,500 annually, and this is an increase of $26,500 from the original contract total of $100,000 which will be utilized exclusively for litter abatement on State right-of-ways that run through Modesto; and

WHEREAS, the City's Solid Waste Fund will continue to provide $48,000 annually from the Commercial Litter Abatement Fee collected from the City's commercial solid waste rate; and

WHEREAS, these funds will be utilized for litter abatement and disposal costs on City right-of-ways; and

WHEREAS, the combined cost of this program on State and City right-of-ways is $174,500 annually, and a total not to exceed amount of $872,500 throughout the additional 5-year term.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment increasing the Agreement amount with Ready to Work, for litter abatement services by $872,500 from $450,000 to a new total amount of $1,322,500 with an annual cost not to exceed $174,500 and extending the term of the Agreement from February 4, 2023 to February 3, 2028 for two (2) years, with three (3) one-year extension options.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO AGREEMENT
WITH READY TO WORK FOR LITTER ABATEMENT SERVICES

This First Amendment to the Agreement for Litter Abatement Services ("Amendment") is entered into between the CITY OF MODESTO, a municipal corporation of the State of California (hereinafter the "City") and READY TO WORK, a California 501c3 non-profit corporation (hereinafter "Contractor") as of _____, 2023.

RECITALS

This First Amendment to Agreement for litter abatement services is made with regard to the following recitals:

WHEREAS, CITY and CONTRACTOR previously entered into an Agreement for Litter Abatement Services on the 4th day of February, 2020 (the "Original Agreement").

WHEREAS, CITY and CONTRACTOR desire to amend the Original Agreement to extend the term, and

WHEREAS, CITY and CONTRACTOR desire to increase compensation provided to CONTRACTOR.

NOW, THEREFORE, in consideration of this Amendment, and the mutual promises, covenants, and stipulations contained in the Original Agreement and this Amendment, the parties agree as follows:

1. TERM OF AGREEMENT, Section 2, paragraph 1, of the Original Agreement shall be replaced in its entirety with the following:

> The term of this agreement shall be for a period of two (2) years, with three (3) one-year extension options for a total of up to five (5) years.
>
> Year 1: February 4, 2023 to February 3, 2024
>
> Year 2: February 4, 2024 to February 3, 2025

Year 3: February 4, 2025 to February 3, 2026

Year 4: February 4, 2026 to February 3, 2027

Year 5: February 4, 2027 to February 3, 2028

2. COMPENSATION, Section 3, of the Original Agreement shall be replaced in its entirety with the following:

Contractor agrees to accept a sum not to exceed $174,500 annually or $872,500 throughout the extended term of two (2) years, with three (3) one-year extension options for a total of up to five (5) years, which increases the revised cumulative amount to $1,322,500 over the term of the agreement as full remuneration for performing all services and furnishing all staffing and materials called for in Exhibit A and for performance by Contractor of all of its duties and obligation under this agreement;

3. INSURANCE REQUIREMENTS, Section 15, shall be replaced in its entirety with the following:

The CONTRACTOR shall provide, at its own expense, and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the CITY as may be required by the City Clerk of the CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the CITY by registered mail, return receipt requested, for all of the following stated insurance policies.

The City may be agreeable to providing assistance with insurance premiums. In order for the City to make an informed decision, insurance pricing should be clarified and detailed on the proponent's pricing schedule.

A. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

B. General Liability - insurance with a minimum limit of liability per occurrence of $5,000,000 for bodily injury and property damage. The insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations as applicable. This requirement may be satisfied through a combination of primary and excess insurance policies which provide coverage as broad as "follow form" over the underlying primary policies.

C. Automobile Liability – insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

In addition to the requirements listed above, CONTRACTOR shall name the State of California, its officers, agents, and employees as an additional insured on the aforementioned Commercial General Liability policy/policies, and

provide CITY annually and upon request with a certificate of insurance evidencing the coverage in a form satisfactory to CITY.

4. Exhibit B of the Original Agreement will be replaced in its entirety with the revised attached Exhibit B; and

5. City will pay disposal costs estimated at $2,000 per year, directly to the disposal company.

6. Except as modified and amended by this Amendment, all other provisions of the Original Agreement, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Amendment to Agreement for Consultant Services by its City Manager and attestation by its City Clerk on the _____ day of _____, 2023, and Ready to Work has caused this Agreement to be duly executed in duplicate as of the Effective Date.

EXHIBIT A

SCOPE OF WORK

The City of Modesto requires that Contractor perform litter abatement activities along State highways as authorized in Section 130 of the California Streets and Highways Code and on City right of ways, as directed by the City. Contractor will perform such work on the identified highway routes, as described in Section D, Exhibit A and locations in the City as directed by City staff. It is the goal of the City that within 3 months, 50% of the client-employee hours of the Contractor's Modesto program be allocated to individuals residing in Modesto. Contractor provide at least 75% of employee hours to residents of Modesto. Contractor shall aim to maintain the percentage of employee hours allocated to residents of Modesto at no less than 75% throughout the duration of the contract. Contractor's failure to meet the intended goals specified in this section, shall require that the Contractor meet with City to discuss strategies to meet this goal.

A. Administrative Expectations

1. Provide a wage subsidy to participants through Contractor's payroll. Employees shall be paid at least a minimum wage rate, as determined by the State of California.
2. Ensure participants sign an approved Release and Waiver of Liability forms approved by the City. Signed waivers shall be kept on file with the Contractor and shall be available for inspection.
3. Contractor shall participate in community, operational, and status meetings as scheduled by City.
4. Contractor will provide transportation, portable toilets, as necessary to perform the work, in accordance with CalTrans safety instructions.
5. Contractor agrees to notify City before 8:00 AM on the days that Contractor's employees are unable to work due to inoperable equipment, illness, or any other reason.

B. Litter Abatement Activities on State Right of Ways

1. Contractor shall, using its own labor force, manually gather debris from along designated highways, bag and pile litter in areas identified as safe by CalTrans in Section D, below.
2. CalTrans will provide the necessary safety instructions and training to Contractor. At a minimum, Contractor's working supervisor must be trained in Caltrans freeway litter safety instruction, and provide that training to all incoming crewmembers. It is the responsibility of the Contractor to document and retain records of all trainings provided to employees participating in the program.
3. Contractor agrees to utilize one (1) or more crews of five (5) workers and one (1) working supervisor. The Contractor agrees to a work week not to exceed 32 hours per week 34 weeks per year. This funding will allow a complete freeway system clean up every month.
4. Contractor's employees will clean to a level of cleanliness as determined by City. Contractor will close and secure all bags of litter, and place them in a safe location for pick-up by CalTrans.
5. CalTrans will provide all personal protective equipment (PPE) to include hard hats,

vests, gloves, safety glasses, and safety signs.

6. CalTrans will provide bags for the containment of litter for the Contractor to perform the litter abatement on State right of ways.
7. In addition, other duties of a similar nature may be assigned as needed by the City.

C. Litter Abatement Activities on City Right of Ways

1. City will provide safety instructions, safety warning signs, and a shadow vehicle when City deems necessary
2. Contractor shall, using its own labor force, manually gather debris from along designated City right of ways, as directed by the City of Modesto.
3. Contractor's employees will clean to a level of cleanliness as determined by City.
4. Contractor will provide bags for the containment of litter and additional equipment for projects on City right of ways.
5. In addition, other duties of a similar nature may be assigned as needed by the City.

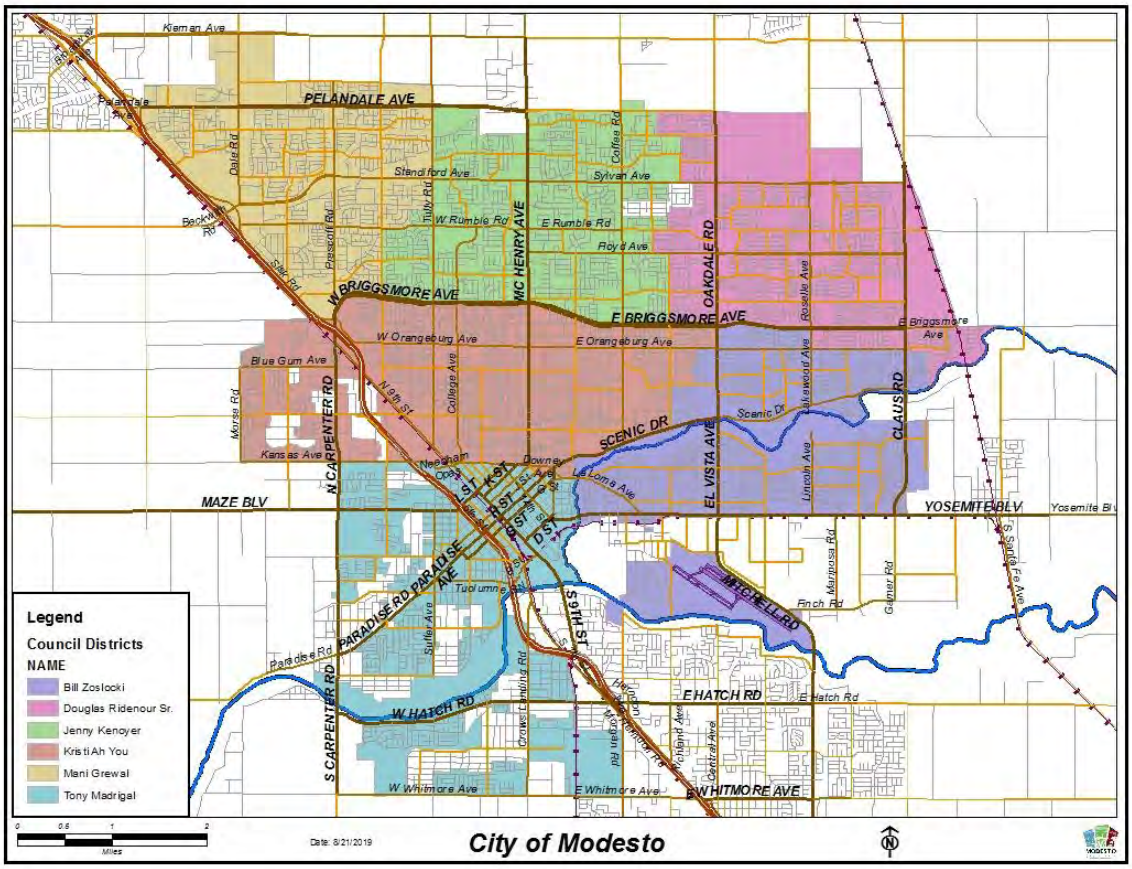
D. Service Locations

1. The Delegation of Maintenance, includes all eligible locations for litter abatement activity, as identified by CalTrans and those in the table below in an amount not to exceed $126,500:

Loc.	Route No.	Dir. Of Travel	Length in Miles	Description of Routing
1	Stan-099	N	1	Right shoulder from Briggsmore onramp halfway to Standiford off ramp.
2	Stan-099	N	1	Right shoulder halfway point from Briggsmore to Standiford onramp.
3	Stan-099	N	1	Right shoulder from Standiford onramp to Pelandale off ramp.
4	Stan-099	N	1	Right shoulder from Pelandale off ramp to the 219 onramp.
5	Stan-099	S	1	Left shoulder Pelandale off/on ramps to Broadway Ave/junction 219 off ramp.
6	Stan-099	S	1	Left shoulder from Beckwith/Standiford Ave off ramp to Pelandale off/on ramps.
7	Stan-099	S	1	Left shoulder, halfway point from Carpenter Rd/Briggsmore Ave to Beckwith Rf on/off ramps.
8	Stan-099	S	1	Left shoulder from Carpenter Rd/Briggsmore Ave off ramp, halfway point to Beckwith Rd.
9	Stan-132	W	1	Left shoulder West of SR-132 from S. Jefferson to Meadow Lane.
10	Stan-132	E	1	Right shoulder East of SR-132 from Meadow Lane from Meadow Lane to Jefferson Street.
11	Stan-132	E	2	Right shoulder East of SR-132 from Perry Avenue to Garner Road Right.
12	Stan-132	W	0.2	

				Vacant lot West of Auto Zone, litter State Right of Way only.
13	Stan-132	W	0.3	Right Shoulder West of Lincoln St. to N. Riverside Drive
14	Stan-219	E	1	Right Shoulder from Quinturn Lane to American Ave.
15	Stan-219	W	1	Left Shoulder from Quinturn Lane to American Ave.
16	Stan-219	W/E	1	Center Median from American Ave to Quinturn Lane. Only if Caltrans can support with a Barrier Vehicle.
17	Stan-132			On-ramp at 6th Street
18	Stan-132			Off-ramp at 5th Street
19	Stan-132			Off ramp at Dakota
20	Stan-132			On ramp at Dakota

2. For the City right of ways, City will provide the Contractor with a monthly litter removal schedule, in advance, and no less than 3 working days notice prior to the 1st of each month, to address the priority locations, and the locations are subject to change. Location changes will be issued to the Contractor in writing a minimum of 24 hours in advance. Contractor will be responsible for transportation to assigned sites, and shall be responsible for the provision of a portable restroom. The eligible locations include the shaded areas below, in an amount not to exceed $48,000:



E. Reports and Information

1. Contractor shall furnish statements, records, data, and information that the City, or CalTrans may request pertaining to matters covered by this contract. Unless authorized by the City, the Contractor will not release any information concerning any work product including any reports or other documents prepared pursuant to the Contract until the final product is submitted to the City.
2. For Year 1, Contractor shall provide monthly progress reports detailing the Contractor's progress with employing individuals who are experiencing homelessness in Modesto.
3. The Contractor will provide to the City monthly performance reports covering the services provided under this contract that shall include:
   i. Employee demographic information, current residence, duration of employment, and extent of employment support provided to each individual, and data on the amount of individuals that have secured permanent employment or housing, Number of hours worked on a weekly and monthly basis on State and City right of ways, amount of litter collected by site, before and after pictures of sites and additional information as needed
4. Reports are due no later than 15 days after the end of the reporting month, and shall be in accordance with the City's reporting instructions.
5. Contractor will cooperate with any City, State, or Federal program data collection and evaluation efforts by providing data and information requested. Failure to provide this

information may result in the suspension and/or termination of this Agreement.

F. Compensation

1. Upon submission of appropriate documentation, City will reimburse the Contractor for the actual cost of all routine litter abatement work performed by the Contractor on a monthly basis. These costs may include reasonable administrative overhead costs such as cost of vehicle maintenance, vehicle fuel, rental of portable restroom, and other costs subject to approval by the City of Modesto.
2. For City right of ways, during any fiscal year, the cost of the work performed shall not exceed $48,000.
3. For State right of ways, during any fiscal year, the maximum expenditure on any route shall not exceed the amount mutually agreed upon by City and Contractor, unless such expenditure is revised by a written amended Agreement between Contractor and City. The expenditures per route for routine work may be increased, decreased, redistributed between routes, or additional expenditures for specific projects may be made by the City. However, such adjustments will be authorized in writing by the City Manager or their representative and accepted in writing by the Contractor. Additional expenditures or an adjustment of expenditures, once authorized, shall apply only for the fiscal year (July 1 – June 30) designated therein and shall not be deemed to permanently modify or change the basic maximum expenditure per route. An adjustment of any said maximum must be agreed upon in writing by the City and Contractor. Contractor shall track and record all expenditures related to the various locations, as identified in Section D, in an amount not to exceed $126,500, and as directed by the City and shall make these records available to City within 5 business days of the City's written request.

G. Special Provisions

1. Site additions, site removals, extra services, or service changes may be added or deleted as required at the sole discretion of the City.
2. The availability of funds for the activities covered by the Scope of Work outlined herein and for the performance of this Agreement, depends solely on the provision of the funds made available to the City by CalTrans

EXHIBIT B			
ANNUAL PRICING SCHEDULE			
Sample Expenditure Category	**Hourly Rate**	**Monthly Costs**	**Annual Costs**
Personnel Costs			
Crew Salaries and Wages	$ 21.92	$ 9,535.20	$ 114,422.40
Crew Supervisor(s) and Wages	$ 37.04	$ 3,222.48	$ 38,669.76
Total Personnel Costs		**$ 12,757.68**	**$ 153,092.16**
Operational Costs			
Equipment Lease/Purchase		$ 215.00	$ 2,580.00
Equipment/Vehicle Maintenance		$ 300.00	$ 3,600.00
Transportation (fuel)		$ 1,026.78	$ 10,321.36
Insurance		$ 406.00	$ 4,872.00
Total Operating Costs		**$ 1,947.78**	**$ 21,373.36**
Total Monthly Project Expenses		**$ 14,705.46**	
Total 52-week Project Expenses			**$ 174,465.52**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-52

RESOLUTION APPROVING A THIRD AMENDMENT TO THE CONSTRUCTION MANAGEMENT SERVICES AGREEMENT WITH WSP USA INC. FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT, INCREASING THE AGREEMENT AMOUNT BY $629,311 PLUS $62,931 ADDITIONAL SERVICES, IF NEEDED, FROM $12,447,994 FOR A TOTAL AMOUNT NOT TO EXCEED $13,140,236, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 Project (Project) is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, on June 25, 2019, by Resolution No. 2019-295, City Council approved an Agreement with WSP USA Inc. for Construction Management Services in the amount of $8,973,533, plus $897,353 in additional services, for a total amount of $9,870,886; and

WHEREAS, on September 28, 2021, by Resolution 2021-372, City Council approved the First Amendment to the Agreement with WSP USA Inc. for Construction Management Services in the amount of $1,721,080, plus $172,108 in additional services, for a total amount of $1,893,188; and

WHEREAS, on August 23, 2022, by Resolution 2022-348, City Council approved the Second Amendment to the Agreement with WSP USA Inc. for Construction Management Services in the amount of $621,745, plus $62,175 in additional services, for a total amount of $683,920; and

WHEREAS, due to several crucial changes related to the Modesto Irrigation District (MID) Access Road, Carpenter Road Reconfiguration, and repairs of Kansas Avenue between N. Carpenter Road and N. Dakota Avenue, the Project is estimated to extend beyond the current contract completion date of June 30, 2022 to March 31, 2023, with Project Closeout being completed in June 2023; and

WHEREAS, on December 7, 2022, WSP submitted a Third Amendment Request to the Construction Management Services Agreement in the amount of $629,311; and

WHEREAS, Staff recommends approving the Third Amendment to the Agreement with WSP USA Inc. to complete the scope of Construction Management Services for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the agreement amount by $629,311 plus $62,931 additional services, if needed, from $12,447,994 for a total not to exceed amount of $13,140,236.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Third Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-53

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND CVE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 4601 YOSEMITE AVENUE (APN: 133-001-019), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO THE SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, CVE Properties, LLC, A California Limited Liability Company, own a residential property located at 4601 Yosemite Avenue which is located outside of Modesto City Limits and inside the City's Sphere of Influence; and

WHEREAS, the property located at 4601 Yosemite Avenue, is not connected to City's sewer system and is requesting a sewer connection due to a failing septic system; and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002; and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval; and

WHEREAS, the property located at 4601 Yosemite Avenue is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection; and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system; and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system; and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement between the City of Modesto and CVE Properties, LLC, a California Limited Liability Company to connect to the City of Modesto's existing sewer system for the property located at 4601 Yosemite Avenue (APN: 133-001-019) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for sewer service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-54

RESOLUTION APPROVING FREEWAY MAINTENANCE AGREEMENT STA-132, PM-R11.3/R14.7 WITH THE STATE OF CALIFORNIA, FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE FREEWAY MAINTENANCE AGREEMENT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132 (SR132), and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, the Phase 1 Project includes construction of an access-controlled, 2-lane expressway (one lane eastbound and one lane westbound) along a new alignment just south of Kansas Avenue starting from the east side of State Route 99 (SR99) at the west end of the Needham Street Bridge, westbound to Dakota Avenue and then along Dakota Avenue to the existing SR132/Maze Boulevard; and

WHEREAS, the Project also includes grade separations at Rosemore Avenue, Carpenter Avenue, Emerald Avenue, and SR99, and improvements to the 5th and 6th Street connections to the new SR132 expressway and the addition of an auxiliary lane at the northbound SR99 on-ramp at L Street; and

WHEREAS, on April 23, 2019, by Resolution 2019-177, Council approved Freeway Agreement STA-132 PM R13.4/R14.4 between the City of Modesto and the State of California, Department of Transportation; and

WHEREAS, both Parties consented to certain adjustments of the local street and road system required for the development of that portion of State Highway Route 132, declared a freeway, within the jurisdictional limits of the City of Modesto; and

WHEREAS, on September 24, 2019, per Resolution No. 2019-439, Council awarded a construction contract to Bay Cities Paving & Grading for the State Route 132 West Freeway/Expressway – Phase 1 Project and construction activities began in December 2019; and

WHEREAS, State Route 132 West Freeway/Expressway – Phase 1 Project is nearing completion, and the City of Modesto and State of California mutually desire to identify the maintenance responsibilities for areas lying within those modified freeway limits; and

WHEREAS, when construction is complete, the City of Modesto will resume control and maintenance over each of the relocated or reconstructed City roads, frontage roads, and other local facilities, except for any portion which is adopted by the State as a part of the new freeway construction; and

WHEREAS, this agreement addresses the respective maintenance responsibilities for the newly constructed facilities; and

WHEREAS, the existing Maze Boulevard facilities will be addressed by a separate process after the completion of construction of the Phase 1 project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Freeway Maintenance Agreement STA-132, PM-R11.3/R14.7 with the State of California, for the State Route 132 West Freeway/Expressway - Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-55

RESOLUTIONAPPROVING THE PURCHASE OF THE 2019 CHEVROLET TAHOE SUV TO SALIDA FIRE PROTECTION DISTRICT (SFPD), SALIDA, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $60,000; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, as of September 13, 2022, by Resolution 2022-370, the Modesto Fire Department (MFD) entered into a contract for services with Salida Fire Protection District (SFPD). This created a need to cover a greater service area. In addition to the growing jurisdiction, there is a need to replace existing vehicles within the MFD fleet that have high mileage and have become unreliable; and

WHEREAS, on May 23, 2022, Finance Committee approved the Authorization to Purchase submitted by Fleet Services and issued on July 6, 2021. MFD is allotted one new addition to fleet; and

WHEREAS, Salida Fire Protection District (SFPD) is conducting a sealed bid for a 2019 Chevy Tahoe SUV that is fully outfitted with radios, a light package and command board. The vehicle has 26,000 miles and was appraised by SFPD with a minimum bid set at $45,000; and

WHEREAS, researching comparisons, staff found similar vehicles for sale with a listed price ranging from $42,000 to $50,000. With the additional specialized equipment already installed within the SFPD Chevy Tahoe, it is estimated to add a total value of $29,600.MFD has submitted a bid of $55,000, which was accepted by SFPD pending Council approval; and

WHEREAS, in addition to the bid amount, MFD will be responsible for paying $5,000 to support vehicle licensing fees and applying department logo decals to put the

vehicle into service. Combined, these costs are estimated at approximately $60,000 and are budgeted within the department in the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of the 2019 Chevrolet Tahoe SUV to Salida Fire Protection District (SFPD), Salida, CA, for a cost not to exceed $60,000.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-56

RESOLUTION APPROVING THE REVISIONS AND ADDITIONS TO THE MODESTO POLICE DEPARTMENT'S HIRING AND RECRUITMENT INCENTIVE PROGRAM AND INCREASING THE ESTIMATED ANNUAL ALLOCATED AMOUNT BY $365,000 TO A NEW ESTIMATED ANNUAL TOTAL OF $415,000; AND RESCINDING RESOLUTION NOS. 2014-467 AND 2016-378

WHEREAS, in November of 2014, by Resolution No. 2014-467, Council approved a Hiring and Recruitment Incentive Program to include $5,500 to be paid to a Lateral Police Officer, a $2,000 incentive to be paid to any Police Officer Recruit or Trainee (entry level), and a $1,500 incentive to any full time Modesto Police Department (MPD) employee who is able to successfully recruit and mentor a sworn officer candidate; and

WHEREAS, in September of 2016, by Resolution No. 216-378, Council approved the increase of the Lateral Police Officer incentive to $15,000; and

WHEREAS, the MPD continues to face recruitment challenges for several employment position allocations, including Lateral Police Officers, Academy Recruits, and several non-sworn professional staff entry level positions; and

WHEREAS, agencies in the region and state are also experiencing these same challenges, and the Modesto Police Department has explored methods of remaining competitive in this declining market; and

WHEREAS, although increased internal hiring efficiencies and stronger recruitment efforts are underway, additional recruitment incentives are still needed to meet the critical need to urgently fill vacant positions; and

WHEREAS, in the summer of 2022, MPD formed a committee that included both sworn and professional staff to examine the current Hiring and Recruitment Incentive Program, research other programs in the State, and to make recommendations regarding any changes or additions that could increase department recruitment and retention efforts; and

WHEREAS, staff recommends the modifications and additions to the Hiring and Recruitment Incentive Program as outlined below:

Incentive Type	Position	Amount
Lateral Incentive (Sworn)	Police Officer	$20,000
Recruitment Incentive (for POR, POT and PO positions)	All City FTE's	$3,000 or 40 hours of Specialized Time Bank
Sick/Vacation Front Loading	Lateral Police Officers	40 Hours Sick/40 Hours Vacation
Sick/Vacation Front Loading	All FTE's (Except Lateral Police Officer)	20 Hours Sick/20 Hours Vacation
Hiring Incentive (Non-sworn)	PSS	$2,500
Hiring Incentive (Non-sworn)	CSO	$2,500
Hiring Incentive (Non-sworn)	ACO	$2,500
Hiring Incentive (Sworn)	POR/POT	$5,000
Lateral Service Credit (Sworn and Non-Sworn)	All Public Safety FTE's (Sworn and Non-Sworn)	Equal to Service Credit
Military Hiring Incentive (Sworn)	POR/POT/PO	$5,000
Military Hiring Incentive (Non -Sworn)	PSS/CSO/ACO	$2,000
	Estimated $415,000 Annually	

WHEREAS, how the program is utilized in a given fiscal year will depend upon the positions available for hiring and the candidates interested; and

WHEREAS, as such, the department will work within the annual allowable spending total to best facilitate recruitment and hiring within the defined categories as listed above; and

WHEREAS, funding for FY 2022-2023 will come from the MPD's current "Appropriation A" savings due to the high vacancy rate; and

WHEREAS, funding for future Fiscal Years will be budgeted at the $415,000 amount during the annual budgeted process; and

WHEREAS, each cash incentive category has set milestones that must be met before cash is dispersed, and there are set pro-rated repayment schedules (for employees who voluntarily leave City employment) – both the milestones and the repayment schedules are outlined in agreements for each incentive category as shown in **Exhibit A, attached.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revisions and additions to the Modesto Police Department's Hiring and Recruitment Incentive Program and increasing the estimated annual allocated amount by $365,000 to a new estimated annual total of $415,000.

BE IT FURTHER RESOLVED, Resolution Nos. 2014-467 and 2016-378 are hereby rescinded by this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Modesto Police Department
ANIMAL CONTROL OFFICER INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Animal Control Officer classification listed below. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Animal Control Officer Incentive**

- ☐ $1,000 at the time of successful hiring
- ☐ $1,500 at the time of successful completion of the Field Training Program

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from an Animal Control Officer classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Hire to < 6 months	$1,000.00
6 months to < 1 year	$2,200.00
1 year to < 18 months	$1,900.00
18 months to < 2 years	$1,700.00
2 years to < 2.5 years	$1,500.00
2.5 years to < 3 years	$1,300.00
3 years to < 3.5 years	$1,100.00
3.5 years to < 4 years	$900.00
4 years to < 4.5 years	$700.00
4.5 years to < 5 years	$500.00

Modesto Police Department
COMMUNITY SERVICE OFFICER INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Community Service Officer classification listed below. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Community Service Officer Incentive**

- ☐ $1,000 at the time of successful hiring
- ☐ $1,500 at the time of successful completion of the Field Training Program

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Community Service Officer classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Hire to < 6 months	$1,000.00
6 months to < 1 year	$2,200.00
1 year to < 18 months	$1,900.00
18 months to < 2 years	$1,700.00
2 years to < 2.5 years	$1,500.00
2.5 years to < 3 years	$1,300.00
3 years to < 3.5 years	$1,100.00
3.5 years to < 4 years	$900.00
4 years to < 4.5 years	$700.00
4.5 years to < 5 years	$500.00

Modesto Police Department
LATERAL POLICE OFFICER INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Officer classification listed below. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Lateral Police Officer Incentive**

- ☐ $5,000 at the time of successful hiring
- ☐ $5,000 at the time of successful completion of the Field Training Program
- ☐ $5,000 at the time of successful completion of probationary period
- ☐ $5,000 at the completion of two years of service

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Officer classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Hire to < 6 months	$5,000.00
6 months to < 1 year	$10,000.00
1 year to < 18 months	$12,500.00
18 months to < 2 years	$15,000.00
2 years to < 2.5 years	$12,500.00
2.5 years to < 3 years	$10,000.00
3 years to < 3.5 years	$7,50000
3.5 years to < 4 years	$5,000.00
4 years to < 4.5 years	$2,500.00
4.5 years to < 5 years	$1,000.00

Modesto Police Department
NON-SWORN MILITARY INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Community Service Officer (CSO), Police Support Specialist (PSS), or Animal Control Officer (ACO) classification for those who have served in the United States Military and received an Honorable, General, or Medical Discharge. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **CSO, PSS, and ACO Military Incentive**

- ☐ $1,000 at the time of successful hiring
- ☐ $1,000 at the time of probationary period

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Community Service Officer, Police Support Specialist, or Animal Control Officer classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Hire to < 6 months	$1,000.00
6 months to < 1 year	$900.00
1 year to < 18 months	$800.00
18 months to < 2 years	$1,700.00
2 years to < 2.5 years	$1,500.00
2.5 years to < 3 years	$1,300.00
3 years to < 3.5 years	$1,100.00
3.5 years to < 4 years	$900.00
4 years to < 4.5 years	$700.00
4.5 years to < 5 years	$500.00

Modesto Police Department
POLICE OFFICER LATERAL MILITARY REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Officer Lateral (PO) classification for those who have served in the United States Military and received an Honorable, General, or Medical Discharge. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Police Officer Lateral Military Incentive**

- ☐ $2,500 on date of hire
- ☐ $2,500 at the time of successful completion of the Probationary Period

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Officer Lateral (PO) classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Date of Hire < 6 months	$2,500.00
6 months to < 1 year	$2,000.00
1 year to < 18 months	$4,000.00
18 months to < 2 years	$3,500.00
2 years to < 2.5 years	$3,000.00
2.5 years to < 3 years	$2,500.00
3 years to < 3.5 years	$2,000.00
3.5 years to < 4 years	$1,500.00
4 years to < 4.5 years	$1,000.00
4.5 years to < 5 years	$500.00

Modesto Police Department
POLICE OFFICER RECRUIT INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Officer Recruit classification listed below. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Police Officer Recruit Incentive**

- ☐ $2,500 at the time of Academy Graduation
- ☐ $2,500 at the time of successful completion of the Field Training Program

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Officer/Police Officer Trainee/Police Officer Recruit classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Academy Graduation < 6 months	$2,500.00
6 months to < 1 year	$4,500.00
1 year to < 18 months	$4,000.00
18 months to < 2 years	$3,500.00
2 years to < 2.5 years	$3,000.00
2.5 years to < 3 years	$2,500.00
3 years to < 3.5 years	$2,000.00
3.5 years to < 4 years	$1,500.00
4 years to < 4.5 years	$1,000.00
4.5 years to < 5 years	$500.00

Modesto Police Department
POLICE OFFICER RECRUIT MILITARY INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Officer Recruit classification listed below for those who have served in the United States Military and received an Honorable, General, or Medical Discharge. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Police Officer Recruit Military Incentive**

- ☐ $2,500 at the time of Academy Graduation
- ☐ $2,500 at the time of successful completion of the Probationary Period

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Officer Recruit classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Academy Graduation < 6 months	$2,500.00
6 months to < 1 year	$2,000.00
1 year to < 18 months	$1,500.00
18 months to < 2 years	$3,500.00
2 years to < 2.5 years	$3,000.00
2.5 years to < 3 years	$2,500.00
3 years to < 3.5 years	$2,000.00
3.5 years to < 4 years	$1,500.00
4 years to < 4.5 years	$1,000.00
4.5 years to < 5 years	$500.00

Modesto Police Department
POLICE OFFICER TRAINEE INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Officer Trainee classification listed below. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Police Officer Trainee Incentive**

- ☐ $2,500 at the date of hire
- ☐ $2,500 at the time of successful completion of the Field Training Program

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Officer/Police Officer Trainee classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Hire to < 6 months	$2,500.00
6 months to < 1 year	$4,500.00
1 year to < 18 months	$4,000.00
18 months to < 2 years	$3,500.00
2 years to < 2.5 years	$3,000.00
2.5 years to < 3 years	$2,500.00
3 years to < 3.5 years	$2,000.00
3.5 years to < 4 years	$1,500.00
4 years to < 4.5 years	$1,000.00
4.5 years to < 5 years	$500.00

Modesto Police Department
POLICE OFFICER TRAINEE MILITARY REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Officer Trainee classification for those who have served in the United States Military and received an Honorable, General, or Medical Discharge. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Police Officer Trainee Military Incentive**

- ☐ $2,500 on date of hire
- ☐ $2,500 at the time of successful completion of the Probationary Period

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Officer Trainee classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Date of Hire < 6 months	$2,500.00
6 months to < 1 year	$2,000.00
1 year to < 18 months	$1,500.00
18 months to < 2 years	$3,500.00
2 years to < 2.5 years	$3,000.00
2.5 years to < 3 years	$2,500.00
3 years to < 3.5 years	$2,000.00
3.5 years to < 4 years	$1,500.00
4 years to < 4.5 years	$1,000.00
4.5 years to < 5 years	$500.00

Modesto Police Department

POLICE OFFICER RECRUITMENT INCENTIVE AGREEMENT

The Modesto Police Department offers a Recruitment incentive for full-time City of Modesto Employees. Eligibility requires that the current employee complete this form **in advance of the prospective candidate's formal application** for qualifying Police Officer positions with the City of Modesto.

Name of Employee: _____ **ID/IBM #**_____

Name of Prospective Candidate:_____

Position: ☐ Police Officer Lateral ☐ Police Officer Recruit ☐ Police Officer Trainee

Describe the details of your recruitment efforts for the candidate listed above. Include your relationship to the candidate and the qualities and/or traits that make you believe they would be an acceptable Police Officer with the City of Modesto. Attach additional pages, if necessary.

_____

_____

_____

_____

_____

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_____

_____

_____

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Recruitment Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police and the Director of Finance, or designees, prior to disbursement. Furthermore, I acknowledge that eligibility is contingent upon successful hiring of the prospective Police Officer Candidate and the successful completion of their Field Training Program. I understand I will receive my choice of $3,000 **or** 40 hours of leave in a special leave time bank (the hours would not be cashable at any time).

Please Select One:

- ☐ Cash Payment – I choose to receive the cash payment and understand I will receive $1,000 on the candidate's hire date and $2,000 when the candidate completes the Field Training Program.

- ☐ I choose to receive the special leave of 40 hours and understand I will receive 20 hours on the date of hire and 20 hours when the candidate completes the Field Training Program. I understand these hours are not cashable at any time.

Name of Employee:_____

_____ Date:_____

Employee Signature

For Internal Use Only:

Candidate's Hire Date: _____

Candidate's Completion of Field Training Date: _____

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

Modesto Police Department
SUPPORT SPECIALIST INCENTIVE REPAYMENT AGREEMENT

The Modesto Police Department offers a voluntary monetary incentive at the time of successful employment into the Police Support Specialist classification listed below. Eligibility requires acknowledgement and execution of this Repayment Agreement. Participation in the Incentive Program is not a required component of employment with the City of Modesto.

The monetary incentive listed below is a contractual four (4) year incentive package. Incentive recipients choosing to voluntarily leave employment with the Modesto Police Department in advance of their fifth-year anniversary (four complete years of service) shall agree to repay the applicable prorated portion of the monetary incentive from the time of their voluntary departure. *(Refer to the attached Repayment Schedule.)*

☐ **Police Support Specialist Incentive**

- ☐ $1,000 at the time of successful hiring
- ☐ $1,500 at the time of successful completion of the Training Program

ACKNOWLEDGEMENT

I hereby acknowledge that participation in the Incentive Program is voluntary. I understand that eligible monetary incentives must be approved by the Chief of Police, Administrative Services Director and Director of Finance, or designees, prior to disbursement.

Furthermore, I agree to repay (on a prorated basis) the applicable portion of my monetary incentive upon voluntary separation from a Police Support Specialist classification prior to the fifth anniversary of the date of hire/appointment. I also understand and acknowledge that my final paycheck will be reduced by the final prorated amount owed should voluntary separation occur. If the final paycheck is insufficient to cover the balance owed, I also agree that I am responsible for payment of the remaining balance.

Name of Recipient:_____

_____ Date:_____

Recipient Signature

Routing: MPD Personnel File *(original agreement)*
Support Division Captain
Support Division Assistant Division Commander
Support Division Administrative Assistant

REPAYMENT SCHEDULE

TIMEFRAME	AMOUNT OWED
Hire to < 6 months	$1,000.00
6 months to < 1 year	$2,200.00
1 year to < 18 months	$1,900.00
18 months to < 2 years	$1,700.00
2 years to < 2.5 years	$1,500.00
2.5 years to < 3 years	$1,300.00
3 years to < 3.5 years	$1,100.00
3.5 years to < 4 years	$900.00
4 years to < 4.5 years	$700.00
4.5 years to < 5 years	$500.00

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-57

RESOLUTION APPROVING AN AGREEMENT WITH MARK THOMAS & COMPANY, INC. TO PREPARE CONSTRUCTION DOCUMENTATION FOR THE DRY CREEK REGIONAL PARK TO TUOLUMNE RIVER REGIONAL PARK (TRRP) TRAIL CONNECTION PROJECT FOR AN AMOUNT OF $464,931, PLUS $46,493 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $511,424, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Dry Creek Regional Park (Peggy Mensinger Trail) starts at Moose/Kewin Park and continues east to Claus Road; and

WHEREAS, Tuolumne River Regional Park (TRRP) has a developed trail that starts just south of Beard Brook Park; and

WHEREAS, historically, the gap between these trails has been a significant challenge for pedestrians and bike riders over the past few decades; and

WHEREAS, there have been some informal routes to traverse this gap; however, the main goal of this project is to formalize a safe pedestrian and bicycle connection between the Dry Creek Regional Park and the TRRP, and

WHEREAS, this trail section will likely require construction of a trail side retaining wall structure along South Morton Blvd and various different classifications of trail sections, including separated Class I bike trail, bike lanes, bike routes and other innovative trail solutions; and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for Capital Projects", staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, on October 6, 2021, the City's Parks Planning and Development Division issued a Request for Proposals (RFP) # PRN-21-101164 for professional design consulting services for the Tuolumne River Regional Park (TRRP) Three Trails Connection Project; and

WHEREAS, on November 10, 2021, staff received two (2) consultant proposals, and a consultant selection committee was formed and met to review the proposals received; and

WHEREAS, the committee decided that the project be split into three different sections (Section One – TRRP Riverwalk Trail - Gateway to Neece, Section Two – TRRP Riverwalk Trail - Gateway to Legion, and Section Three – Dry Creek Regional Park to TRRP Trail Connection) and determined that the prospective professional design consultant, Mark Thomas & Company, Inc., is well qualified to design Section Three – Dry Creek Regional Park to TRRP Trail Connection, of the project; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of $46,493 to allow for additional services that may be required, for an agreement total not to exceed $511,424; and

WHEREAS, this additional services budget does not commit the city to spend the additional funding, but allows the Department Director to approve change orders up to the additional services limit, without further council action; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Mark Thomas & Company, Inc. to prepare construction documentation for the Dry Creek Regional Park to Tuolumne River Regional Park (TRRP) Trail Connection Project for an amount of $464,931, plus $46,493 for additional services, if needed, for an Agreement total not to exceed $511,424.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-58

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE DEPARTMENT OF TRANSPORTATION CLEAN CALIFORNIA LOCAL GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the Clean California Local Grant Program (CCLGP) is a competitive statewide grant opportunity created to beautify and clean up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces; and

WHEREAS, CCLGP is one part of the nearly $1.1 billion Clean California initiative that takes direct aim at continuous litter, dumping, and blight that overwhelms local communities; and

WHEREAS, in 2022, CalTrans announced that there would be a second cycle of grant funding, providing approximately $100 million in addition CCLGP opportunities; and

WHEREAS, the City of Modesto identified blight as one of the most prevalent concerns of Modesto residents in a 2019 comprehensive community survey and has made blight reduction a major citywide initiative under the Blight Abatement Strategy 2020-2025, approved by City Council on December 10, 2019 under Resolution 2019-555; and

WHEREAS, the City of Modesto benefits from Clean California grant programs by receiving funding for the prevention and mitigation of litter, dumping, and blight, increased use and enjoyment of public spaces, and beautification projects that encourage civic pride.

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

that it hereby authorizes staff to apply for all Department of Transportation Clean California Local Grant Program grants available.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-59

RESOLUTION APPROVING A RIGHT-OF-WAY DEDICATION BY THE CITY OF MODESTO ON BEHALF OF THE PUBLIC FOR THE FUTURE ARIA WAY (APN 083-004-084) EXTENSION FOR PUBLIC USE AND RIGHT-OF-WAY

WHEREAS, the Tivoli Specific Plan (TSP) area outlines the development of approximately 454 unincorporated acres located north of Sylvan Avenue, east of Oakdale Road, west of Roselle Road, with the northern boundary to be the future expansion of Claratina Avenue from Oakdale Road to Roselle Road, and

WHEREAS, rising land values have triggered the need to consider and evaluate an alternative method for dedicating and/or purchasing the public land needed to develop the TSP, and

WHEREAS, since each area in the TSP cannot individually or independently construct a self-contained infrastructure system, a Volunteer Land Dedication Program (VLDP) was proposed by the City to support the development of the Tivoli area, and

WHEREAS, the VLDP will act as a mechanism to calculate the acreage that each landowner in the TSP area will be required to provide to the community as their fair share or voluntary contribution to support the development of their property, and

WHEREAS, on April 23, 2019, per Resolution No. 2019-197, Council approved a Voluntary Land Dedication Program for the Tivoli Specific Plan Area, and

WHEREAS, Tank 4 is located at 3720 Aria Way (APN 083-004-084), within the identified TSP area, and is owned by the City of Modesto – Water Division, and

WHEREAS, to facilitate development of the future Aria Way extension, City staff recommends the dedication of 14,400 square-feet of the 5.10 acre property where Tank 4

is located to the City of Modesto on behalf of the Public for public use and right of way, and

WHEREAS, the property being dedicated by the City has only a nominal value until the Aria Way extension is constructed allowing development to occur, which cannot occur without the proposed dedication. That development will increase the value of the rest of the 5.10 acre property where Tank 4 is located, which will ultimately benefit the City's water ratepayers, and

WHEREAS, the nominal value of the property the City is dedicated is approximately equal to the Water Divisions costs to maintain that property. Additionally, once dedicated, the Water Division will not be responsible for any potential liabilities related to the dedicated area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Right-of-Way Dedication by the City of Modesto on behalf of the public for the future Aria Way (APN 083-004-084) extension for Public Use and Right-of-Way.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to accept the Right-of-Way dedication and execute all documents necessary to carry out the purpose and intent of this Resolution, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-60

A RESOLUTION OF THE MODESTO CITY COUNCIL AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR THE 2022 URBAN COMMUNITY DROUGHT RELIEF PROGRAM THAT AUTHORIZES THE CITY MANAGER, OR HIS DESIGNEE AS THE CITY REPRESENTATIVE AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION OF A GRANT AGREEMENT TO FUND THE EMPIRE LOCAL WATER MAIN IMPROVEMENTS PROJECT, EMPIRE WATER MAIN CROSSINGS PROJECT, MODESTO CITY PARKS TURF REPLACEMENT PROJECT, AND MODESTO TURF REPLACEMENT CUSTOMER REBATE PROGRAM

WHEREAS, the City of Modesto proposes to implement the Empire Local Water Main Improvements Project, Empire Water Main Crossings Project, Modesto City Parks Turf Replacement Project, and Modesto Turf Replacement Customer Rebate Program; and

WHEREAS, the City of Modesto has prepared and submitted a Grant Application for the 2022 Urban Community Drought Relief Program to the California Department of Water Resources that would fund various City projects; and

WHEREAS, the City of Modesto has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the City of Modesto intends to apply for grant funding from the California Department of Water Resources for the Empire Local Water Main Improvements Project, Empire Water Main Crossings Project, Modesto City Parks Turf Replacement Project, and Modesto Turf Replacement Customer Rebate Program.

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

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 {Stats. 2021, Ch. 240, § 80} as amended {Stats. 2022, Ch. 44, § 25}, the City of Modesto City Manager, or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources, and take such other actions necessary or appropriate to obtain grant funding.
2. The City of Modesto City Manager, or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. The City of Modesto City Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-61

RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE PURCHASING AGREEMENT WITH GROVER LANDSCAPE SERVICES, INC. OF MODESTO, CA FOR LANDSCAPE MAINTENANCE SERVICES TO EXTEND THE TERM PERIOD FOR AN ADDITIONAL THREE YEARS AND SIX MONTHS AND INCREASING THE AMOUNT OF THE AGREEMENT BY AN AMOUNT NOT TO EXCEED $10,745,509 FOR THE EXTENSION PERIOD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on October 25, 2016, by Resolution No. 2016-436, Council awarded the bid and five-year agreement for Landscape Maintenance Services to Grover Landscape Services, Inc. for a total amount of $8,331,208; and

WHEREAS, on February 5, 2019, by Resolution No. 2019-46, Council approved the First Amendment to the Agreement increasing the amount by $1,253,264 to a new total amount of $9,584,472, for site changes, additional repairs, and service level increases; and

WHEREAS, on May 4, 2021, by Resolution 2021-172, Council approved the Second Amendment to the Agreement increasing the amount by $3,457,775 from $9,584,472 to a new total amount of $13,042,247, and extending the term for one year from October 24, 2021 to October 24, 2022; and

WHEREAS, on October 4, 2022, by Resolution 2022-407, Council approved the Third Amendment to the Agreement to extend the term period for up to an additional six months and increasing the amount of the Agreement by an amount not to exceed $1,331,868 for the extension period to research the impact of inflation on related RFPs issued by the City and surrounding jurisdictions; and

WHEREAS, staff found three landscape agreements from nearby municipalities whose costs significantly increased ranging from 22% to 66%; and

WHEREAS, the City of Los Banos recently issued a Request for Proposals (RFP) for Citywide Landscaping in which they received extraordinary increases of as much as 150% to as low as 57%, and opted to extend their current agreement to allow additional time to issue a revised RFP; and

WHEREAS, Purchasing staff agreed that given the current economic conditions, it is likely that the City would receive bids significantly higher than the cost of the current agreement and recommended moving forward with extending the current Agreement through October 24, 2026; and

WHEREAS, on January 23, 2023, the Finance Committee approved an initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community; and

WHEREAS, the Committee approved $151,000 in funding for Annual Spring Cleanups along the City's major roadways including Briggsmore Avenue, Pelandale Avenue and Sisk Road; and

WHEREAS, the total amount being added to the Agreement is $604,000 for four Annual Spring Cleanups; and

WHEREAS, staff is requesting compensation for the Agreement to be increased by $10,745,509 to provide sufficient funding for landscape services through the extension of the agreement; and

WHEREAS, amending the Agreement will allow uninterrupted services until the agreement expires on October 24, 2026; and

WHEREAS, per Municipal Code section 8-3.204(d), the City is not required to use the normal bidding procedures when the Purchasing Manager determines that a different process will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, given the current economic conditions, it is likely that if a request for bids was advertised, the City would receive bids significantly higher than the cost of the current agreement, and the City is able to obtain a better price by negotiating directly with Grover Landscaping for a new extension to the existing agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fourth Amendment to the Agreement with Grover Landscape Services, Inc., Modesto, CA, for Landscape Services to extend the term period for an additional three years and six months and increasing the amount of the Agreement by an amount not to exceed $10,745,509 for the extension period.

BE IT FURTHER RESOLVED that the City Manager, or her designee, is hereby authorized to execute the amended Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-62

RESOLUTION APPROVING AN INITIAL SPENDING PLAN RELATED TO MEASURE H FOR FISCAL YEAR 2022-23 TO ADDRESS QUALITY OF LIFE ISSUES IN THE COMMUNITY; AND AUTHORIZING THE CITY MANAGER TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE INITIAL SPENDING PLAN RELATED TO MEASURE H

WHEREAS, the City of Modesto has faced years of deficits in its budget since the Great Recession of 2008, experienced a structural deficit that was systemic, and has had staffing reductions by 27% (225 FTEs) in the General Fund departments that have adversely affected the City's ability to deliver a high level of service to the community, and

WHEREAS, on November 8, 2022, Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022 by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Measure H is expected to provide the City an approximately $39 million annually in additional sales tax revenue into its General Fund, and

WHEREAS, with the passage of Measure H the citizens of Modesto voiced a desire for an increased level of service addressing the most pressing needs in the community, and

WHEREAS, department staff developed an initial spending plan to make use of the projected funds from the first quarter of anticipated revenues from Measure H anticipated to be received from the period of April 2023 to June 2023 (estimated at approximately $10 million), and

WHEREAS, this initial spending plan related to Measure H funding seeks to improve City services identified as example of expenditures in the ballot measure

language and listed below:

- Funding to address police patrols, gang, drug and crime prevention.
- Funding to address fire protection, paramedic, and 911 emergency response.
- Funding to address homelessness.
- Funding for cleaning up trash and illegal dumping.
- Funding for keeping streets, parks, sidewalks, landscapes and infrastructure safe, clean and well-maintained.

WHEREAS, the initial spending plan includes funding that will provide immediate positive impacts to the high-level areas of public safety, blight, homelessness, and citywide deferred maintenance in the total amount of $4,477,003 across multiple city departments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the initial spending plan related to Measure H for Fiscal Year 2022-23 to address quality of life issues in the community.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Modesto that is authorizes the City Manager to carry out the necessary steps to implement the initial spending plan related to Measure H.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-63

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2022-23 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council by June 30, 2022, as part of the Annual Budget of the City of Modesto for Fiscal Year 2022-23, and

WHEREAS, on November 8, 2022, Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022 by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Measure H is expected to provide the City an approximately $39 million annually in additional sales tax revenue into its General Fund, and

WHEREAS, with the passage of Measure H the citizens of Modesto voiced a desire for an increased level of service addressing the most pressing needs in the community, and

WHEREAS, department staff developed an initial spending plan to make use of the projected funds from the first quarter of anticipated revenues from Measure H anticipated to be received from the period of April 2023 to June 2023 (estimated at approximately $10 million), and

WHEREAS, this initial spending plan included the addition of a number of positions across the Police Department, Parks, Recreation and Neighborhoods Department and the Public Works department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2022-23 Operating Budget for various departments as follows:

1. Allocate four (4) Police Cadet II (FTE) in the Investigative Services Division (19220) of the Police Department.
2. Allocate one (1) Maintenance Worker II in the Investigative Services Division (19220) of the Police Department.
3. Allocate two (2) Police Civilian Investigators in the Investigative Services Division (19220) of the Police Department.
4. Retitle four (4) Homeless Outreach Specialist to four (4) Outreach Specialist in the HUD ESG Outreach division (19205) of the Police Department.
5. Retitle two (2) Homeless Outreach Specialist to two (2) Outreach Specialist in the HUD ARPA Outreach division (19206) of the Police Department.
6. Allocate four (4) Outreach Specialists in the Investigative Services Division (19220) of the Police Department.
7. Allocate two (2) Senior Outreach Specialists in the Investigative Services Division (19220) of the Police Department.
8. Allocate one (1) Police Crime and Intelligence Analyst II in the Investigative Services Division (19220) of the Police Department.
9. Allocate one (1) Operations Supervisor in the Operations Services Administration Division (35220) of the Parks, Recreation and Neighborhoods Department.

10. Allocate two (2) Parks Maintenance Mechanics in the Operations Services Administration Division (35220) of the Parks, Recreation and Neighborhoods Department.
11. Allocate six (6) Maintenance Worker II in the Operations Services Administration Division (35220) of the Parks, Recreation and Neighborhoods Department.
12. Allocate four (4) Maintenance Worker I in the Solid Waste Management Division (56010) of the Public Works Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-64

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATION OF THE SENIOR OUTREACH SPECIALIST, CREATE THE CLASSIFICATION OF POLICE CIVILIAN INVESTIGATOR, AND TO AMEND THE TITLE FOR HOMELESS OUTREACH SPECIALIST TO OUTREACH SPECIALIST

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2021-237 pursuant to Rule 2.2 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:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of Senior Outreach Specialist at salary range 1126.
2. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of Police Civilian Investigator at salary range 1132.
3. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to retitle the Homeless Outreach Specialist classification to Outreach Specialist.

4. EFFECTIVE DATE. This Resolution shall become effective the first day of the pay period following adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-65

RESOLUTION ADOPTING THE HOUSING PLAN THAT PROVIDES STRATEGIES AND RECOMMENDATIONS FOR INCREASING THE SUPPLY OF HOUSING IN MODESTO

WHEREAS, the State of California's Senate Bill 2 (SB 2) planning grant program provides funding to cities and counties for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production; and

WHEREAS, City Council accepted a State Senate Bill 2 (SB 2) planning grant of $635,000, earmarked for several housing-related project, including an Affordable Housing Plan; and

WHEREAS, City staff issued a Request for Proposals (RFP) for the preparation of this Housing Plan in late 2020; and

WHEREAS, City Council entered into a contract for the preparation of the Housing Plan with Opticos Design, Inc., in June 2021; and

WHEREAS, Opticos Design, Inc. and City staff conducted public outreach, including four virtual workshops, for input regarding the Housing Plan; and

WHEREAS, Opticos Design, Inc., has prepared the Housing Plan, based on input received, which provides recommendations for housing policy and zoning changes aimed to increase housing production and choice; and

WHEREAS, the Housing Plan is a citywide study to determine how best to increase and diversify Modesto's housing stock to serve the current and future needs of its residents; and

WHEREAS, the study methodology includes an analysis of citywide data, current regulations, and physical context to identify existing and potential barriers to the production of a wider range of housing types; and

WHEREAS, based on the analysis findings and additional research of industry best practices, the Housing Plan provides a set of zoning and policy recommendations that can inform updates to the city's General Plan Land Use Map, Housing Element, and Zoning Code. Through effective implementation, the Housing Plan's recommendations can be a significant step to increasing the housing stock and choice in Modesto.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Housing Plan that provides strategies and recommendations for increasing the supply of housing in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Wright
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-66

RESOLUTION AUTHORIZING THE SERVICES OF STEVE MITCHELL ON A PART-TIME BASIS FOR A LIMITED DURATION OF UP TO SIX (6) MONTHS FOR THE PURPOSES OF PROVIDING WORK ON SPECIAL PROJECTS TO ENSURE HIGH PRIORITY PROJECTS CONTINUE TO COMPLETION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THE ACTION

WHEREAS, the City requests authorization to utilize the services of retired annuitant Steve Mitchell on a part-time basis; and

WHEREAS, changes to the California Public Employee Retirement System (CalPERS), requires that a retiree serve a 180-day waiting period prior to being allowed to work for a CalPERS agency with the following exceptions; and

WHEREAS, the California Public Employees' Retirement System (CalPERS) recognizes that retirees can play an important role in maintaining city operations, particularly in short-erm or emergency situations; however, they also specify limitations on a retiree's service when returning to work for a CalPERS agency. Government Code §7522.56 & 21221 (h) provides specific guidance on employing a CalPERS retiree without interruption to retirement benefits or reinstatement from retirement; and

WHEREAS, CalPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

- The retiree must wait 180 days after his or her retirement date before he or she can return to work for a CalPERS employer, unless there is a qualifying exception.
- The appointment of a retired annuitant must be for a limited duration for a vacant position.

- The appointment of a particular retired annuitant must only occur once.
- The retired annuitant's salary cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule for the position.
- The retired annuitant cannot be paid any other compensation or benefits in addition to the hourly pay rate.
- A maximum of 960 hours can be worked within a fiscal year (July 1 to June 30) and CalPERS does not provide any exception to this limit. Non-paid or volunteer hours can't be used in order to exceed 960 hours in a fiscal year.
- The retiree will not accrue service credit or any additional retirement rights or benefits; and

WHEREAS, the Planning division has gone through significant transitions over the last couple of years, with many key positions retiring or moving to other opportunities and has resulted in a loss of institutional knowledge, and the leadership to train the new employees in key Modesto history and Planning projects; and

WHEREAS, development projects are still being actively submitted to the city for review and development with new areas being explored for future development. In addition to the development projects, the city is undertaking the General Plan Update, Housing Element, and South Modesto Plan; and

WHEREAS, Mr. Mitchell was the Department's former Planning Manager, was employed with the city for over 42 years, and provided leadership for the City's Planning Division team before his retirement.

WHEREAS, Mr. Mitchell has the experience, history and knowledge to assist in workload as well as train incoming hires.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby certifies the nature of the employment of Steve Mitchell as described herein and that this appointment is necessary to fill the critically needed position of providing extra help to the Planning Division on a part-time basis for a limited duration of up to 6 (six) months for the purposes of providing work on special projects to ensure high priority projects continue to completion.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to take the necessary steps to implement the provisions of this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-67

RESOLUTION TERMINATING THE LOCAL EMERGENCY RELATED TO THE NOVEL CORONAVIRUS ("COVID-19")

WHEREAS, Government Code section 8630 and Modesto Municipal Code section 3-4.06 authorize the Director of Emergency Services for the City of Modesto (the "City") to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code designates the City Manager as the Director of Emergency Services; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued proclaimed a state of emergency regarding the Novel Coronavirus ("COVID-19"), a respiratory disease that may result in serious illness or death that is easily transmissible from person to person; and

WHEREAS, on March 13, 2020, the President of the United States, Donald Trump, declared a state of national emergency in response to the COVID-19 outbreak; and

WHEREAS, in accordance with Government Code section 8630 and Municipal Code section 3-4.06, the Director of Emergency Services proclaimed the existence of a local emergency caused by COVID-19; and

WHEREAS, on March 19, 2020, the City Council adopted Resolution No. 2020-140 ratifying the proclamation of a local emergency due to COVID-19; and

WHEREAS, on February 2, 2021, the City Council adopted Ordinance No. 3729-C.S. establishing a temporary limit of fifteen percent (15%) on fees by third-party food delivery services to restaurants in Modesto; and

WHEREAS, Ordinance No. 3729-C.S. provides that it shall automatically terminate when the City terminates the proclamation of a local emergency due to COVID-19; and

WHEREAS, restaurants in the City of Modesto have resumed full indoor operations consistent with their ability to operate before the COVID-19 pandemic; and

WHEREAS, on October 17, 2022, Governor Gavin Newsom announced that the State of California's COVID-19 state of emergency will end on February 28, 2023, citing that California has the tools needed to continue fighting COVID-19 when the state of emergency terminates, including vaccines and boosters, testing, treatments, and other mitigation measures such as masking and indoor ventilation; and

WHEREAS, pursuant to Government Code section 8630(c), the City Council has determined that the situation resulting from said condition of extreme peril is now deemed not to be beyond the control of normal protective services, personnel, equipment, and facilities of and within said City's ability to handle.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby proclaims the termination of the local emergency regarding COVID-19 declared by Resolution No. 2020-140, effective at the end of the day on February 28, 2023, or upon such date that the State of California's COVID-19 state of emergency ends, whichever is later.

BE IT FURTHER RESOLVED, that the limit of fifteen percent (15%) on fees by third-party food delivery services to restaurants during the COVID-19 pandemic will automatically terminate at the end of the day on February 28, 2023 pursuant to Ordinance No. 3729-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-68

RESOLUTION SUPPORTING A HOUSE OF REPRESENTATIVE (H.R.) BILL THAT CONGRESSMAN MCCLINTOCK WILL BE INTRODUCING TO CONGRESS TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 2300 SYLVAN AVENUE IN MODESTO, CALIFORNIA, AS THE ‘‘CORPORAL MICHAEL D. ANDERSON JR. POST OFFICE BUILDING”

WHEREAS, Congressman Tom McClintock (CA-05) will be introducing a bill to designate the facility of the United States Postal Service located at 2300 Sylvan Avenue in Modesto, California, as the ‘‘Corporal Michael D. Anderson Jr. Post Office Building”; and

WHEREAS, Marine Cpl. Michael D. Anderson Jr., of Modesto, California, died on December 14, 2004, while serving during Operation Iraqi Freedom; and

WHEREAS, Cpl. Anderson, a former member of the Marine Corps' terrorism-fighting team known as Fast Company retired from the elite squad in early 2004 to be closer to his family. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force at Camp Pendleton. He left for Iraq on September 2004; and

WHEREAS, Section 1 of Congressman Tom McClintock’s bill states that it be enacted that the Senate and House of Representatives of the United States of America in Congress assembled designation the post office as CORPORAL MICHAEL D. ANDERSON JR. POST OFFICE BUILDING; and that the facility of the United States Postal Service located at 2300 Sylvan Avenue in Modesto, California shall be known and designated as the ‘‘Corporal Michael D. Anderson Jr. Post Office Building, Furthermore, that any refences in a law, map, regulation, document, paper, or other record of the

United States to the facility referred to shall be deemed to be a reference to the "Corporal Michael D. Anderson Jr. Post Office Building."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves supporting Senator McClintock's House of Representative Bill to honor the life, service, patriotism, heroism, and ultimate sacrifice of Cpl. Michael D. Anderson Jr. and support the House Resolution offered by Congressman Tom McClintock to name the Sylvan US Post Office the Corporal Michael D. Anderson Jr. Post Office Building.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-69

RESOLUTION APPROVING A STREET NAME CHANGE FROM NORTH FRANKLIN STREET TO KANSAS AVENUE EXTENSION TO COMPLY WITH CALTRANS REQUIREMENTS AND THE PROJECT APPROVAL FOR STATE ROUTE 132 PHASE 1

WHEREAS, North Franklin Street is a local street that runs north-south between Kansas Avenue and the new State Route 132 alignment located west of the Needham Street Overpass, and

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132 (SR-132), and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, the Phase 1 Project includes construction of an access-controlled, two-lane expressway (one lane eastbound and one lane westbound) along a new alignment just south of Kansas Avenue starting from the east side of State Route 99 (SR-99) at the west end of the Needham Street Overpass, westbound to Dakota Avenue and then along Dakota Avenue to the existing SR-132/Maze Boulevard; and

WHEREAS, as part of the California Department of Transportation (Caltrans) Project Approval/Environmental Document for the SR-132 project, the current as well as the ultimate interchange between highway SR-99 and the new SR-132 alignment will be considered a single interchange between the two State Routes; and

WHEREAS, Caltrans design policy requires all connector ramps within a single interchange to be connected with a common street name; therefore, with the future completion of Phase 2 of the SR-132 project, the on- and -off ramps and connecting

streets separating SR-132 and SR-99 must be connected by a route or a road with a single name; and

WHEREAS, since the existing on- and off-ramps from SR-99 are connected to Kansas Avenue, Caltrans requires all future ramps, connectors, and connecting streets have the same common name; and

WHEREAS, this requirement was documented in the previously executed Project Report and Freeway Agreement with Caltrans. Therefore, since the westbound couplet connecting northbound highway SR-99 will connect to Kansas Avenue via North Franklin Street, North Franklin Street should be changed to Kansas Avenue Extension; and

WHEREAS, Government Code Section 34091.1 states, "whenever the legislative body finds that a name should be adopted and applied to any city street, or that the existing name of any city street should be changed, the legislative body may adopt a resolution designating a name for, or change the name of, such street."; and

WHEREAS, once the resolution is approved, staff shall notify affected public agencies, utility companies, and city departments regarding the street name change; and

WHEREAS, the street name change shall become effective thirty (30) days after adoption of this the resolution; and

WHEREAS, once the resolution is approved, staff shall notify affected public agencies, utility companies, and city departments regarding the street name change; and

WHEREAS, the street name change shall become effective thirty (30) days after adoption of this the resolution; and

WHEREAS, in accordance with Section 34092 of the Government Code, the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors; and

WHEREAS, City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the street name change; and

WHEREAS, the street name change shall become effective thirty (30) days after adoption of this resolution; and

WHEREAS, the Council of the City of Modesto hereby authorizes and directs the Community & Economic Development Director to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a street name change from North Franklin Street to Kansas Avenue Extension.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-70

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2023-24 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 (DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6)

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6; and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and comprised of 749 single-family residential lots and three (3) public agency owned parcels; and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report; and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by this Council as the Engineer of Work for LMAD No. 1 and 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 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-71

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2023-24 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 (DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2)

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, Section 22620 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 direct staff to prepare and to file a report accordingly; and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City Engineer is designated by this City Council as the Engineer of Work for LMAD No. 2 and 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 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-72

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2023-24 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering the maintenance and service of six (6) 95-watt and seventy-six (76) 200-watt high-pressure sodium streetlights; and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 494 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north; and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus; and

WHEREAS, Section 22620 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 direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by this Council as the "Engineer of Work" for the Shackelford LLD and 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 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-73

RESOLUTION APPROVING THE CITYWIDE RISK ASSESSMENT PREPARED BY SJOBERG EVASHENK CONSULTING, INC.

WHEREAS, in February 2008, Modesto voters approved Measure M, otherwise titled "The Accountability in City Hall Measure of 2008", which focused on amending Modesto's Charter in ways that served to create a more open process in Modesto City governance; and

WHEREAS, one of the core functions of the City Auditor Office is to perform risk assessments to determine opportunities for greater efficiencies or employ best practices to be fiscally responsible; and

WHEREAS, the City recently reviewed various sections of the City Charter, the Charter Review Committee recommended, and voters subsequently approved, a number of changes to the Office of the City Auditor; and

WHEREAS, on October 15, 2021, the Human Resource Department solicited Request for Proposals (RFP) to 12 auditing firms who specialize in internal audit functions; and

WHEREAS, on April 5, 2022, under Resolution 2022-179, after a competitive bidding process, the City Council approved a contract with Sjoberg Evashenk Consulting to provide as-needed auditing services which included a citywide risk assessment; and

WHEREAS, in conducting this assessment, Sjoberg Evashenk Consulting assessed and analyzed the results of prior studies and audits, legal and regulatory requirements, program goals and objectives, management concerns, compliance requirements, and internal controls such as performance management; and

WHEREAS, the resulting report includes summary profiles for each department describing their functions, responsibilities, and a heat map rating the risks for those functions, along with potential audit topics; and

WHEREAS, this report does not provide specific conclusions regarding the City's operations or programs, nor does it present specific recommendations for improvement; and

WHEREAS, it is intended to facilitate a deliberative approach to directing limited audit resources, identifying nearly 50 audit topics, and it recommends consideration of specific audits for inclusion in a five-year audit plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves he citywide risk assessment prepared by Sjoberg Evashenk Consulting, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-74

RESOLUTION APPROVING AN INCREASE FOR PURCHASES FROM AMAZON BUSINESS MARKETPLACE PURSUANT TO OMNIA COOPERATIVE CONTRACT WITH PRINCE WILLIAM COUNTY SCHOOLS FOR AN ONLINE MARKETPLACE FOR PRODUCTS BY THE ANNUAL ESTIMATED AMOUNT OF $205,000, FOR A REVISED ANNUAL ESTIMATED COST OF $380,000, FOR A TOTAL REVISED AMOUNT NOT TO EXCEED $2,417,581 OVER EIGHT YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PARTICIPATING ADDENDUM

WHEREAS, city employees have utilized Amazon Business for the purchase of products for the convenience of online ordering, price savings and fast shipping; and

WHEREAS, on November 26, 2019 under Resolution 2019-518, Council approved a purchasing agreement with Amazon Business, by utilizing the competitively solicited and awarded contract in the OMNIA Partners portfolio for a two-year term with three two-year extension options, for an annual estimated cost not to exceed $75,000, and a total amount not to exceed $600,000 over eight years; and

WHEREAS, on October 27, 2020, under Resolution 2020-439, Council approved a First amendment to the purchasing agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by $50,000 annually, for a two-year agreement with three two-year extension options, for a revised annual estimated cost of $125,000, and a total revised amount not to exceed $1,000,000 over eight years; and

WHEREAS, on July 13, 2021, under Resolution 2021-279, Council approved a Second amendment to the purchasing agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as

US Communities and National IPA) for an online marketplace for products to increase the annual estimated amount by $50,000, for a revised annual estimated amount from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,300,000 over eight years and authorizing the Purchasing Manager or her designee to execute the amendment; and

WHEREAS, the Finance Department Purchasing Division monitors the monthly spending activity for Amazon Business, in addition to the three other office supplier and furniture vendors, Office Depot, Staples and Wardens; and

WHEREAS, part of this review includes projecting the anticipated annual spend to ensure the amount is within the Council authorized spending limit; and

WHEREAS, one area that was not anticipated over the last two amendments was the drastic increase in inflation ranging from 7-25% over the last couple of years including City departments continuing to have challenges with supply chain delays and not having these operational parts for several months; and

WHEREAS, City departments actively compare pricing with other vendors and Amazon Business has increasingly been identified as the lowest competitive pricing and fastest turnaround on delivery of these goods compared to the other supply vendors; and

WHEREAS, the Purchasing Division has recently implemented several tools available through Amazon Business to manage spending controls within each City department and identify goods that should not be purchased through Amazon Business based on contractual agreements we already have in place with other vendors; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase for purchases from Amazon Business Marketplace pursuant to OMNIA Cooperative Contract with Prince William County Schools for an Online Marketplace for Products by the annual estimated amount of $205,000, for a revised annual estimated cost of $380,000, for a total revised amount not to exceed $2,417,581 over eight years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-75

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENTS TO PUBLIC FINANCIAL MANAGEMENT (PFM) FINANCIAL ADVISORS LLC, SAN FRANCISCO, CALIFORNIA, FOR MUNICIPAL ADVISORY SERVICES AND PFM SWAP ADVISORS LLC, SAN FRANCISCO, CALIFORNIA, FOR ANNUAL DERIVATIVE VALUATION REPORT FOR A TOTAL AMOUNT NOT TO EXCEED $900,000 OVER THE SIX YEARS, RESCIDNING RESOLUTION 2022-335; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, under Municipal Code Section 8-4.301, the City may issue bonds or refund bonds based on the financing needs for the City which will, in the long-term, benefit the City's debt financing portfolio strategy; and

WHEREAS, the City utilizes a municipal advisory services company to assist in monitoring the City's debt portfolio of over $371 million in a fiduciary capacity with oversight by the Director of Finance; and

WHEREAS, this agreement will assist the City in identifying the best financing strategies to optimize the lowest financing cost based on the guidelines defined under the City's Debt Management Policy and State statutes; and

WHEREAS, on August 9, 2022, by Resolution No. 2022-335, Council approved the Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for two (2) years with three (3) one-year extension options at a combined estimated annual amount of $150,000 and a total combined amount not to exceed $750,000 over the five years; and

WHEREAS, when the City completed the formal bidding process and presented the two Agreements to Council, the term period was defined as a period of three (3) years with three (3) one-year extension options for a total of six years; and

WHEREAS, when the Council agenda report and Resolution was presented to Council on August 9, 2022 there was a technical error and the term period referenced in these two documents include a term period of two (2) years with three (3) one-year extension options for a total of five years; and

WHEREAS, City staff is recommending to rescind Resolution #2022-335 to correct this error and establish the correct term period as defined under the Request for Proposal (RFP) documents and executed Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreements to Public Financial Management (PFM) Financial Advisors LLC, San Francisco, California, for Municipal Advisory Services and PFM Swap Advisors LLC, San Francisco, California, for Annual Derivative Valuation Report for a total amount not to exceed $900,000 over the six years, rescinding Resolution 2022-335.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-76

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF ONE (1) LOW-PROFILE DUMP TRUCK TO TOWNE FORD SALES, REDWOOD CITY, CA BY $16,552, INCREASING THE PURCHASE ORDER FROM $99,797 TO A NEW TOTAL AMOUNT NOT TO EXCEED $116,349, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on February 8, 2022 under Resolution 2022-083 Council approved the award to bid to Towne Ford Sales, Redwood City, CA for a total cost not to exceed $99,797; and

WHEREAS, on February 28, 2022, the Purchasing Division issued Purchase Order (PO) 219280 to Towne Ford Sales, Redwood City, CA in the amount of $99,797; and

WHEREAS, it was determined that they could no longer hold the bid price because of continued global inflation increases from manufacturers, steel surcharges, semiconductor chip shortage; and

WHEREAS, the vendor is requesting to increase the original bid amount by $16,552 for the one (1) Low-Profile Dump Truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of One (1) Low-Profile Dump Truck to Towne Ford Sales, Redwood City, CA by $16,552, increasing the Purchase Order from $99,797 to a new total amount not to exceed $116,349.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-77

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF SEVEN (7) ONE-TON STAKE SIDE DUMP TRUCKS TO TOWNE FORD SALES, REDWOOD CITY, CA BY $64,194, INCREASING THE PURCHASE ORDER FROM $602,868 TO A NEW TOTAL AMOUNT NOT TO EXCEED $667,062, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on August 23, 2022 under Resolution 2022-355 Council approved to award the seven (7) One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA, for a total cost not to exceed $602,868; and

WHEREAS, on August 29, 2022, the Purchasing Division issued Purchase Order (PO)231187 to Towne Ford Sales, Redwood City, CA in the amount of $602,868; and

WHEREAS, it was determined that they could no longer hold the bid price because of continued global inflation increases from manufacturers, steel surcharges, semiconductor chip shortage; and

WHEREAS, the vendor is requesting to increase the original bid amount by $64,194 for the seven (7) One-Ton Stake Side Dump Trucks; and

WHEREAS, when the original bid was issued, there was two bid responses received and with this proposed increase Towne Ford Sales is still the lowest bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of Seven (7) One-Ton Stake Side Dump Trucks to Towne Ford Sales, Redwood City, CA by $64,194, increasing the Purchase Order from $602,868 to a new total amount not to exceed $667,062.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-78

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF SIX (6) ONE-TON TRUCKS TO TOWNE FORD SALES, REDWOOD CITY BY $29,471, INCREASING THE PURCHASE ORDER FROM $536,924 TO A NEW TOTAL AMOUNT NOT TO EXCEED $566,395, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on August 23, 2022 under Resolution 2022-354 Council approved to award the six (6) One-Ton Trucks to Towne Ford Sales, Redwood City, CA, for a total cost not to exceed $536,924; and

WHEREAS, on August 29, 2022, the Purchasing Division issued Purchase Order (PO)231525 to Towne Ford Sales, Redwood City, CA in the amount of $536,924; and

WHEREAS, the vendor was able to fulfill three of the six trucks submitted on this order but the vendor informed the City that the remaining three trucks would require a price increase; and

WHEREAS, based on our five-year average Super Duty purchase history our anticipated allocation Towne Ford Sales could only fulfill 3 units which these orders have been ordered in the order inventory available; and

WHEREAS, it was determined that they could no longer hold the bid price for the remaining three trucks because of continued global inflation increases from manufacturers, steel surcharges, semiconductor chip shortage; and

WHEREAS, the vendor is requesting to increase the original bid amount by $29,471 for the six (6) One-Ton Trucks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of six (6) One-Ton

Trucks to Towne Ford Sales, Redwood City by $29,471, increasing the Purchase Order from $536,924 to a new total amount not to exceed $566,395.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-79

RESOLUTION APPROVING THE AUDITED FINANCIAL STATEMENTS AND VARIOUS AUDIT REPORTS FOR FISCAL YEAR 2021-2022 AUDITED BY EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC. FOR THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR), TWELVE (12) COMMUNITY FACILITIES DISTRICTS (CFDS) AND OTHER MISCELLANEOUS PROGRAMS AND JOINT POWER AGENCIES

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., has completed their audit of the City's financial statements for the fiscal year ended June 30, 2022, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of twelve Community Facilities Districts and various Joint Powers Agencies, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator, and

WHEREAS, by the Council of the City of Modesto it hereby accepts the Fiscal Year 2021-2022 annual audit reports for the City of Modesto, Community Facilities Districts, and various Joint Powers Agencies, as listed in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2021-2022 annual audit reports for the City of

Modesto and other Miscellaneous Programs and Joint Power Agencies. as listed in **Exhibit A**, which is incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-79

RESOLUTION ACCEPTING THE FISCAL YEAR 2021-2022 ANNUAL AUDIT REPORTS

EXHIBIT A

City of Modesto:

1. Annual Comprehensive Financial Report FY 2021-2022
2. GANN Limit Report FY 2021-2022
3. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
4. Community Facilities District Number 2000-2 (Coffee-Claratina)
5. Community Facilities District Number 1998-1 (Enterprise Business Park)
6. Community Facilities District Number 2003-1 (Fairview Village)
7. Community Facilities District Number 2007-2 (Kiernan Business Park West)
8. Community Facilities District Number 1997-1 (North Beyer Park)
9. Community Facilities District Number 2002-1 (Northpointe)
10. Community Facilities District Number 2004-1 (Village One #2)
11. Community Facilities District Number 1996-1 (Village One)
12. Community Facilities District Number 2016-2 (Kiernan Business Park East #2)
13. Community Facilities District Number 2007-1 (North Beyer #2)
14. Community Facilities District Number 2016-2 (The Vintage)

Other Agencies:

15. Abandoned Vehicle Abatement (AVA)
16. Modesto-Ceres Fire Protection Agency Financial Statements
17. Tuolumne River Regional Park (TRRP)
18. Transportation Development Agency (TDA)

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-80

RESOLUTION APPROVING THE AUDITED FISCAL YEAR 2021-2022 FEDERAL SINGLE AUDIT REPORT FOR THE CITY OF MODESTO FROM EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC.

WHEREAS, the City of Modesto Single Audit reports are federally mandated by the provisions of the Federal Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which requires an audit to be conducted for any non-Federal entity that expends $750,000 or more a year in Federal awards, and

WHEREAS, this audit was conducted by the City's external auditors, Hudson Henderson & Company, Inc., and the main objectives were to ensure a fair presentation of the basic financial statements and the schedule of expenditures of Federal awards, and to also audit the City's internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of federal awards expended during the fiscal year, and

WHEREAS, as part of the City's Fiscal Year 2021-2022 Single Audit report, no findings were reported.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2021-2022 Federal Single Audit report for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-81

RESOLUTION APPROVING THE FISCAL YEAR 2021-2022 AUDITOR'S REPORT ON COMPLIANCE OF THE MEASURE L: LOCAL ROADS FIRST TRANSPORTATION FUNDING MEASURE

WHEREAS, in November of 2016 the voters of Stanislaus County approved the county wide, 25-year, half-cent sales tax increase for the Local Roads First Transportation Funding Measure, known as Measure L. As part of the safe guards built into the expenditure plan an annual independent audit and annual reporting must be completed, and

WHEREAS, on December 12, 2017, per resolution 2017-505, Council approved the Measure L master funding agreement with the Stanislaus Council of Governments (StanCOG) which requires an annual independent audit of all of recipients Measure L accounts which audit shall be conducted at recipient's sole cost and expense, and

WHEREAS, for the audit related to FY 2021-2022 the City received information from StanCOG that they would be continuing to conduct the annual audit and that it would be at the expense of StanCOG as part of the 1% allowable administrative expenses within the Measure L ordinance; and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., was selected by StanCOG to conduct the Fiscal Year 2021-2022 audit report, and

WHEREAS, as part of the City's Fiscal Year 2021-2022 Measure L Program Audit, the accounting firm verified the revenues and expenditures, fund balances, and that the Maintenance of Effort requirement was met, and

WHEREAS, Hudson Henderson & Company, Inc. issued the final independent auditor's report of the Measure L program for the fiscal year ending in June 30, 2022. In

addition, the firm issued a letter to the Policy Board of Stanislaus Council of Governments with the final report. Both the final report and the letter to StanCOG did not have any findings for the year ending June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2021-2022 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-82

RESOLUTION APPROVING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE RECTANGULAR RAPID FLASHING BEACON INSTALLATION PROJECT FROM 10% ($74,455) to 20% ($148,910) OF THE CONSTRUCTION CONTRACT PRICE TO GRUENDEL INC. DBA RAY'S ELECTRIC OF OAKLAND, CA IN AN AMOUNT NOT TO EXCEED $148,910

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 10% for projects over $250,000 but less than $1,000,000; and

WHEREAS, considering the size and complexity of the project, with multiple unknowns, and requirements to comply with the Americans with Disabilities Act, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 10% ($74,455) of the contract amount of $744,555; and

WHEREAS, staff is requesting authorization to increase the Directors authority to issue change orders to 20% ($148,910) of the contract amount of $1,016,316 due to the nature of the project and the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Public Works to issue change orders for the Rectangular Rapid Flashing Beacon (RRFB) Installation Project from 10% ($74,455) to 20% ($148,910) of the construction contract price of $819,010 with Gruendel Inc. DBA Ray's Electric of Oakland, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-83

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE LA LOMA PHASE 3A STRENGTHEN & REPLACE WATER MAINS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH UNITED PAVEMENT MAINTENANCE INC., OF HUGHSON, CA, IN THE AMOUNT OF $6,229,282, PLUS $622,928 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $6,852,210 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the La Loma Neighborhood is one of many prioritized areas in the City's water service area that requires replacement of current, aging water infrastructure, and

WHEREAS, the La Loma Phase 3A Strengthen and Replace Water Mains Project will replace and upgrade approximately 20,000 lineal feet of deficient water mains, associated valves, services, and fire hydrants to improve system reliability, flows, and pressures, and

WHEREAS, the Project was advertised for bids on November 16, 2022, and

WHEREAS, January 10, 2023, bids were publicly opened, pursuant to City Charter Section 1307; Nine bids were received and United Pavement Maintenance Inc., Hughson, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of the La Loma Phase 3A Strengthen & Replace Water Mains Project to United Pavement Maintenance Inc., Hughson, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to United Pavement Maintenance Inc., Hughson, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the La Loma Phase 3A Strengthen & Replace Water Mains Project; accepting the bid and awarding a construction contract to United Pavement Maintenance Inc., Hughson, CA, for a total of $6,229,282 plus $622,928 in contingency (if needed) for a total amount not to exceed $6,852,210.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-84

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE LA LOMA PHASE 3A STRENGTHEN & REPLACE WATER MAINS PROJECT FROM 8% ($498,343) TO 10% ($622,928) OF THE CONSTRUCTION CONTRACT AMOUNT OF $6,229,282 WITH UNITED PAVEMENT MAINTENANCE INC., OF HUGHSON, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for construction contracts of this dollar value, and

WHEREAS, given the nature of rehabilitation projects where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed the Director's Authority of 8% ($498,343) of the contract amount of $6,229,282, and

WHEREAS, staff is requesting an increase in the Director's Authority for the Construction Contingency to 10% ($622,928).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Utilities authority to issue change orders for the La Loma Phase 3A Strength & Replace Water Mains Project from 8% ($498,343) to 10% ($622,928) of the construction contract price of $6,229,282 with United Pavement Maintenance Inc., of Hughson, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-85

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,379,021 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE LA LOMA PHASE 3A STRENGTHEN & REPLACE WATER MAINS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $2,379,021, in order to fund the La Loma Phase 3A Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $2,379,021.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-86

RESOLUTION APPROVING THE INCREASE OF A PURCHASE ORDER WITH BAY CITY ELECTRIC WORKS, POWAY, CA, FOR THE RENTAL OF A STANDBY GENERATOR BY $162,126 FROM $39,914 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $202,040 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO INCREASE THE PURCHASE ORDER

WHEREAS, The City's National Pollutant Discharge Elimination System (NPDES) permit for wastewater treatment mandates the City maintain a standby electrical power generator for the Sutter Effluent Pump Station. The standby generator is utilized to provide power to the Effluent Pump Station in the event of a power failure, and

WHEREAS, in the event of a power failure, Sutter Operations is only able to operate and hold influent wastewater for a maximum of two and one-half hours before the plant would potentially begin discharging untreated wastewater to the Tuolumne River, which is considered "Waters of the United States", therefore violating the NPDES permit, and

WHEREAS, on December 14, 2022, through routine preventative maintenance, staff discovered the electrical power backup/standby generator was inoperable and identified water in the generator's oil. Maintenance staff quickly responded and contacted the City's generator repair and maintenance vendor, Bay City Electric Works to deliver a rental generator. In order to maintain NPDES permit compliance and given the urgent necessity of a backup generator, there was not sufficient time to follow the typical bid process for the rental of a backup generator. Wastewater staff worked closely with

Purchasing staff to issue a Purchase Order in the amount of $39,914 for the generator rental, and Bay City Electric Works was available to mobilize immediately, and

WHEREAS, due to supply chain issues, parts deliveries and the unknown extent of the generator damage, the amount and estimated time of repair cannot be determined at this time and staff is requesting authorization to extend the rental agreement and increase the existing PO 238191 through August for an amount not to exceed $202,040, and

WHEREAS, in order to prevent violating the City's NPDES permit, staff requested the emergency rental of a standby generator. Modesto Municipal Code Section 8-3.204(c) provides that compliance with the formal bid procedures contained in Section 8-203 is not required when calling for bids on a competitive basis is undesirable due to exigent circumstances. Here, compliance with the formal bid requirement would pose a risk to the life, health and property due to the urgent need of fixing the generator.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the increase of the Purchase Order with Bay City Electric Works, Poway, CA, for the rental of a standby generator by $162,126 from $39,914 for a revised total amount not to exceed $202,040.

BE IT FURTHER RESOLVED that the Acting Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-87

RESOLUTION APPROVING THE PURCHASE OF A GIPPSAERO GA8 AIRPLANE FROM CNC TECHNOLOGIES, OAK PARK, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $741,578, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND OTHER NECESSARY DOCUMENTS

WHEREAS, many public safety agencies throughout the country take advantage of the benefits offered by an air support unit with the primary goal of providing a level of service that contributes to the overall success of crime fighting efforts, and

WHEREAS, air support units have the ability to scan large areas increasing the chances of halting crime and apprehending suspects, and

WHEREAS, in April of 2021, the Modesto Police Department entered into a five-and-a-half-month partnership with the BLENDABLE Foundation, a non-profit organization with a mission to enhance law enforcement by developing a low-cost air support alternative, and

WHEREAS, the air support unit flew 152 flights and responded to 258 incidents, and

WHEREAS, the air support unit was first on-scene on 92 calls for service and handled 72 calls without additional calls without additional assistance from ground units, and

WHEREAS, the air support pilot program assisted with 69 arrests, 11 pursuits, 24 warrant services, 24 traffic related incidents, 39 mutual aid requests and proactively initiated 41 calls, and

WHEREAS, in the department's search for a cost-effective aerial platform, it has identified a 2012 GippsAero GA8 airplane being sold by CNC Technologies out of Oak Park, CA, and

WHEREAS, the airplane was originally purchased by the State of Pennsylvania for public safety use and

WHEREAS, the air craft is equipped with equipment to assist in law enforcement efforts including a Forward Looking Infrared (FLIR) Startsafire 380 high definition (HD) camera, retractable camera pod, Motorola radio, downlink equipment, and Churchill moving map system at a cost of $685,000, and

WHEREAS, this is a turnkey solution that is immediately ready for use, and

WHEREAS, if approved, this purchase would enter into escrow with Insured Aircraft Title Service LLC, with several steps in the escrow process to ensure both the purchaser (City) and the seller are protected during the process, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality", and

WHEREAS, here CNC Technologies, Oak Park, CA should be exempt from the formal bidding procedure in accordance with MMC 8-3.204 (d) as the department's

research has shown that at current, no other alternative can match the price, quality and public safety equipment of the available GippsAero GA8.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the purchase of a GippsAero GA8 airplane from CNC Technologies, Oak Park, CA for a total amount not to exceed $741,578.

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizing the City Manager, or his designee, to execute the agreement and other necessary documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-88

RESOLUTION ACCEPTING THE RESIGNATION OF MAYA RAMIREZ FROM THE CITY OF MODESTO EQUITY COMMISSION

WHEREAS, the Equity Commission was established to advise the City Manager and City Council on matters relating to diversity, equity, inclusion, and disability, and

WHEREAS, on August 9, 2022, by Resolution No. 2022-332, Maya Ramirez was appointed to serve as a member of the Equity Commission, and

WHEREAS, Maya Ramirez has tendered her resignation from the Equity Commission effective January 30, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Maya Ramirez from the Equity Commission, with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-89

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment is necessary in the amount of $150,022 for revenue and $114,587 for expenses in the JPA – Tuolumne River Regional Park (TRRP) Fund 6700 operations cost center 80300 to recognize additional revenue and increased expenses as part of the mid-year budget adjustment. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on January 11, 2023.

- A budget adjustment in the amount of $329,000 is necessary in the JPA – TRRP Special Revenue Fund – CIP to increase the expense budget for the TRRP Vegetation Management and Access Control Project (101476) throughout TRRP. The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on February 8, 2023 as part of the 2023-2024 calendar year TRRP project funding plan.

- A budget adjustment in the amount of $450,000 is necessary in the JPA – TRRP Special Revenue Fund – CIP to increase the expense budget for the TRRP Mancini Park New Playground Project (101477). The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on February 8, 2023 as part of the 2023-2024 calendar year TRRP project funding plan.

- A budget adjustment in the amount of $725,000 is necessary in the JPA – TRRP Special Revenue Fund – CIP to increase the expense budget for the TRRP B Improvements Project (101478) throughout TRRP B which includes renovation of picnic area B, parking lot slurry seal, and restroom replacement. The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on February 8, 2023 as part of the 2023-2024 calendar year TRRP project funding plan.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 22-23 for the activity through December 2022. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
1709	Surface Transportation Fleet Replacement Fund	$328,619
4109	Water Fleet Replacement Fund	$503,707
5410	General Fund Fleet Replacement	$261,415
6799	TRRP Fleet Replacement Fund	$14,407
	Total Transfer Outs	**$1,108,148**
5409	Transfer In – Fleet Management Fleet Replacement	$1,108,148
	Total Transfer Ins	**$1,108,148**

A budget adjustment is necessary to establish a transfer in the amount of $328,619 from the Surface Transportation Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 1 Ton Truck with aerial bucket, (1) 1 Ton Truck with flatbed, and (1) Crack Sealer trailer.

A budget adjustment is necessary to establish a transfer in the amount of $503,707 from the Water Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 1 Ton flatbed truck, (1) 17,500 Utility Truck, and (1) 4-wheet drive loader.

A budget adjustment is necessary to establish a transfer in the amount of $261,415 from the General Fund Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) Investigation Sedan, (1) 1 Ton truck with stake side dump, (1) truck with cargo body, and (1) radar trailer.

A budget adjustment is necessary to establish a transfer in the amount of $14,407 from the TRRP Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 7 ft flail mower.

UTILITIES

- A budget adjustment is necessary in the amount of $400,000 in the Water PCE Litigation Fund 4112 to fund ongoing legal costs associated with PCE Litigation. The Water PCE Mitigation Fund (4112) is separate from the Water Fund (4100), and the PCE legal costs are not funded by rate payers.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-90

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR RENTAL OF GOLF CARTS TO E-Z-GO A DIVISION OF TEXTRON INC., MIRA LOMA, CA, FOR FOUR (4) YEARS, FOR AN ANNUAL ESIMATED AMOUNT OF $165,408 AND A TOTAL NOT TO EXCEED $661,634 OVER FOUR YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 2019, by Resolution No. 2019-283, Council approved a Master Agreement with Textron Specialized Vehicles, Inc., a Delaware Corporation, for Golf Carts and a Service Vehicle for a four-year lease for a total amount not to exceed $226,455; and

WHEREAS, in 2020, by Resolution No. 2020-296, Council approved the First Amendment to the Master Agreement with E-Z-GO, division of Textron, Inc., for leased Golf Carts and Service Vehicle to a revised total amount of $298,399 and extending the term of the Agreement from June 30, 2023, to August 30, 2023; and

WHEREAS, in 2021, by Resolution 2021-408, Council approved the Second Amendment to the Master Agreement with E-Z-GO, division of Textron, Inc., for leased Golf Carts and Service Vehicle to a revised total amount of $377,623 to extend the Dryden Golf Cart Lease from September 1, 2021, to August 31, 2023; and

WHEREAS, the current golf cart lease is set to expire August 31, 2023; and

WHEREAS, staff began the process of issuing an Invitation for Bids in July 2022 in anticipation of increased lead times for cart delivery to the Golf Courses; and

WHEREAS, on October 31, 2022, the City Manager authorized the Purchasing Manager to issue a formal Invitation for Bids on PlanetBids; and

WHEREAS, E-Z-Go a Division of Textron Inc. was the sole bidder and staff found the bid to be responsive and responsible; and

WHEREAS, the new Lease Agreement for Golf Carts is for (100) new Golf Carts and (2) service vehicles for a term of four years; and

WHEREAS, the cost to lease said vehicles shall not exceed $165,409 annually and $661,634 over the four-year lease period; and

WHEREAS, the Director of Parks, Recreation and Neighborhoods is authorized to increase the cost of cart rental fees, as necessary, to cover the cost of the carts; and

WHEREAS, staff recommends the award of bid to E-Z-Go a Division of Textron Inc.; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to follow formal bid procedures; an award of bid and Lease Agreement for Golf Carts for Parks, Recreation & Neighborhoods department use to E-Z-Go a Division of Textron Inc., Mira Loma, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and E-Z-Go a Division of Textron Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement for Rental of Golf Carts to E-Z-Go a Division of Textron Inc., Mira Loma, CA, for four (4) years, for an annual estimated amount of $165,408 and a total not to exceed $661,634 over four years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the Director of Parks, Recreation and Neighborhoods is authorized to increase the cart rental fees, as necessary, to cover the cost of the carts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-91

RESOLUTION APPROVING AN AGREEMENT WITH SHERWOOD DESIGN ENGINEERS, LTD. TO PREPARE CONSTRUCTION DOCUMENTATION FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVERWALK TRAIL - GATEWAY TO LEGION PARK PROJECT FOR AN AMOUNT OF $450,626, PLUS $45,063 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $495,689 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Tuolumne River Regional Park consists of 500-acres of riparian land within the City of Modesto and Stanislaus County; and

WHEREAS, in 1999, the Tuolumne River Regional Park Commission updated the original land use plan, which included preparation of a TRRP Master Plan and Master Environmental Impact Report; and

WHEREAS, the Master Plan and Master Environmental Impact Report (MEIR) were developed over a two-year period and were certified by the TRRP Commission and adopted by Ceres City Council, Modesto City Council and County Board of Supervisors in 2001; and

WHEREAS, construction of the Gateway Parcel development (the area on the north side of the river from the confluence of the Tuolumne River and Dry Creek to Highway 99) commenced in 2006; and

WHEREAS, riparian habitat restoration activities have included construction of backwater channels, riparian terraces, wildlife areas, amphimeadow and river structure dam removal; and

WHEREAS, The TRRP Riverwalk - Trail Gateway to Legion Park Project will provide for a new paved trail connection between the Gateway Parcel and Legion Park within the TRRP; and

WHEREAS, the project will provide for active recreational uses of the river frontage and be compatible for commuting uses between City employment centers and neighborhood destinations; and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for Capital Projects", staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, on October 6, 2021, the City's Parks Planning and Development Division issued a Request for Proposals (RFP) # PRN-21-101164 for professional design consulting services for the Tuolumne River Regional Park (TRRP) Three Trails Connection Project; and

WHEREAS, on November 10, 2021, staff received two (2) consultant proposals, and a consultant selection committee was formed and met to review the proposals received; and

WHEREAS, the committee decided that the project be split into three different sections and determined that the prospective professional design consultant, Sherwood Design Engineers, LTD, is well qualified to complete Section Two – TRRP Riverwalk Trail - Gateway to Legion Park; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of $45,063 to allow for additional services that may be required due to unforeseen conditions, delays or expenses for an agreement total not to exceed $495,689; and

WHEREAS, this additional services budget does not commit the city to spend the additional funding, but allows the Department Director to approve change orders up to the additional services limit, without further council action; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Park Project for an amount of $450,626, plus $45,063 for additional services, if needed, for an Agreement total not to exceed $495,689.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-92

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM PROJECT 101232 BUDGET, IN THE AMOUNT OF $210,241 TO INCREASE THE PROJECT EXPENDITURE BUDGET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Tuolumne River Regional Park consists of 500-acres of riparian land within the City of Modesto and Stanislaus County; and

WHEREAS, the project will provide for active recreational uses of the river frontage and be compatible for commuting uses between City employment centers and neighborhood destinations; and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for Capital Projects", staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, the committee decided that the project be split into three different sections and determined that the prospective professional design consultant, Sherwood Design Engineers, LTD, is well qualified to complete Section Two – TRRP Riverwalk Trail - Gateway to Legion Park; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of $45,063 to allow for additional services that may be required due to unforeseen conditions, delays or expenses for an agreement total not to exceed $495,689; and

WHEREAS, in order to fully fund the agreement a budget adjustment in the amount of $210,241 is needed; and

WHEREAS, there are sufficient funds in Fund 6710 – JPA - TRRP Special Revenue Fund – CIP reserves for the project; and

WHEREAS, the City Council shall consider amending the 2022-23 Capital Improvement Program project 101232 budget in the amount of $210,241.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2022-23 Capital Improvement Program project 101232 budget in the amount of $210,241 to increase the project expenditure budget.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-93

RESOLUTION APPROVING PAYMENT TO W.C. MALONEY, STOCKTON, CA, FOR THE DEMOLITION OF THE DRYDEN CLUBHOUSE, FOR A TOTAL AMOUNT NOT TO EXCEED $74,873 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PAYMENT

WHEREAS, on August 4, 2020, the Dryden Golf Course Clubhouse was significantly damaged by fire; and

WHEREAS, it quickly became evident that the structure would need substantial renovation and potentially have to be entirely rebuilt; and

WHEREAS, after continual issues with the building, along with non-stop break-ins, staff determined that it is in the best interest of the citizens of Modesto to demolish the building and construct a new clubhouse; and

WHEREAS, in December 2022, staff received emergency approval from the City Manager to proceed with plans to demolish the clubhouse as the building posed a risk to public safety due to the condition of the building and the frequent vandalism and break-ins; and

WHEREAS, staff obtained two quotes for the demolition of the building; and

WHEREAS, W.C. Maloney's quote was the lowest at $65,107 and staff determined it appropriate to move forward with W.C. Maloney; and

WHEREAS, demolition began January 30, 2023, and was completed on February 13, 2023; and

WHEREAS, to ensure that there is sufficient authority to cover all necessary emergency expenses, staff is requesting an additional $9,766 (15%) of currently anticipated expenditures for a total estimated cost of all emergency work, including the additional 15%, of $74,873; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid but exceptions to the formal bidding process are granted in MMC 8-3.204(c) "Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances"; and

WHEREAS, this project meets these requirements, as staff received emergency authorization from the City Manager's Office to demolish the Dryden Clubhouse due to the public safety risk.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves payment to W.C. Maloney, Stockton, CA, for the demolition of the Dryden Clubhouse, for a total amount not to exceed $74,873.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-94

RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR CITY STAFF TO PERFORM ENGINEERING REVIEW AND CONSTRUCTION INSPECTION SERVICES FOR THE WEST MODESTO COUNTY AREA 9 SEWER INFRASTRUCTURE PROJECT, FOR AN AMOUNT NOT TO EXCEED $225,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Rouse/Colorado Community, referred to as County Area 9, is an unincorporated, disadvantaged community located in the west area of the City of Modesto with approximately 332 parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Rouse/Colorado Community's septic systems are failing and pose a threat to public health and groundwater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to this area and is prepared to provide sewer services to the Rouse/Colorado Community, and

WHEREAS, the County will submit a grant application to the State Water Resources Control Board for financing through the Clean Water State Revolving Fund and will enter into a Grant Agreement for funding necessary to construct project improvements, and

WHEREAS, the County has requested assistance to review and approve the project plans and specifications, and to provide construction inspection services, and

WHEREAS, the purpose of this Agreement is to facilitate cooperation between the City and the County for the above referenced services, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Stanislaus County for the West Modesto Sewer

Infrastructure Project – Rouse/Colorado Neighborhood for City staff to perform engineering review and construction inspection services for a total amount not to exceed $225,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-95

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO FINANCE OR REFINANCE THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF THE MARPLE MANOR PROJECT AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, the California Municipal Finance Authority (the "Authority") is authorized pursuant to Title 1, Division 7, Chapter 5 of the California Government Code of California and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Modesto, California (the "City"), to issue revenue bonds and other forms of indebtedness to promote economic development within the State of California; and

WHEREAS, Marple Manor RHF Partners, L.P., a California limited partnership, or an affiliate thereof (the "Borrower") has requested that the Authority participate in the issuance of one or more series of revenue bonds or notes issued from time to time, pursuant to a plan of finance, in an aggregate outstanding principal amount not to exceed $30,000,000 (the "Bonds") for the acquisition, rehabilitation, improvement and equipping of a multifamily rental housing development known as Marple Manor located at 530 Coffee Road, Modesto, California (the "Project"), to be owned and operated by the Borrower; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the issuance of the Bonds by the Authority must be approved by the City because the Project is located within the territorial limits of the City; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, the Borrower has requested the issuance of the Bonds in order to effect savings in interest rate and/or issuance costs to effect significant public benefits pursuant to the Act; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, reasonable public notice must include a description of all of the purposes of the Bonds, including the use of proceeds outside the jurisdiction of the City, and the resolution evidencing approval of the "applicable elected representative" must also describe all the purposes of the Bonds, but the approval of the City shall not constitute approval on behalf of any other jurisdiction with respect to the Bonds, who will consider the issuance of the Bonds independently of the City; and

WHEREAS, the members of the City Council are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on March 7, 2023; and

WHEREAS, such public hearing was conducted on [this date by the City Council], at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds and the Project required by Section 147(f) of the Code, as applicable, and Section 4 of the Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF Modesto, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority and the Project to be financed thereby. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds pursuant to a plan of financing by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or rehabilitate the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation, installation or operation of the Project; or (iii) make any contribution or advance any funds whatsoever to the Authority. The City shall not have any liability or responsibility for the issuance of the Bonds or payment of principal or interest on the Bonds, the Bonds shall not constitute an obligation or indebtedness of the City and the assets and revenues of the City are not being pledged as security for the payment of principal or interest on the Bonds.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-96

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986 APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO FINANCE OR REFINANCE THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF THE RALSTON TOWER PROJECT AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, the California Municipal Finance Authority (the "Authority") is authorized pursuant to Title 1, Division 7, Chapter 5 of the California Government Code of California and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Modesto, California (the "City"), to issue revenue bonds and other forms of indebtedness to promote economic development within the State of California; and

WHEREAS, Ralston Tower RHF Partners, L.P., a California limited partnership, or an affiliate thereof (the "Borrower") has requested that the Authority participate in the issuance of one or more series of revenue bonds or notes issued from time to time, pursuant to a plan of finance, in an aggregate outstanding principal amount not to exceed $30,000,000 (the "Bonds") for the acquisition, rehabilitation, improvement and equipping of a multifamily rental housing development known as Ralston Tower located at 900 17th Street, Modesto, California (the "Project"), to be owned and operated by the Borrower; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the issuance of the Bonds by the Authority must be approved by the City because the Project is located within the territorial limits of the City; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, the Borrower has requested the issuance of the Bonds in order to effect savings in interest rate and/or issuance costs to effect significant public benefits pursuant to the Act; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, reasonable public notice must include a description of all of the purposes of the Bonds, including the use of proceeds outside the jurisdiction of the City, and the resolution evidencing approval of the "applicable elected representative" must also describe all the purposes of the Bonds, but the approval of the City shall not constitute approval on behalf of any other jurisdiction with respect to the Bonds, who will consider the issuance of the Bonds independently of the City; and

WHEREAS, the members of the City Council are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on March 7, 2023; and

WHEREAS, such public hearing was conducted on [this date by the City Council], at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds and the Project required by Section 147(f) of the Code, as applicable, and Section 4 of the Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF Modesto, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority and the Project to be financed thereby. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds pursuant to a plan of financing by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or rehabilitate the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation, installation or operation of the Project; or (iii) make any contribution or advance any funds whatsoever to the Authority. The City shall not have any liability or responsibility for the issuance of the Bonds or payment of principal or interest on the Bonds, the Bonds shall not constitute an obligation or indebtedness of the City and the assets and revenues of the City are not being pledged as security for the payment of principal or interest on the Bonds.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-97

RESOLUTION APPROVING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO PROVIDE FUNDING FOR HAZARD PAY TO EMPLOYEES IN THE TOTAL AMOUNT OF $6,705,000 AND TO AMEND THE FISCAL YEAR 2022-23 NON-CAPITAL OPERATING BUDGET TO CREATE A NON-CAPITAL PROJECT BUDGET IN THE AMERICAN RESCUE GRANTS FUND (FUND 1390); AND AUTHORIZING THE CITY MANAGER TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE ARPA FUNDING FOR HAZARD PAY FOR THE INTENDED USE DESCRIBED ABOVE

WHEREAS, the American Rescues Plan Act (ARPA) is a $1.9 trillion emergency relief measure providing relief to address the impacts of COVID-19 for the American public including first responders, frontline health workers, teachers, local governments and other providers of vital services, and

WHEREAS, on February 8, 2022, the City presented a relief spending plan that encompassed additional expenditures regarding public health and safety and to support the community with essential programs needed to recovery from the pandemic's impacts, and

WHEREAS, one allowable use of ARPA funds is to compensate employees who were required to continue providing essential services to the public with many agencies providing a stipend to their employees in recognition of their hard work and sacrifice to ensure essential services are provided to the community while risking exposure to COVID-19, and

WHEREAS, the City continued to fully provide all essential services to the community throughout the pandemic which required employees to interact with the public, exposing them to the possibility of contracting COVID-19 during a time of uncertainty of the full impact on a person's health, and

WHEREAS, those employees remained committed to their duty to serve the public in all aspects including public safety, water, infrastructure, and implementing programs allowed under ARPA funding guidelines, and

WHEREAS, the City has allocated a majority of the ARPA funds to better the community and assist with recovery of local businesses and individuals, and

WHEREAS, the City would now like to utilize a portion of the unprogrammed funds to recognize its dedicated employees, and

WHEREAS, the City worked with the various Union Association partners to determine an amount to be paid in the form of a stipend that fairly recognizes employees for their hard work and dedication through the COVID-19 pandemic; and

WHEREAS, the hazard pay will be provided as follows:

- Employees that were employed on April 1st, 2020, and worked through March 31st, 2021, will receive a lump sum stipend of $3,000
- Employees that were employed on April 1st, 2021, and worked through March 31st, 2022, will receive a lump sum stipend of $3,000;
- Employees that were employed on April 1st, 2022, and worked through September 30, 2022, will receive a lump sum stipend of $1,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the use of American Rescue Plan Act (ARPA) funds to provide hazard pay funding to employees in the total amount of $6,705,000 and to amend the Fiscal Year 2022-23 Non-Capital Operating Budget to create a non-capital project budget in the American Rescue Grants Fund (Fund 1390).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager or

his designee is hereby authorized to carry out the necessary steps to implement the ARPA funding for hazard pay for the intended use described above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Zwahlen, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-98

RESOLUTION NOMINATING COUNCIL MEMBER ROSA ESCUTIA-BRAATON TO THE SAN JOAQUIN VALLEY SPECIAL CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board, and

WHEREAS, The Special City Selection Committee has adopted procedures and a rotation schedule for making their appointments, and based upon the adopted rotation schedule a city council member representing a city with a population of 100,000 or more from Stanislaus County shall be appointed to the District Governing Board, and

WHEREAS, In selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates, and

WHEREAS, The vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby nominates Rosa Escutia-Braaton, Councilmember to the Special City Selection Committee for appointment to the District Governing Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSTAIN:	Councilmembers:	Escutia-Braaton
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-99

RESOLUTION ACCEPTING THE 2022 GENERAL PLAN ANNUAL PROGRESS REPORT AND AUTHORIZING STAFF TO SUBMIT IT TO THE STATE OF CALIFORNIA

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an Annual Progress Report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584); and

WHEREAS, the 2022 General Plan Annual Progress Report provides updates regarding the status of the Urban Area General Plan and progress toward its implementation, including the degree to which Modesto has met its share of regional housing needs allocation through production of housing; and

WHEREAS, the 2022 General Plan Annual Progress Report includes major implementation activities that occurred during the calendar year; and

WHEREAS, the 2022 General Plan Annual Progress Report includes reporting for progress pertaining to the City's Housing Element, which is one of nine required general plan elements; and

WHEREAS, the State of California Housing and Community Development Department (HCD) requires municipalities submit information that allows HCD to track any impediments to the construction of new housing that may exist and to monitor progress toward satisfaction of statewide housing needs and goals; and

WHEREAS, the State has recently required that all annual reporting be submitted prior to April 1st each year; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2022 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to submit the 2022 General Plan Annual Progress Report to the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-100

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND PROFESSIONAL SERVICES AGREEMENT TO SEER WORLD, INC, ROSWELL, GEORGIA FOR URBAN PLANNING AND PROJECT MANAGEMENT SUPPORT FOR $542,000, INCLUDING A 20% CONTINGENCY, FOR A TOTAL AMOUNT NOT TO EXCEED $650,400, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has worked diligently alongside public and private partners to create the Downtown Master Plan, Stanislaus 2030 Blueprint, and the Modesto Renewal & Diversification Project (River District Study); and

WHEREAS, through the preparation of these studies and planning documents, staff and consultants have engaged hundreds of residents, business owners, faith-based organizations, and nonprofits; and

WHEREAS, this engagement has yielded a broad consensus across stakeholder groups regarding community challenges, strengths, and high-leverage opportunities to achieve a more vibrant community and regional economy; and

WHEREAS, the City intends to leverage the results from these prior studies to help inform the implementation of these plans; and

WHEREAS, to support the City with this initiative and provide as needed support to the City with related assignments, the City solicited an informal request for proposals (RFP) for professional services on January 26, 2023 that yielded two proposals; and

WHEREAS, to evaluate the proposals, staff formed an interdepartmental committee of five (5) subject matter experts, including staff from the City Manager's Office, Parks, and Community and Economic Development personnel to review the submissions. The evaluation was based on their overall scope, community engagement

strategy, prior experience, cost, and references; and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of professional services for urban planning and project management support to Seer World to support with the proposed scope of work; and

WHEREAS, Seer ranked highly in the areas of community engagement strategy, and overall scope resulting in the recommendation to move forward with them for this project. Seer has held an instrumental role as the consultant that prepared the River District study which informs a significant portion of the expectations outlined in the City's scope of work; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement; and

WHEREAS, the approval for this consultant service conforms to Modesto Municipal Code 8-3.204, subsection (a) as Seer will provide professional services including robust community engagement and land use, architectural, recreational planning, and implementation support.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposal and Professional Services Agreement to Seer World, Inc, Roswell, Georgia for urban planning and project management support for $542,000, including a 20% contingency, for a total amount not to exceed $650,400, and authorizing the City Manager, or his designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-101

RESOLUTION APPROVING THE USE OF AMERICAN RESCUE PLAN ACT FUNDS TO FUND THE AGREEMENT WITH SEER WORLD, LLC. FOR URBAN PLANNING AND PROJECT MANAGEMENT SUPPORT IN THE AMOUNT OF $542,000, INCLUDING A 20% CONTINGENCY IN THE AMOUNT OF $108,400, FOR A TOTAL AMOUNT NOT TO EXCEED $650,400, AND AMENDING THE FISCAL YEAR 2022-2023 NON-CAPITAL BUDGET IN THE AMERICAN RESCUE GRANTS FUND (FUND 1390); AND AUTHORIZING THE CITY MANAGER TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE ADJUSTMENT DESCRIBED ABOVE

WHEREAS, the American Rescues Plan Act (ARPA) is a $1.9 trillion emergency relief measure providing relief to address the impacts of COVID-19 for the American public including first responders, frontline health workers, teachers, local governments and other providers of vital services, and

WHEREAS, on February 8, 2022, the City presented a relief spending plan that encompassed additional expenditures regarding public health and safety and to support the community with essential programs needed to recovery from the pandemic's impacts, and

WHEREAS, one allowable use of ARPA funds is to fund Evaluation and Data Analysis that can inform how the community can foster improvements to the local economy, and

WHEREAS, the scope of work of Seer World will include two core elements: (1) Redevelopment Planning and Implementation Support, which requires the preparation and approval of a redevelopment plan, subsequent implementation support for the Municipal Golf Course (Muni), as well as several opportunity sites and (2) Project Management and Support, which entails support with the completion and/or implementation of the deliverables outlined in the Downtown Master Plan, Stanislaus

2030 Blueprint, and River District Study, and may include other project management support as identified by City staff , and

WHEREAS, moreover, the scope of work will include community engagement, site analysis, redevelopment planning, and project implementation support to help advance the local economy, and

WHEREAS, the project budget is estimated at $542,000 with a 20% contingency of $108,400, totaling a not to exceed amount of $650,400, and will be funded with American Rescue Plan Act funds previously allocated to a Downtown Revolving Loan Fund as approved in the Modesto Forward Strategy by Resolution 2021-194, and sufficient funds are budgeted to absorb the cost of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of the use of American Rescue Plan Act Funds (ARPA) to fund the agreement with Seer World, LLC. for urban planning and project management support in the amount of $542,000, including a 20% contingency in the amount of $108,400, for a total amount not to exceed $650,400, and amending the Fiscal Year 2022-2023 Non-Capital Budget in the American Rescue Grants Fund (Fund 1390).

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City Modesto that it authorizes the City Manager to carry out the necessary steps to implement the adjustment described above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-102

RESOLUTION APPROVING THE VACATION OF TWO SEWER EASEMENTS LOCATED NORTHWEST OF THE CROWS LANDING ROAD/PUBELO AVENUE INTERSECTION

WHEREAS, the City owns two sewers easement (the "Sewer Easements") located on that certain real property located roughly adjacent to the Tuolumne River, northwest of the Crows Landing Road/Zeff Road Intersection; and

WHEREAS, the location of Sewer Easements is further described and depicted in **Exhibit A, attached** hereto in incorporated herein; and

WHEREAS, the City Council has determined that the Sewer Easements are excess and unnecessary for present or prospective public use; and

WHEREAS, there are no public utility facilities in use in the Sewer Easements, and the vacation of the Sewer Easements is in the best interests of the City of Modesto; and

WHEREAS, pursuant to the provisions of Section 8330 *et seq.*, of the Streets and Highways Code, the City Council seeks to summarily vacate the Sewer Easements.

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

1. The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City set forth below.

2. The Sewer Easements described and depicted in **Exhibit A, attached** hereto and incorporated herein, are excess and unnecessary for present or prospective public use and there are no public utility facilities in use in the

Sewer Easements.

3. Pursuant to Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code, the Sewer Easements are hereby summarily vacated and abandoned. From and after the date this Resolution is recorded, the Sewer Easements shall no longer constitute a public service easement.

4. All entities having any right, title, or interest in the Sewer Easements, if any, have been notified of this action.

5. The City Clerk is hereby directed to record a certified copy of this Resolution in the office of the Stanislaus County Recorder pursuant to Streets and Highways Code section 8335 at the time required by the Land Exchange Agreement approved by the City Council on the same date as this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXCHANGE AGREEMENT

This EXCHANGE AGREEMENT ("Agreement") is entered into as of _____, 2023 ("Effective Date") by and between the City of Modesto, a California charter city ("City"), and Southwest Hide Co., an Idaho general partnership, as to a 50% undivided tenant in common interest, and Modesto Holding Company, a Delaware corporation, as to a 50% undivided tenant in common interest (collectively, "SWH/MHC"). City and SWH/MHC may hereinafter be referred to individually as "Party" and collectively as "Parties."

RECITALS:

A. City is the fee owner of certain real property ("City Exchange Property") consisting of that portion of existing Zeff Road shown on **Exhibit A** attached hereto and incorporated herein by this reference ("Exchange Map") as the "53,706 SF City Exchange Property License Area" and the "12,070 SF City Exchange Property Non-License Area". The City Exchange Property is more particularly described on **Exhibit B** attached hereto and incorporated herein by this reference.

B. SWH/MHC is the fee owner of those certain parcels of real property located in the City, known on the Stanislaus County Assessor Rolls as APN 038-022-011 and 038-022-015 ("SWH/MHC Parcels"). The SWH/MHC Parcels include that certain real property ("SWH/MHC Exchange Property") shown on the Exchange Map as the "New Zeff Road 85,162 SF Right-of-Way SWH/MHC Exchange Property" and "Proposed Pueblo Avenue 18,867 SF SWH/MHC Exchange Property", and more particularly described in **Exhibit C** attached hereto and incorporated herein by this reference. The City Exchange Property and SWH/MHC Exchange Property may hereinafter be referred to individually as "Property" and collectively as "Properties".

C. City desires to acquire the SWH/MHC Exchange Property from SWH/MHC, and SWH/MHC desires to acquire the City Exchange Property from the City, on the terms and conditions more particularly set forth in this Agreement.

D. The exchange of the SWH/MHC Exchange Property and the City Exchange Property will realign Zeff Road in a manner that improves traffic circulation, traffic safety, and which the City has determined will benefit the public and the orderly future development of properties owned by SWH/MHC. In order to maintain a continuous and uninterrupted route for vehicular traffic on Zeff Road to Crows Landing Road after the conveyance of the City Exchange Property, the Parties intend to enter into a license agreement as more particularly set forth below.

E. The Parties have determined that the value of the easements, licenses, property and other benefits the City will be receiving pursuant to this Agreement is approximately equal in value to the licenses, property, monies, and other benefits SWH/MHC will be receiving pursuant to this Agreement.

F. City finds that the transactions contemplated in this Agreement, including all Exhibits attached hereto and incorporated herein, (i) are consistent with the City's General Plan,

(ii) further the health, safety and welfare of the City's residents, and (iii) and are in conformity with the City's economic development plans and Municipal Code.

TERMS:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows.

1. City Conveyance of City Exchange Property to SWH/MHC.

1.1 Conveyance. Subject to satisfaction of the conditions set forth in Section 1.2, below, City shall convey to SWH/MHC, and SWH/MHC shall accept from City, the City Exchange Property in accordance with the terms, covenants and conditions set forth herein. The conveyance of the City Exchange Property to SWH/MHC shall be accomplished by recordation of a grant deed substantially in the form attached hereto and incorporated herein as **Exhibit D** ("City Grant Deed").

1.2 Conditions. Notwithstanding anything to the contrary set forth herein, City's conveyance of the City Exchange Property to SWH/MHC is expressly conditioned upon satisfaction of the following conditions ("City Conditions"):

(i) The Parties deliver to one another through Escrow an executed License and Street Closure Agreement ("License Agreement") in generally the form attached hereto and incorporated herein by this reference as **Exhibit E**;

(ii) The Parties deliver to one another through Escrow those easements and terminations of easements in recordable form mutually acceptable to the Parties according to the List of Easements set forth in **Exhibit F** attached hereto and incorporated herein by this reference ("Easement Documents") including without limitation SWH/MHC granting City a fifteen foot (15') sanitary sewer service easement over that portion of the City Exchange Property in which City sanitary sewer service lines are currently located as generally shown in **Exhibit K** attached hereto and incorporated herein by this reference;

(iii) SWH/MHC delivers to City through Escrow a fully executed in recordable form Irrevocable Offer of Dedication of Fee Interest ("IOD") to the SWH/MHC Exchange Property in generally the form attached hereto and incorporated herein by this reference as **Exhibit L**; and

(iv) SWH/MHC is not in violation of any of its obligations under the terms and conditions of this Agreement.

(v) City delivers to SWH/MHC through Escrow in recordable form mutually acceptable to the Parties an abandonment of easement ("Abandonment") by which City abandons to SWH/MHC the City's sanitary sewer easement through the SWH/MHC Parcels near the Tuolumne River at the locations shown on **Exhibit H** attached hereto and incorporated herein by this reference;

2. SWH/MHC Conveyance of SWH/MHC Exchange Property to City.

2.1 Conveyance. Subject to satisfaction of the conditions set forth in Section 2.2, below, SWH/MHC shall convey to City, and City shall accept from SWH/MHC, the SWH/MHC Exchange Property in accordance with the terms, covenants and conditions set forth herein. The conveyance of the SWH/MHC Exchange Property to City shall be accomplished by recordation of a grant deed substantially in the form attached hereto and incorporated herein by this reference as **Exhibit G** ("SWH/MHC Grant Deed").

2.2 Conditions. Notwithstanding anything to the contrary set forth herein, conveyance of the SWH/MHC Exchange Property to the City is expressly conditioned upon satisfaction of all the following conditions ("SWH/MHC Conditions"):

(i) City delivers to SWH/MHC through Escrow a release of the terms and conditions License Agreement in a form reasonably acceptable to the Parties;

(ii) City is not in violation of any of its obligations under the terms and conditions of this Agreement;

(iii) City has conveyed to SWH/MHC the City Exchange Area through Escrow under the terms and conditions of this Agreement; and

(vi) SWH/MHC has completed and City has accepted all Road Improvements as more particularly described in Section 12, below.

3. Closings.

3.1 Escrow; Escrow Instructions. Not later than three (3) days following the Effective Date, the Parties shall open an escrow ("Escrow") at the office of Chicago Title Company, located at 1700 Standiford Avenue, Suite 110, Modesto, California 95350; Attention: Karla Sam-Sin ("Title Company" or "Escrow Agent"). Upon the opening of Escrow, the Parties shall deposit with the Escrow Agent an executed copy of this Agreement, which together with such additional instructions as may be executed by either Party and delivered to the Escrow Agent, shall serve as the escrow instructions of SWH/MHC and City for the conveyance of the SWH/MHC Exchange Property to City and the conveyance of the City Exchange Property to SWH/MHC.

3.2 Closing Costs. Each Party shall pay the cost of any title insurance such Party elects to purchase with respect to the Property to be acquired by such Party pursuant to this Agreement at the time such Party acquires the Property. SWH/MHC and City shall each pay one-half (1/2) of all other closing costs and escrow fees (including without limitation recording fees, escrow charges, real estate transfer taxes, and documentary transfer taxes) associated with the closing for the conveyance City Exchange Property to SWH/MHC ("Closing No. 1") and the conveyance of the SWH/MHC Exchange Property to City ("Closing No. 2"); and together Closing No. 1 and Closing No. 2 hereinafter referred to as "Closings").

3.3 Closings; Documents and Funds; Timing.

3.3.1. Closing No. 1. Provided that the conditions set forth in Section 1.2 have been satisfied, and neither Party has terminated this Agreement prior to the end of the Due Diligence Period (as defined below), Closing No. 1 shall take place on a date ("Closing No. 1 Date") as soon as practicable following the completion of all closing conditions and the deposit into Escrow of all the documents described in this Section. Notwithstanding the foregoing, if the Closing No. 1 Date has not occurred within one (1) year of the Effective Date, either Party may terminate this Agreement upon written notice to the other. The Parties each agree that they shall not unreasonably condition, delay, or withhold consent to an extension of the Closing No. 1 Date. Prior to the Closing No. 1 Date, the Parties shall deposit the following documents into Escrow:

(i) City and SWH/MHC deliver executed License Agreement;

(ii) City delivers evidence of the completed Abandonment;

(iii) City delivers fully executed City Grant Deed sufficient to convey good and marketable fee simple title to the City Exchange Property free of all title defects and encumbrances except the Permitted Exceptions (as defined below);

(iv) SWH/MHC delivers a fully-executed IOD in recordable form;

(v) City and SWH/MHC shall deliver executed Easement Documents;

(vi) City and SWH/MHC each deliver their respective share of closing costs; and

(vii) City and SWH/MHC each deliver such additional duly executed instruments and documents as the Escrow Agent may reasonably require to consummate the conveyance of the City Exchange Property to SWH/MHC.

3.3.2. Closing No. 2. Provided that the conditions set forth in Section 2.2 have been satisfied, and neither Party has terminated this Agreement prior to the end of the Due Diligence Period (as defined below), Closing No. 2 shall take place on a date ("Closing No. 2 Date"; and together the Closing No. 1 Date and Closing No. 2 Date hereinafter "Closing Dates") as soon as practicable following the completion of all closing conditions and the deposit into Escrow of all the documents described in this Section. Notwithstanding the foregoing, the Closing No. 2 Date shall occur within one (1) year of the Closing No. 1 Date, unless the Parties mutually agree to extend the Closing No. 2 Date. The Parties each agree that they shall not unreasonably condition, delay, or withhold consent to an extension of the Closing No. 2 Date. Prior to the Closing No. 2 Date, the Parties shall deposit the following documents into Escrow:

(i) City and SWH/MHC deliver a release of all terms and conditions of the License Agreement in a form reasonably acceptable to the Parties;

(ii) City and SWH/MHC each deliver their respective share of closing costs;

(iii) SWH/MHC delivers fully executed Grant Deed sufficient to convey good and marketable fee simple title to the SWH/MHC Exchange Property free of all title defects and encumbrances except the Permitted Exceptions (as defined below); and

(iii) City and SWH/MHC each deliver such additional duly executed instruments and documents as the Escrow Agent may reasonably require to consummate the conveyance of the SWH/MHC Exchange Property to City.

3.4 Prorations.

3.4.1. Closing No. 1. In connection with the conveyance of the City Exchange Property to SWH/MHC, the Escrow Agent shall make the following prorations: (i) property taxes and assessments shall be prorated as of the Closing No. 1 Date based upon the most recent tax bill available, including any property taxes which may be assessed after the Closing No. 1 Date but which pertain to the period prior to the transfer of title, regardless of when or to whom notice thereof is delivered; (ii) any bond or assessment that constitutes a lien on the City Exchange Property on the Closing No. 1 Date shall be assumed by SWH/MHC (provided, however, it shall be a condition to Closing No. 1 that any such bond or assessment be paid current by each Party). Any utility and sewer service charges shall be prorated as of the respective Closing No. 1 Date.

3.4.2. Closing No. 2. In connection with the conveyance of the SWH/MHC Exchange Property to City, the Escrow Agent shall make the following prorations: (i) property taxes and assessments shall be prorated as of the Closing No. 2 Date based upon the most recent tax bill available, including any property taxes which may be assessed after the Closing No. 2 Date but which pertain to the period prior to the transfer of title, regardless of when or to whom notice thereof is delivered; (ii) any bond or assessment that constitutes a lien on the SWH/MHC Exchange Property on the Closing No. 2 Date shall be assumed by City (provided, however, it shall be a condition to Closing that any such bond or assessment be paid current by each Party). Any utility and sewer service charges shall be prorated as of the Closing No. 2 Date.

3.5. Closing No. 1 Protocol. The Escrow Agent shall close Escrow for the conveyance of the City Exchange Property to SWH/MHC by:

(i) causing the City Grant Deed, the Easement Agreements, the IOD, and the Abandonment to be recorded in the Official Records of Stanislaus County;

(ii) issuing the Title Policy (as defined below) for the City Exchange Property and delivering same to SWH/MHC;

(iii) delivering to City and SWH/MHC a conformed copy of all documents recorded in connection with the Closing No. 1, indicating recording information thereon; and

(iv) distributing to each Party fully executed copies of the License Agreement.

On Closing No 1 Date, possession of the City Exchange Property shall be delivered to SWH/MHC subject to the terms and conditions of the License Agreement.

3.6. Closing No. 2 Protocol. The Escrow Agent shall close Escrow for the conveyance of the SWH/MHC Exchange Property to City by:

(i) issuing the Title Policies (as defined below) for the SWH/MHC Exchange Property and delivering same to City;

(ii) delivering to City and SWH/MHC a conformed copy of all documents recorded in connection with the Closing No. 2, indicating recording information thereon; and

(iii) distributing to each Party fully executed release of the terms and conditions of the License Agreement in form reasonably acceptable to the Parties.

On the Closing No. 2 Date, possession of the SWH/MHC Exchange Property shall be delivered to City.

4. Title Documents. No later than five (5) business days following the Effective Date, each Party shall deliver or cause to be delivered to the other Party a preliminary title report issued by the Title Company for its Property ("Preliminary Report") setting forth all liens, encumbrances, easements, restrictions, conditions, and other matters of record affecting title to that Property ("Title Exceptions") together with copies of all instruments referred to therein. Each Party shall approve or disapprove each Title Exception within ten (10) days following receipt of the Preliminary Report and instruments referred to in the Title Exceptions. Upon failure to object within such period, any Title Exceptions that are not disapproved shall be deemed to be Permitted Exceptions (as defined below). If either Party objects to any Title Exception, the other Party shall use its best efforts at its sole expense to remove from title or otherwise satisfy each such exception in a form that is reasonably satisfactory to the requesting Party within thirty (30) days following the date that the objecting Party objects to such exception. If the responsible Party is unable to remove the exception within such time, the requesting Party may either waive its objection to the Title Exception or terminate this Agreement.

5. Title Policy. It shall be a condition to the Closings that Title Company shall deliver to each Party, no later than ten (10) days prior to each of the Closings, a title commitment for an CLTA Owner's Title Insurance Policy ("Title Policy") to be issued by Title Company in an amount to be determined by the Parties receiving title, showing title to each Property, subject only to the Permitted Exceptions, including such endorsements as may reasonably be requested by each Party receiving title and committing Title Company to issue each Title Policy to the acquiring Party upon each of the Closings.

The following exceptions shown on the Preliminary Report ("Permitted Exceptions") are approved by each of the Parties: (a) exceptions for a lien for local real estate taxes and assessments

not yet due or payable, including (without limitation) special taxes under Govt. Code §§53311–53368.3 or installment assessments under Street & H C §§8500–8887; (b) the standard preprinted exceptions and exclusions of the Title Company; (c) any other exception shown on the Preliminary Report, other than exceptions for monetary liens, which the acquiring Party does not object to by written notice to the other Party on or before 5:00 pm Pacific on the date that is ten (10) days after delivery of the Preliminary Report and instruments referred to in the Title Exceptions ("Buyer's Title Notice").

6. Conveyance of Title. Each Party shall convey by grant deed to the other Party marketable fee simple title to its respective Property, free and clear of all recorded and unrecorded liens, encumbrances, restrictions, easements, and leases, except the Permitted Exceptions.

7. Due Diligence.

7.1 Feasibility Studies. During the period commencing upon the Effective Date and terminating thirty (30) days thereafter ("Due Diligence Period"), City and SWH/MHC may undertake further inspection, review and testing of both the SWH/MHC Exchange Property and the City Exchange Property, respectively, including without limitation (i) a review of the physical condition of such Property, including inspection and examination of soils, environmental condition, and archeological information relating to the Property; (ii) a completion of Phase I environmental assessment; (iii) a review and investigation of the effect of any zoning, maps, permits, reports, engineering data, regulations, ordinances, and laws affecting the Property, and (iv) an evaluation of the Property to determine its feasibility for the Party's intended use. All of the foregoing is hereinafter collectively referred to as "Feasibility Studies." The Parties may consult with or retain any experts they wish in order to determine if the Property is suitable for each Party's intended use. Each Party shall bear its own costs for the Feasibility Studies and consultations with experts.

7.2 Contracts, Reports and Investigations. SWH/MHC and City each agree to make available within ten (10) days following the Effective Date, any and all information, studies, reports, investigations, contracts, leases, rental agreements and other obligations concerning or relating to the Property each Party has agreed to convey pursuant to this Agreement which are in such Party's possession or which are reasonably available to such Party, including without limitation any Phase I Environmental Site Assessments, surveys, studies, reports and investigations concerning the property's physical, environmental or geological condition, habitability, or the presence or absence of Hazardous Substances in, on or under the Property and its compliance with Environmental Laws (as defined below).

7.3 Termination. Either Party may terminate this Agreement prior to the end of the Due Diligence Period by written notice to the other Party.

8. Right of Entry. During the Due Diligence Period, each Party grants to the other and to the other Party's agents and employees a right to enter its Property upon reasonable notice to the other Party for the purpose of inspecting, examining, surveying and reviewing such Property in accordance with this Agreement. Each Party's inspection, examination, survey and review of such Property shall be at such Party's sole expense. Each Party shall obtain the other Party's advance

consent to any proposed physical testing of the Property, which consent shall not be unreasonably conditioned, withheld or delayed. Physical tests shall be scheduled during normal business hours unless otherwise approved by the owner of the Property to be tested. Each Party agrees to indemnify the other Party and to hold the other Party harmless from and against all liability, loss, cost, damage and expense (including, without limitation, reasonable attorney's fees and costs of litigation) resulting from such Party's activities pursuant to this Section. This Section will survive the expiration or termination of this Agreement and the Closings.

9. "As Is" Purchase. Except as otherwise specified in this Agreement, each Party agrees to accept the Property conveyed to it pursuant to this Agreement, including the land, all buildings, structures, improvements, equipment, and operating systems located on or under the land "AS IS, WHERE IS" and in its current state and condition, without any warranties whatsoever regarding its condition except as specifically described in this Agreement, and with all faults and defects, including Hazardous Substances and any other environmental conditions or hazards, if any, that may be located on, under, or around the Property, whether known or unknown, suspected or unsuspected, actual or potential, and each Party assumes all responsibility for any such faults, defects, and conditions as of the respective Closings.

10. Representations, Warranties, and Covenants.

10.1 Representations and Warranties. Each Party hereby represents, warranties, and covenants that except as disclosed in writing to the other Party, as of the Effective Date and as of the Closings: (i) no contracts, licenses, leases or commitments regarding the maintenance or use of its Property or allowing any third party rights to use its Property are in force; (ii) Party knows of no pending actions, suits, condemnation or other proceedings against or affecting its Property or any portion thereof or the interest of Party in its Property; (iii) there are no threatened or pending condemnation, eminent domain, or similar proceedings affecting its Property or any portion thereof; (iv) Party knows of no receipt of notice, warning, notice of violation, administrative complaint, judicial complaint, or other formal or informal notice alleging that conditions on its Property are in violation of any Environmental Law; and (v) Party has disclosed all material facts concerning its Property actually known to that Party.

10.2 Additional Representations. Each Party further represents and warrants that this Agreement and all other documents to which it is a party and delivered or to be delivered in connection herewith shall at the time of their delivery: (a) have been duly authorized, executed, and delivered; (b) be the binding obligations of that Party; (c) collectively be sufficient to transfer all of that Party's right, title and interest in and to its Property; and (d) not be in violation of the provisions of any agreement to which Party is a party or which affects its Property. Each Party further represents and warrants that the persons who have executed this Agreement on behalf of that Party are authorized to do, that it has the legal right to enter into this Agreement and to perform all of its terms and conditions, and that this Agreement is enforceable against the Party in accordance with its terms.

10.3 Covenants. Each Party covenants that from the Effective Date and through the Closings, it: (i) shall not willingly permit any liens, encumbrances, or easements to be placed on its Property other than Permitted Exceptions and SWH/MHC shall have the right to mortgage the

SWH/MHC Exchange Property for the purpose of financing the construction of the Road Improvements; provided, however, the SWH/MHC Exchange Property shall be free of any such mortgage as a condition of Closing No. 2; (ii) shall not without the prior written consent of the other Party, enter into any agreement regarding the sale, rental, management, repair, improvement, or any other matter affecting its Property that would be binding on the other Party or its Property after the Close of Escrow; (iii) shall not permit any act of waste or act that would tend to diminish the value of its Property for any reason, except that caused by ordinary wear and tear; and (iv) shall maintain its Property in its condition as of the date hereof, ordinary wear and tear excepted, and shall manage its Property substantially in accordance with its established practices.

10.4 Notification. Each Party shall notify the other Party of any facts that would cause any of the representations contained in this Agreement to be untrue as of the Close of Escrow. If either Party reasonably believes that any fact materially and adversely affects its Property, such Party shall have the option to terminate this Agreement by delivering written notice thereof to other Party. In the event either Party elects to terminate this Agreement, all funds and documents deposited into Escrow by or on behalf of each Party shall be returned to that Party, and all rights and obligations hereunder shall terminate.

11. Mutual Release & Indemnity. Each Party (i) releases and forever discharges the other Party from any and all claims and causes of action regarding the Property the Party is acquiring pursuant to this Agreement under or with respect to any Environmental Laws, including without limitation the California Hazardous Substance Account Act, California Health and Safety Code Section 25300 *et seq*., (including section 25359.7), the Comprehensive Environmental Response, Compensation, and Liability Act, ("CERCLA") title 42 U.S.C. section 9601 *et seq.,* the Resource Conservation and Recovery Act ("RCRA") title 42 U.S.C. section 6901 *et seq*.; and the Clean Water Act, title 33 U.S.C. section 2601 *et seq*., as these laws may be amended in the future; and (ii) agrees to defend (with counsel approved by both Parties, which approval will not be unreasonably withheld) indemnify, protect and hold the other Party free and harmless from any claim, liability, damages of any kind, attorneys' fees, costs, etc. arising out of or resulting from the physical condition or use of its Property on or after Close of Escrow, including, without limitation, due to the presence of Hazardous Substances on its Property, as well as any claims or causes of action threatened or made by anyone relating to the condition or use of its Property, including, without limitation, third parties adjoining property owners, governmental agencies, or claims brought under Proposition 65, California Health and Safety Code Sections 25249.5-25249.13. For the purposes of this Section, "its Property" shall refer to the Property the Party acquires pursuant to this Agreement.

11.1 "Hazardous Substances" means any chemical, compound, material, mixture, or substance that is now or may in the future be defined or listed in, or otherwise classified pursuant to any Environmental Laws (defined below) as a "hazardous substance", "hazardous material", "hazardous waste", "extremely hazardous waste", "infectious waste", "toxic substance", "toxic pollutant", or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, or toxicity. The term "hazardous substances" shall also include asbestos or asbestos-containing materials, radon, methyl tertiary butyl ether, perchlorate, polychlorinated biphenyls, petroleum, petroleum products or by-products, petroleum components, oil, mineral spirits, natural gas, natural gas liquids,

liquefied natural gas, and synthetic gas usable as fuel, whether or not defined as a hazardous waste or hazardous substance in the Environmental Laws.

11.2 "Environmental Laws" means any and all federal, state and local statutes, ordinances, orders, rules, regulations, guidance documents, judgments, governmental authorizations, or any other requirements of governmental authorities, as may presently exist, or as may be amended or supplemented, or hereafter enacted, relating to the presence, release, generation, use, handling, treatment, storage, transportation or disposal of Hazardous Substances, or the protection of the environment or human, plant or animal health.

12. Additional Covenants. As additional inducement for the Parties to enter this Agreement and complete, each of the Parties covenants and agrees as follows:

12.1. Road Improvements on the SWH/MHC Exchange Property. SWH/MHC shall complete all road improvements within the SWH/MHC Exchange Property to realign Zeff Road from the City Exchange Property to the SWH/MHC Exchange Property ("Road Improvements"), at SWH/MHC sole cost and expense, according to plans and specifications approved by the City under the terms and conditions of City standard encroachment permit.

12.1.1 Plans & Specifications. SWH/MHC has submitted to City plans and specifications for the Road Improvements which are subject to City's approval according to applicable City standards and requirements. The SWH/MHC's final plans and specifications (as approved by City) are referred to herein as the "Plans and Specifications" and will be prepared by SWH/MHC's licensed civil engineer with sufficient detail to construct the Road Improvements. The Plans and Specifications include designs and locations for the Road Improvements. To the extent not included in the Plans and Specifications, SWH/MHC will deliver to City such other materials as appropriate to provide City with reasonably sufficient initial information to review and approve the Plans and Specifications. City's approval or disapproval of the Plans and Specifications will be promptly completed and communicated to SWH/MHC accompanied by a description of the basis for any disapproval. City, by approving the Plans and Specifications, does not assume any liability therefor or make any warranty as to the design, construction, or suitability of materials or equipment specified therein, and City will not be liable for any defects in design or construction completed in accordance with the Plans and Specifications or any equipment, machinery, appliance or material incorporated therein. SWH/MHC will defend, indemnify and hold City and its Indemnitees (as defined herein) harmless from and against any and all Claims (as defined herein) arising out of or relating to any error or defect in the Plans and Specifications and construction of the Road Improvements. The Parties obligation to indemnify under this Section shall survive the termination or expiration of this Agreement.

12.1.2. Construction Standards. SWH/MHC will cause the Road Improvements to be constructed in a lien-free, good and workmanlike manner and in strict compliance with the Permits, City approved Plans and Specifications ("Final Plans and Specifications"), and otherwise in compliance with the provisions of this Agreement. SWH/MHC will cause the construction of the Road Improvements to be carried out with such materials and equipment as SWH/MHC shall select, all of which will be consistent with the Permits and Final

Plans and Specifications. SWH/MHC will diligently pursue until completion the correction of any defects in the design and/or construction of the Road Improvements.

12.1.3 Bonds. Prior to commencement of construction of Road Improvements, SWH/MHC or their contractor will provide City completion and performance and payment bonds, on a form approved by the City Attorney, from a surety or sureties licensed to do business in the State of California in an amount equal to one hundred percent (100%) of the estimated cost of the Road Improvements insuring full payment for all labor and materials and faithful performance of the construction of the Road Improvements so as to guarantee the lien-free completion of all such work, and naming City as an additional insured/beneficiary under such bond or bonds. Prior to acceptance of the Road Improvements by the City, SWH/MHC shall provide the City with a Guarantee and Warranty Security Bond, in a form approved by the City Attorney, in the amount often percent (10%) of the estimated cost of the Road Improvements to guarantee and warrant the Road Improvements for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

12.1.4 Additional Construction Requirements**.** All work done in connection with the construction of the Road Improvements will be done in a first-class and workmanlike manner and substantially in accordance with the applicable Permits, and Final Plans and Specifications.

12.1.5 Title to Road Improvements. Upon completion and written acceptance by the City, the Road Improvements and all improvements of whatever nature therein, will become and remain the property of City.

12.1.6 Inspection During Construction. SWH/MHC will keep City informed of construction progress for the Road Improvements and will allow City, City's authorized representatives, agents, and/or employees to inspect any construction upon the Road Improvements in order to determine whether SWH/MHC are complying with SWH/MHC's undertakings, duties and obligations under this Agreement, and the Permits. Such inspections will not materially interfere with any construction being done by or on behalf of SWH/MHC. No such inspection will be deemed or construed as City's waiver or approval of any default by SWH/MHC under this Agreement existing at the time of the inspection which City does not discover during the inspection.

12.1.7 Surveys and As-Built Plans. As soon as practical (however, in no event to exceed six (6) calendar months) after completion and acceptance by City of the Road Improvements, SWH/MHC will furnish to City, at SWH/MHC sole cost and expense (i) two (2) complete sets of final "As-Built" plans and specifications of the completed Road Improvements, and (ii) two (2) duplicates of any plat of survey prepared in connection with completion of the Road Improvements, depicting to scale the exact location of the Road Improvements.

12.1.8 Insurance. SWH/MHC, at its sole cost and expense, must carry insurance, for its activities in connection with the Road Improvements, and obtain, keep in force, and maintain insurance, for general liability, workers compensation, property, and business automobile liability adequate to cover its potential liabilities hereunder, with limits not less than

Two Million Dollars ($2,000,000) per occurrence. Insurance policies shall be endorsed to name as an additional insured the City and its officers, agents, and employees. Insurance certifications shall be provided to the City for approval prior to the commencement of any construction or preconstruction work.

12.4 Survivability. The provisions of this Section 12 shall survive the Close of Escrow.

13. Miscellaneous Provisions.

13.1 Notices. Except as otherwise specified in this Agreement, all notices to be sent pursuant hereto shall be made in writing, and sent to the parties at their respective addresses specified below or to such other address as a party may designate by written notice delivered to the other parties in accordance with this Section. All such notices shall be sent by:

(i) personal delivery, in which case notice shall be deemed delivered upon receipt;

(ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered two (2) business days after deposit, postage prepaid in the United States mail;

(iii) nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) day after deposit with such courier; or

(iv) facsimile transmission, in which case notice shall be deemed delivered on transmittal, provided that a transmission report is generated reflecting the accurate transmission thereof.

City: City of Modesto
1010 10th Street
Modesto, CA 95354
Attention: City Manager

SWH/MHC: William A. Shirley
2621 State Street
Dallas, Texas 75204
Phone: 214-689-0320
Email: bshirley@pascalenterprises.com

With copy to: Russell A. Newman, Esq.
1034 12th Street
Modesto, CA 95354

Phone: 209-521-9521
Email: russ.newman51@gmail.com

13.2 Attorneys' Fees. In any action at law or in equity, arbitration or other proceeding arising in connection with this Agreement, the prevailing party shall recover reasonable attorneys' fees and other costs, including but not limited to court costs and expert and consultants fees incurred in connection with such action, in addition to any other relief awarded.

13.3 Escrow Cancellation Charges. If the Escrow fails to close by reason of a default by SWH/MHC or City hereunder, such defaulting party shall pay all escrow or other Title Company charges. If the Escrow fails to close for any reason other than default by SWH/MHC or City, then SWH/MHC and City shall each pay one-half of such charges.

13.4 Amendments; Assignment. This Agreement may be amended only by a written instrument executed by the Parties hereto or their successors in title. This Agreement may not be assigned without written authorization from both Parties.

13.5 Severability. If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged thereby.

13.6 Waiver. A waiver by either party of the performance of any covenant or condition herein shall not invalidate this Agreement nor shall it be considered a waiver of any other covenant or condition, nor shall the delay or forbearance by either party in exercising any remedy or right be considered a waiver of, or an estoppel against, the later exercise of such remedy or right.

13.7 Default and Remedies. An event of default ("Default") under this Agreement shall occur if either Party fails to comply with any of such Party's covenants or obligations set forth herein and does not cure such failure within twenty (20) days after receipt of written notice thereof (or in the case of a non-monetary default, fails to commence to cure such default within such 10-day period and fails to thereafter proceed with due diligence to cure such default.) Upon the occurrence of an event of default hereunder the Parties may pursue all remedies at law or in equity including the remedy of specific performance. The rights and remedies of the Parties hereunder are cumulative, and the exercise or failure to exercise one or more of such rights or remedies by either Party shall not preclude the exercise by it, at the same time or different times, of any right or remedy for the same default or any other default.

13.8 Entire Agreement. This Agreement, together with **Exhibit A** through **Exhibit L** which are hereby incorporated by reference, contains the entire agreement between the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, documents and discussions pertaining thereto.

13.9 Binding Effect; Due Authorization. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties hereto. Any reference in this Agreement to a specifically named party shall be

deemed to apply to any successor, heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

13.10 Parties Not Co-Venturers; No Brokers. Nothing in this Agreement is intended to or does establish the Parties as partners, co-venturers, or principal and agent with one another. Each Party hereby represents and warrants to the other Party that it has retained no broker or other party to whom a commission or finder's fee is due with respect to the transactions contemplated hereby. Each Party agrees to defend, indemnify, and hold the other Party harmless from and against all claims, losses, costs, expenses and liabilities arising in connection with a breach of this representation and warranty by the indemnifying party. The terms of this Section shall survive the expiration or earlier termination of this Agreement and shall survive Close of Escrow.

13.11 No Third Party Beneficiaries. Nothing contained in this Agreement is intended by the Parties, nor shall any provision of this Agreement be deemed or construed by the Parties or by any third person, to be for the benefit of any third party, nor shall any third party have any right to enforce any provision of this Agreement or be entitled to damages for any breach by SWH/MHC or City of any of the provisions of this Agreement.

13.12 Captions; Interpretation. The section headings used herein are solely for convenience and shall not be used to interpret this Agreement. The Parties acknowledge that this Agreement is the product of negotiation and compromise on the part of both Parties, and the Parties agree, that since both Parties have participated in the negotiation and drafting of this Agreement, this Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

13.13 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

13.14 Further Assurances. The Parties each agree to execute, acknowledge and deliver to the other such other documents and instruments, and to undertake such actions, as either shall reasonably request or as may be necessary to carry out the intent of this Agreement.

13.15 Governing Law; Time is of the Essence. This Agreement shall be interpreted under and pursuant to the laws of the State of California without regard to principle of conflicts of laws. Any legal action filed in connection with this Agreement shall be filed in the Superior Court of Stanislaus County, California or in the Federal District Court for the Eastern District of California. Time is of the essence and is a material term for all conditions and provisions contained in this Agreement.

13.16 No Merger; Survival of Representations. The obligations stated herein which are intended to operate after the Close of Escrow, including without limitation indemnification obligations and the obligations in Section 12 shall not merge with the transfer of title but shall remain in effect until fulfilled as provided herein. Without limiting the generality of the foregoing, the representations and warranties made by each Party shall survive Close of Escrow.

13.17 Indemnification and Insurance. Except where otherwise specified herein, each Party shall indemnify, defend and hold harmless the other Party and its respective boards, commissions, and elected and appointed officials, employees, agents and contractors (collectively "Indemnitees") from and against all claims, actions, proceedings, demands, liabilities, judgments, losses, expenses (including reasonable attorneys' fees and expenses) and costs (collectively "Claims") arising out of or related to the indemnifying Party's negligence or willful misconduct. Each Party shall promptly notify the other Party of any such Claim. Nothing contained in this Section shall prohibit a Party from participating in a defense of any Claim, and if it chooses to do so, it shall be reimbursed for its reasonable attorneys' fees and expenses. The provisions of this Section shall survive the expiration or termination of this Agreement and Close of Escrow.

13.18 Compliance with Applicable Laws. Parties, and any subcontractors retained by a Party, to complete the Road Improvements shall comply with all federal, state, and local laws and regulations applicable to the performance of obligations under this Agreement including, to the extent required by the California Labor Code section 1720 *et seq.*, payment of not less than the latest prevailing wage rates as determined by the California Department of Industrial Relations. The Parties shall, at their sole cost and expense, obtain all necessary permits from any public agency with jurisdiction over any of the work required by this Agreement, including the City of Modesto.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

[Signatures on Following Page]

IN WITNESS WHEREOF, the City and SWH/MHC have executed this Agreement as of the Effective Date first written above.

CITY OF MODESTO

By:_____
Joseph Lopez
City Manager

Attest:

By:_____
Diane Nayares-Perez
City Clerk

Approved as to Form:

By: _____
Jose M. Sanchez
City Attorney

SOUTHWEST HIDE CO., an
Idaho general partnership, as to a 50%
undivided tenant in common interest

By: _____
Name:
Its:

MODESTO HOLDING COMPANY,
a Delaware corporation as to a 50%
undivided tenant in common interest

By: _____
Name: William A. Shirley
Its: President

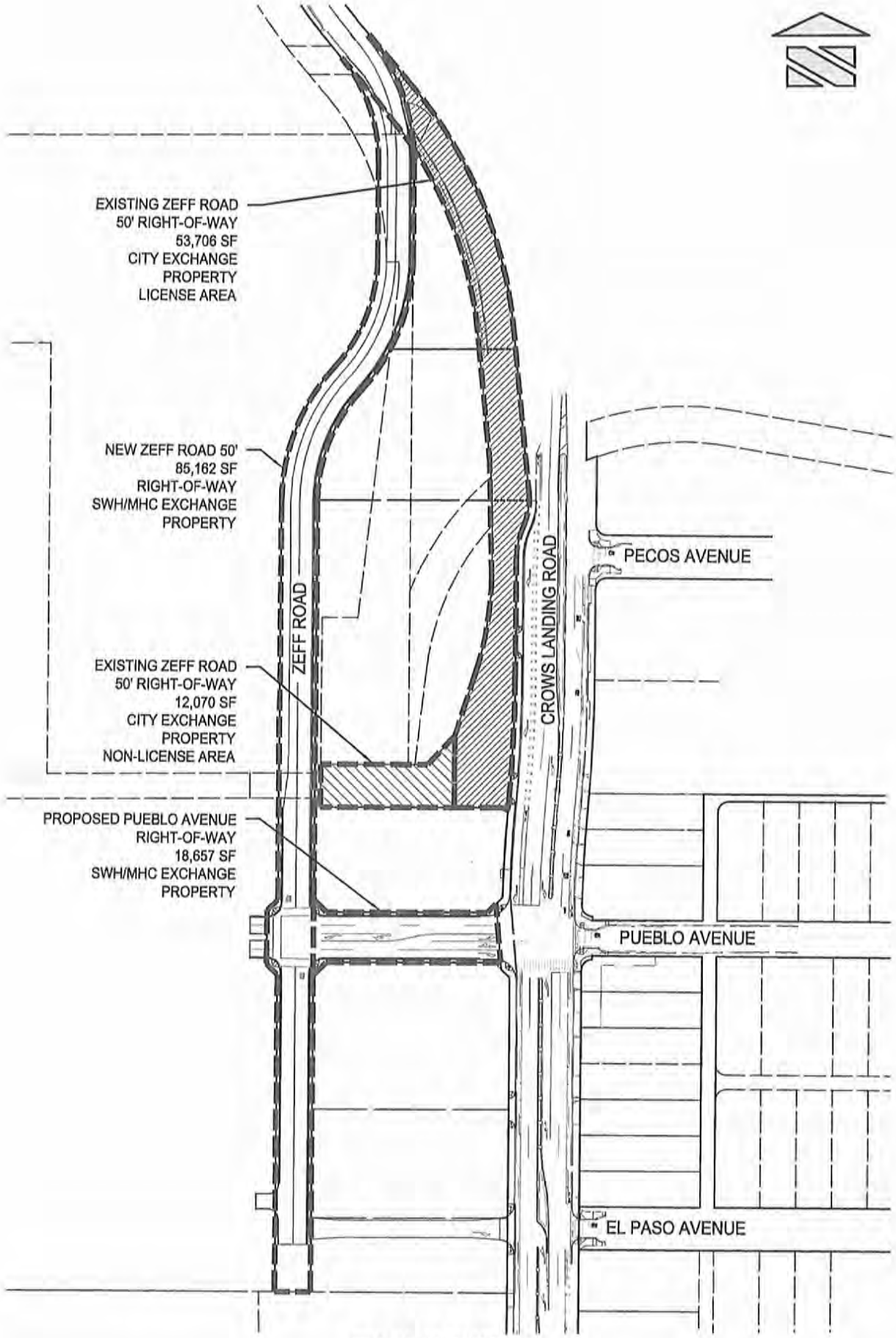


EXHIBIT A

CITY EXCHANGE PROPERTY, SWH/MHC EXCHANGE PROPERTY,
CITY LICENSE AREA, AND NON-LICENSE AREA

EXHIBIT "B"
ZEFF ROAD & CROWS LANDING ROAD ABANDONMENT
LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, LYING WITHIN THE EAST HALF OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN, DESCRIBED AS FOLLOWS:

ABANDONMENT PARCEL "A"

ALL THAT PORTION OF PARCEL 1 AS CONVEYED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION BY DOCUMENT ENTITLED "RELINQUISHMENT OF STATE HIGHWAY IN THE CITY OF MODESTO, ROAD 10-STA-99-14.1-18.3, REQUEST NO. 52", RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS ON MARCH 6, 1967 IN BOOK 2149 OF OFFICIAL RECORDS AT PAGE 683 AS INSTRUMENT NUMBER 6803, SAID PARCEL 1 ALSO AS SHOWN AS SHADED ON THE MAPS OF THE "PROPOSED RELINQUISHMENT TO THE CITY OF MODESTO", FILED OCTOBER 25, 1966, IN STATE HIGHWAY MAP BOOK NO. 2, AT PAGE 12, STANISLAUS COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE SOUTH LINE OF PARCEL 1 HEREIN ABOVE REFERRED TO, SAID ANGLE POINT BEING THE BEGINNING OF COURSE NUMBER 2 OF PARCEL NUMBER 1 OF DEED RECORDED MAY 29, 1962 IN VOLUME 1770 OF OFFICIAL RECORDS AT PAGE 402, INSTRUMENT NO. 20761, STANISLAUS COUNTY RECORDS; THENCE NORTH 38°40'15" WEST ALONG THE SOUTH LINE OF THE HEREIN ABOVE PARCEL 1, A DISTANCE OF 64.15 FEET TO THE BEGINNING OF COURSE NUMBER 3 OF SAID PARCEL NUMBER 2; THENCE NORTH 89°52'43" WEST ALONG LAST SAID SOUTH LINE AND COURSE NUMBER 3, A DISTANCE OF 4.16 FEET TO THE **POINT OF BEGINNING OF THIS ABANDONMENT DESCRIPTION;** THENCE ALONG THE SOUTHERLY AND WESTERLY LINE OF THE HEREIN ABOVE REFERRED TO PARCEL 1, THE FOLLOWING TWELVE (12) COURSES:
1) NORTH 89°52'43" WEST, A DISTANCE OF 263.46 FEET; THENCE
2) NORTH 00°06'45" EAST, A DISTANCE OF 60.00 FEET; THENCE
3) SOUTH 89°52'43" EAST, A DISTANCE OF 150.12 FEET; THENCE
4) NORTH 43°16'46" EAST, A DISTANCE OF 55.46 FEET; THENCE
5) NORTH 17°51'44" EAST, A DISTANCE OF 88.57 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 470.00 FEET; THENCE
6) NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°44'27", AN ARC DISTANCE OF 145.53 FEET; THENCE
7) NORTH 01°27'09" WEST, A DISTANCE OF 155.87 FEET; THENCE
8) NORTH 05°55'22" WEST, A DISTANCE OF 180.42 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 570.00 FEET; THENCE
10) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°38'40", AN ARC DISTANCE OF 274.92 FEE TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS WHICH BEARS SOUTH 86°07'03" WEST A DISTANCE OF 275.00 FEET ; THENCE
11) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°33'36", AN ARC DISTANCE OF 175.48 FEET; THENCE
12) NORTH 49°33'27" EAST, A DISTANCE OF 0.50 FEET; TO A POINT ON THE EASTERLY LINE OF SAID PARCEL 1; THENCE CONTINUING SOUTHERLY ALONG SAID EASTERLY LINE OF PARCEL 1 THE FOLLOWING TWO (2) COURSES:

1) SOUTH 40°26'33" EAST, A DISTANCE OF 95.48 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 620.50 FEET; THENCE
2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°31'11", AN ARC DISTANCE OF 373.84 FEET; THENCE LEAVING SAID EASTERLY LINE AND PROCEEDING ALONG THE FOLLOWING SIX (6) COURSES:
1) SOUTH 00°05'25" EAST ALONG A LINE LYING 49.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 5, A DISTANCE OF 11.25 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 90.00 FEET; THENCE
2) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°47'39", AN ARC DISTANCE OF 37.38 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 110.00 FEET OF WHICH THE RADIUS POINT BEARS SOUTH 66°06'55" EAST; THENCE
3) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°47'39", AN ARC DISTANCE OF 45.68 FEET; THENCE
4) SOUTH 00°05'25" EAST ALONG A LINE LYING 66.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 5, A DISTANCE OF 167.53 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1939.00 FEET; THENCE
5) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°57'49", AN ARC DISTANCE OF 167.98 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 2061.00 FEET OF WHICH THE RADIUS POINT BEARS SOUTH 84°56'45" EAST; THENCE
6) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°20'59", AN ARC DISTANCE OF 12.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.51 ACRES MORE OR LESS

SAID PARCEL ALSO SHOWN ON EXHIBIT B-1, ATTACHED HEREWITH AND MADE A PART HEREOF.

ABANDONMENT PARCEL "B"

ALL THAT PORTION OF THAT CERTAIN PARCEL OF LAND AS CONVEYED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION BY GRANT DEED, RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS ON FEBRUARY 5, 1975 IN BOOK 2681 OF OFFICIAL RECORDS AT PAGE 543 AS INSTRUMENT NUMBER 29849, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE SOUTH LINE OF PARCEL 1 HEREIN ABOVE REFERRED TO, SAID ANGLE POINT BEING THE BEGINNING OF COURSE NUMBER 2 OF PARCEL NUMBER 1 OF DEED RECORDED MAY 29, 1962 IN VOLUME 1770 OF OFFICIAL RECORDS AT PAGE 402, INSTRUMENT NO. 20761, STANISLAUS COUNTY RECORDS; THENCE NORTH 38°40'15" WEST ALONG THE SOUTH LINE OF THE HEREIN ABOVE PARCEL 1, A DISTANCE OF 64.15 FEET TO THE BEGINNING OF COURSE NUMBER 3 OF SAID PARCEL NUMBER 2; THENCE NORTH 89°52'43" WEST ALONG LAST SAID SOUTH LINE, A DISTANCE OF 4.16 FEET TO THE **POINT OF BEGINNING OF THIS ABANDONMENT DESCRIPTION**, THENCE CONTINUING ALONG SAID SOUTH LINE AND COURSE NUMBER 3, NORTH 89°52'43" WEST ALONG LAST SAID SOUTH LINE, A DISTANCE OF 10.67 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS WHICH BEARS SOUTH 00°07'17" WEST 15.00 FEET; THENCE LEAVING SAID SOUTH LINE AND COURSE NUMBER 3, SOUTHESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°35'49", AN ARC DISTANCE OF 11.41 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS WHICH BEARS

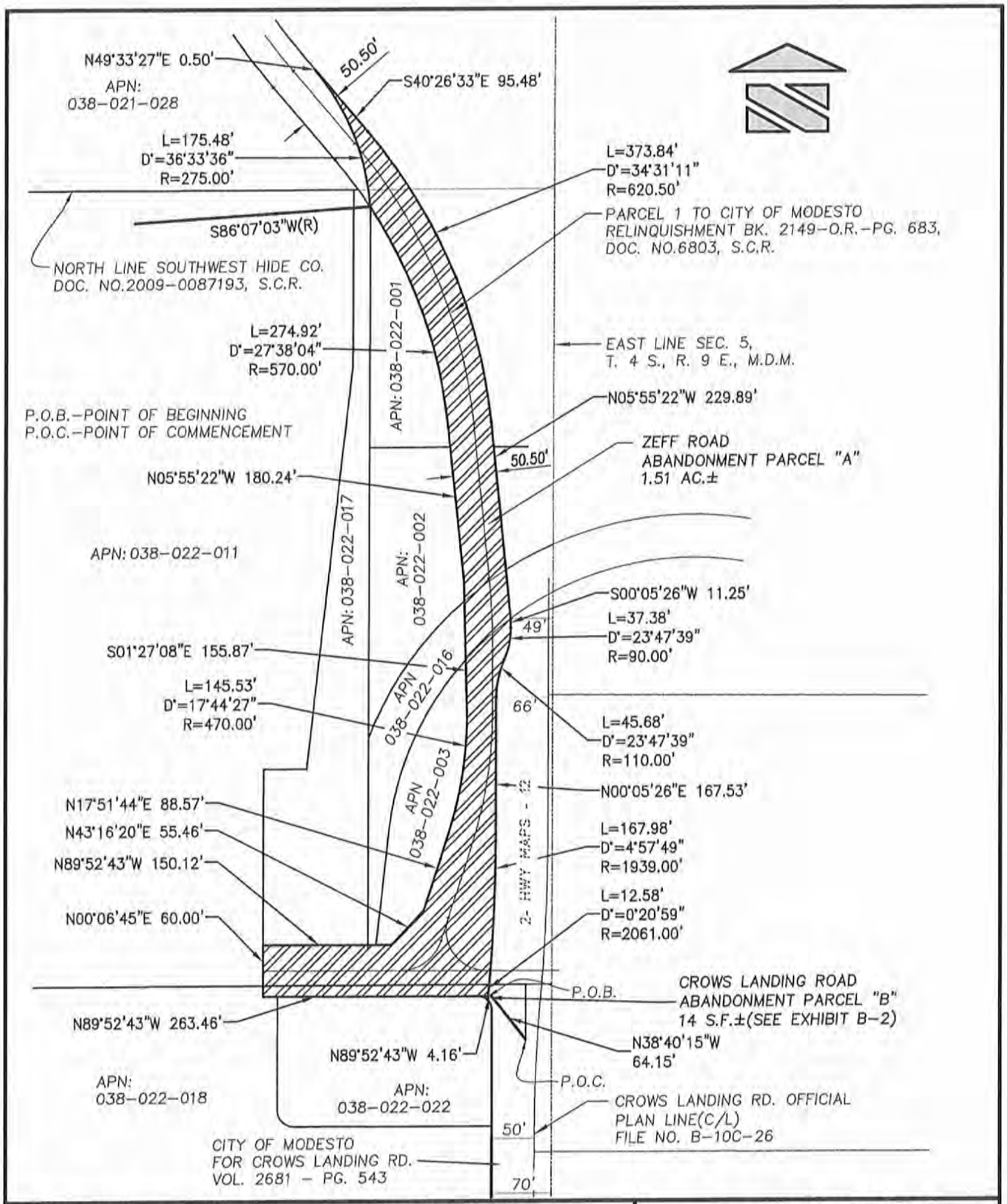
SOUTH 85°24'40" EAST 2061.00 FEET; THENCE SOUTHESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°35'49", AN ARC DISTANCE OF 4.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 14 SQUARE FEET MORE OR LESS

SAID PARCEL ALSO SHOWN ON EXHIBIT B-2, ATTACHED HEREWITH AND MADE A PART HEREOF.

_____

DUSTIN BYRON WILTON, P.L.S. 8080
09/__/22

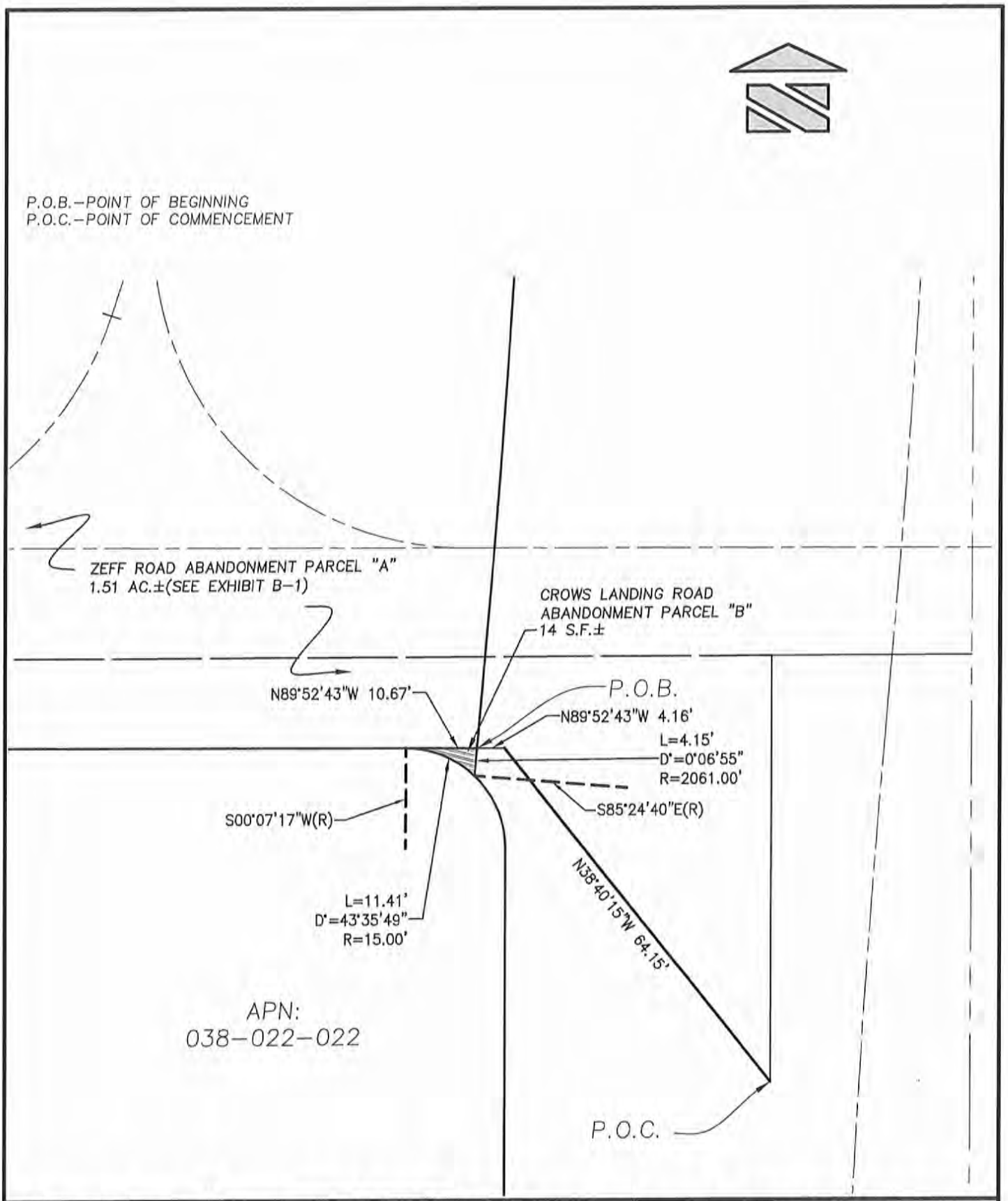


DRAWN:	DBW
DATE:	8/29/22
SCALE:	1"=150'
JOB #:	549A-21
DWG:	549D-21-EXH. B

EXHIBIT "B-1"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

ZEFF ROAD ABANDONMENT
MODESTO CALIFORNIA

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com



DRAWN:	DBW
DATE:	8/29/22
SCALE:	1"=30'
JOB #:	549A–21
DWG:	549D–21–EXH. B

EXHIBIT "B-2"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

CROWS LANDING ROAD ABANDONMENT
MODESTO CALIFORNIA

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

EXHIBIT C

LEGAL DESCRIPTION OF SWH/MHC EXCHANGE PROPERTY

The legal description of the SWH/MHC Exchange Property to be attached to the Grant Deed will be prepared to encompass that real property shown on Exhibit A of this Exchange Agreement and identified on the Exchange Map as the "85,162 SF Right-of-Way SWH/MHC Exchange Property". During construction, it is possible that minor adjustments are needed to the location of the right-of-way, so at the time of dedication of New Zeff Road, the City Engineer will review the legal description and attest that it is in substantial conformance to that area shown on the Exchange Map.

EXHIBIT D

FORM OF CITY GRANT DEED

Recording Requested by
and When Recorded, Return to:

City of Modesto
1010 10th Street
P.O. Box 642
Modesto, CA 94354
Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

APN _____

Exempt from Documentary Transfer Tax
Per Rev. & Tax. Code § 11922
Governmental Agency acquiring title

GRANT DEED

For valuable consideration, the receipt of which is hereby acknowledged, _____, a California [corporation/limited liability company/etc.] (the "**Grantor**"), hereby grants in fee to the City of Modesto, a California municipal corporation (the "**Grantee**"), all that real property located at _____ in the City of Modesto, County of Stanislaus, State of California and more particularly described and depicted in Exhibit A, attached hereto and incorporated here by this reference.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed as of as of _____.

Grantor

_____,
a California _____

By: _____
[Name, Title]

SIGNATURE MUST BE NOTARIZED

Exhibit A to Grant Deed

LEGAL DESCRIPTION & PLAT

That real property located in the City of Modesto, County of Stanislaus, State of California, described as follows:

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed dated _____, from _____, a California _____ ("**Grantor**"), to the City of Modesto ("**City**"), is hereby accepted on behalf of the City by the undersigned officer pursuant to the authority conferred by Government Code section 27281 and Resolution No. _____, adopted by the City Council on _____, and the City consents to the recordation thereof in the official records of Stanislaus County by its duly authorized officer.

Dated: _____

CITY OF MODESTO

By: _____
Joseph Lopez, City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

5075338.1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

EXHIBIT E

FORM OF LICENSE AND STREET CLOSURE AGREEMENT

EXHIBIT E

Recording requested by and when recorded mail to:

City of Modesto
1010 10th Street
P. O. Box 642
Modesto, CA 95353
Attention: City Engineer

EXEMPT FROM RECORDING FEES PER GOVERNMENT CODE §§6103, 27383

APN:

Space above this line for Recorder's use.

LICENSE AND STREET CLOSURE AGREEMENT

This LICENSE AND STREET CLOSURE AGREEMENT ("Agreement") is entered into as of _____, 2023 ("Effective Date") by and between the City of Modesto, a California charter city ("City"), and Southwest Hide Co., an Idaho general partnership, as to a 50% undivided tenant in common interest, and Modesto Holding Company, a Delaware corporation, as to a 50% undivided tenant in common interest (collectively, "SWH/MHC"). City and SWH/MHC may hereinafter be referred to individually as "Party" and collectively as "Parties."

RECITALS:

A. City and SWH/MHC have entered into that certain Exchange Agreement dated _____, 2023, ("Exchange Agreement") by which SWH/MHC intends to acquire from the City fee title to that certain real property shown as the "City Exchange Property" on the map ("Map") attached hereto and incorporated herein as **Exhibit A** ("City Exchange Property"), and City intends to acquire from SWH/MHC fee title to that certain real property consisting of the strip of land shown on the Map as the "SWH/MHC Exchange Property" ("SWH/MHC Exchange Property"). A copy of the Exchange Agreement is attached hereto and incorporated herein as **Exhibit B**.

B. The City Exchange Property consists of all area shown on the Map as the "City Exchange Property License Area" ("City License Area") and all area shown on the Map as the "City Exchange Property Non-License Area" ("Non-License Area").

C. City intends to permanently close the City License Area and Non-License Area as a public road for all public vehicular and pedestrian traffic. As a condition of the Exchange Agreement, SWH/MHC has agreed to grant City a temporary license for public use of the City License Area for road purposes subject to the terms and conditions of this Agreement.

D. As a condition of the Exchange Agreement, City has agreed to grant SWH/MHC a license for access over and across and private use of the SWH/MHC Exchange Property under the terms and conditions of this Agreement.

E. City finds that the transactions contemplated in this Agreement, including all Exhibits attached hereto and incorporated herein, (i) are consistent with the City's General Plan, (ii) further the health, safety and welfare of the City's residents, and (iii) and are in conformity with the City's economic development plans and Municipal Code.

TERMS:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows.

1. Grant of City License.

1.1. City License. As of Closing No. 1 Date as defined in the Exchange Agreement ("City License Commencement Date") , SWH/MHC hereby grants to City a temporary, exclusive license ("City License") for the purpose of operating, maintaining and using the City License Area for public road purposes. The City License shall be held by City for the benefit of the public, which shall have the right to use the City License Area for pedestrian and vehicular traffic, and for such other public street purposes as permitted by the City, in its sole and absolute discretion. All use of the City License Area by City and the public shall be in a manner consistent with the use of public streets in the City. The City License is not intended to nor shall it be interpreted to create or vest in City any leasehold or any other property rights or interests in the City License Area or the improvements located thereon, or any part thereof.

1.2. Maintenance of City License Area. During the City License Term (as defined below), the City shall, at its sole cost and expense, maintain the City License Area in its condition existing as of the Effective Date, reasonable wear and tear excepted, and shall keep the City License Area in such condition as is necessary for the use of the City License Area by the public for street purposes, in accordance with all applicable federal, state and local laws, rules and regulations.

1.3. Enforcement of Traffic Laws. During the City License Term, City shall have the right to enforce all applicable traffic laws and regulations in the City License Area. All traffic laws and regulations applicable to the City License Area prior to the transfer of fee ownership in the City License Area from City to SWH/MHC pursuant to the Exchange Agreement shall remain applicable to the City License Area throughout the City License Term. Nothing in this Section shall create any obligation for City to enforce such traffic laws and regulations, and City, and its officers, officials, employees and agents shall incur no liability to any member of the public for failure to enforce such laws and regulations pursuant to the City License.

1.4. City License Term. The term of the City License ("City License Term") shall commence on the City License Comencement Date and shall remain in effect until the date ("City License Termination Date") SWH/MHC has completed, and City has accepted for dedication, the

Road Improvements (as defined in the Exchange Agreement). City shall record a resolution permanently vacating the City Exchange Property as a public road pursuant to Streets and Highways Code section 8320 *et seq.*, no later than ten (10) days following the City License Termnination Date. SWH/MHC hereby agrees not to revoke or terminate the City License prior to the City License Termination Date.

1.5. Indemnity. City shall indemnify, defend and hold harmless the City Exchange Property and SWH/MHC and its officers, directors, employees, and agents (collectively, "Indemnitees") from and against all actions, proceedings, claims, demands, liabilities, judgments, losses, expenses (including reasonable attorneys' fees and expenses) and costs (all of the foregoing, collectively "Liability") arising out of or related to the maintenance and/or use of the City License Area by the City and/or the public during the City License Term, except to the extent such Liability is caused by the gross negligence or willful misconduct of the Indemnitees. Furthermore, City shall indemnify, defend and hold harmless the Indemnitees from and against any claim, action or proceeding to attack, set aside, void or annul the City License or any part hereof.

1.6. Insurance. City, at its sole cost and expense, must carry insurance with limits not less than Two Million Dollars ($2,000,000) per occurrence, or self-insure, for its activities in connection with the City License, and obtain, keep in force, and maintain insurance or equivalent programs of self-insurance, for general liability, workers compensation, property, and business automobile liability adequate to cover its potential liabilities hereunder. Insurance policies shall be endorsed to name as an additional insured the SWH/MHC, its officers, agents, and employees.

1.7. Liens. City shall keep the the City License Area free from any liens arising out of any work performed, materials furnished or obligations incurred by the City in connection with the exercise of its rights, or the performance of obligations, under the City License.

2. Permanent Closure of City Exchange Area.

2.1. Non-License Area. As of the Closing No. 2 Date (as defined in the Exchange Agreement) , City and SWH/MHC shall take all actions necessary and appropriate to permanently close the Non-License Area of the City Exchange Area to all pedestrian and vehicular traffic from and after the Effective Date.

2.2. City License Area. City and SWH/MHC shall take all actions necessary and appropriate to permanently close the City License Area to all pedestrian and vehicular traffic from and after the City License Termination Date.

3. Events of Default; Remedies. An Event of Default under this Agreement shall occur if any Party fails to comply with any of the covenants or obligations hereunder and does not cure such failure within thirty (30) days after receipt of written notice thereof (or fails to commence to cure such default within such thirty (30) day period and thereafter fails to proceed with due diligence to cure such default).

4. Miscellaneous.

4.1 No Joint Venture. No provision of this Agreement shall be deemed to constitute the Parties as partners, principal and agent, or joint venturers with one another.

4.2 No Waiver. No waiver of, acquiescence in or consent to any breach of any term, covenant or condition hereof shall be construed as, or constitute a waiver of, acquiescence in, or consent to, any other, further or succeeding breach of the same or any other term, covenant or condition.

4.3 Notices. Except as otherwise specified herein, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified below or to such other address as a Party may designate by written notice delivered to the other Parties in accordance with this Section. All such notices shall be sent by:

(i) personal delivery, in which case notice is effective upon delivery;

(ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered on receipt if delivery is confirmed by a return receipt;

(iii) nationally recognized overnight courier, with charges prepaid or charged to the sender's account, in which case notice is effective on delivery if delivery is confirmed by the delivery service:

City:
City of Modesto
1010 10th Street
Modesto, CA 95354
Attention: City Manager

SWH/MHC:
William A. Shirley
2621 State Street
Dallas, Texas 75204
Phone: 214-689-0320
Email: bshirley@pascalenterprises.com

With copy to:
Russell A. Newman, Esq.
1034 12th Street
Modesto, CA 95354
Phone: 209-521-9521
Email: russ.newman51@gmail.com

4.4 No Third Party Beneficiaries. There no third party beneficiaries to this Agreement. Nothing in this Agreement is intended to or shall confer upon any person other than the Parties any rights or remedies hereunder.

4.5 Governing Law; Venue. This Agreement shall be construed in accordance with the laws of the State of California without regard to principles of conflicts of law. Any legal action

filed in connection with this Agreement shall be filed in the Superior Court of Stanislaus County, California or in the Federal District Court for the Eastern District of California.

4.6 Severability. If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged thereby.

4.7 Attorneys' Fees. In any action at law or in equity, arbitration or other proceeding arising in connection with this Agreement, the prevailing party shall recover reasonable attorneys' fees and other costs, including but not limited to court costs and expert and consultants' fees incurred in connection with such action in addition to any other relief awarded, and such attorneys' fees and costs shall be included in any judgment in such action.

4.8 Amendments; Assignment. This Agreement may be amended only by a written instrument executed by the Parties hereto. This Agreement may not be assigned without written authorization from both Parties.

4.9 Captions; Entire Agreement. The section headings used in this Agreement are for convenience only and are not intended to affect the interpretation or construction of the provisions herein contained. This Agreement, along with all Exhibits attached hereto, contains the entire agreement of the Parties with respect to the subject matter hereof, and all prior negotiations, documents and discussions with respect thereto are hereby superseded.

4.10 Binding Effect; Due Authorization. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties hereto. Any reference in this Agreement to a specifically named party shall be deemed to apply to any successor, heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

4.11 Recording and Filing. The City and SWH/MHC shall cause this Agreement, and all amendments and supplements to it, to be recorded in the Official Records of Stanislaus County.

4.12 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

[Signatures on Following Page]

IN WITNESS WHEREOF, the City and SWH/MHC have executed this Agreement as of the Effective Date first written above.

CITY OF MODESTO

By:_____
Joseph Lopez
City Manager

Attest:

By:_____
Diane Nayares-Perez
City Clerk

Approved as to Form:

By: _____
Jose M. Sanchez
City Attorney

SOUTHWEST HIDE CO., an
Idaho general partnership, as to a 50%
undivided tenant in common interest

By: _____
Name:
Its:

MODESTO HOLDING COMPANY,
a Delaware corporation as to a 50%
undivided tenant in common interest

By: _____
Name: William A. Shirley
Its: President

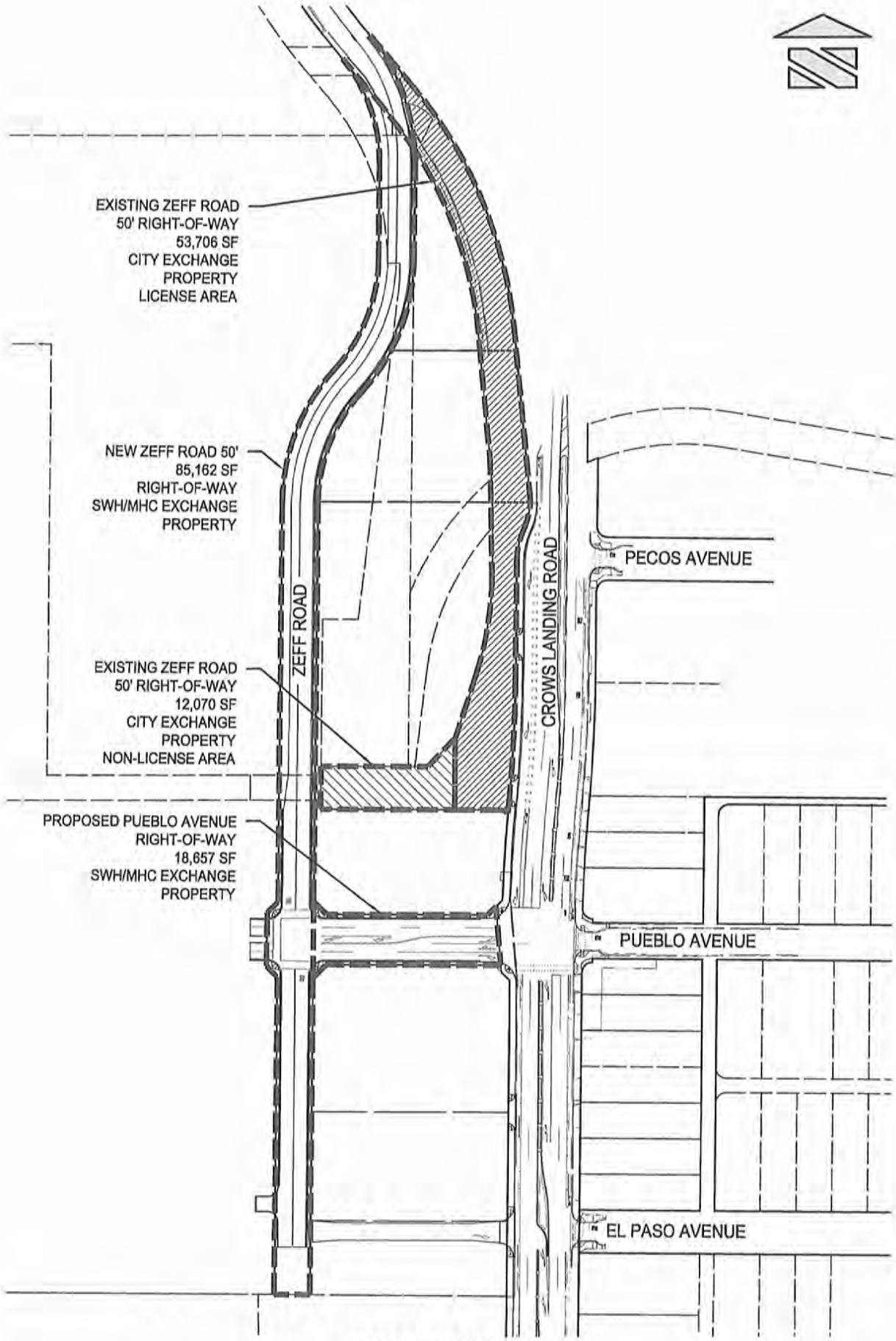


EXHIBIT A

CITY EXCHANGE PROPERTY, SWH/MHC EXCHANGE PROPERTY,
CITY LICENSE AREA, AND NON-LICENSE AREA

EXHIBIT B

COPY OF EXCHANGE AGREEMENT

[To Be Attached]

5274453.1

EXHIBIT F

LIST OF EASEMENTS

	EASEMENTS	STATUS	ACTION ATCLOSING NO. 1
1.	Temporary Construction Easement on SWH/MHC Parcels	Recorded: May 13, 2014	Record Termination of Easement
2.	Permanent Sewer Easement on SWH/MHC Parcels	Recorded: May 13, 2014	None
3.	Right of Entry Agreement ("ROE Agreement") on SWH/MHC Parcels	Fully Executed Agreement: June 11, 2018	Record Termination of Easement
4.	Temporary Bypass Road on SWH/MHC Parcels	Contained in ROE Agreement: June 11, 2018	Record Termination of Easement
5.	Sanitary Sewer Easement on SWH/MHC Parcels	Contained in ROE Agreement: June 11, 2018	Record in Approved Grant of Permanent Easement
6.	Permanent Sewer Easements as Shown in **Exhibit I**		Record Termination of Easement
7	Sanitary Sewer Easement in City Exchange Property at location shown in **Exhibit G**		Record Approved Grant of Permanent Easement

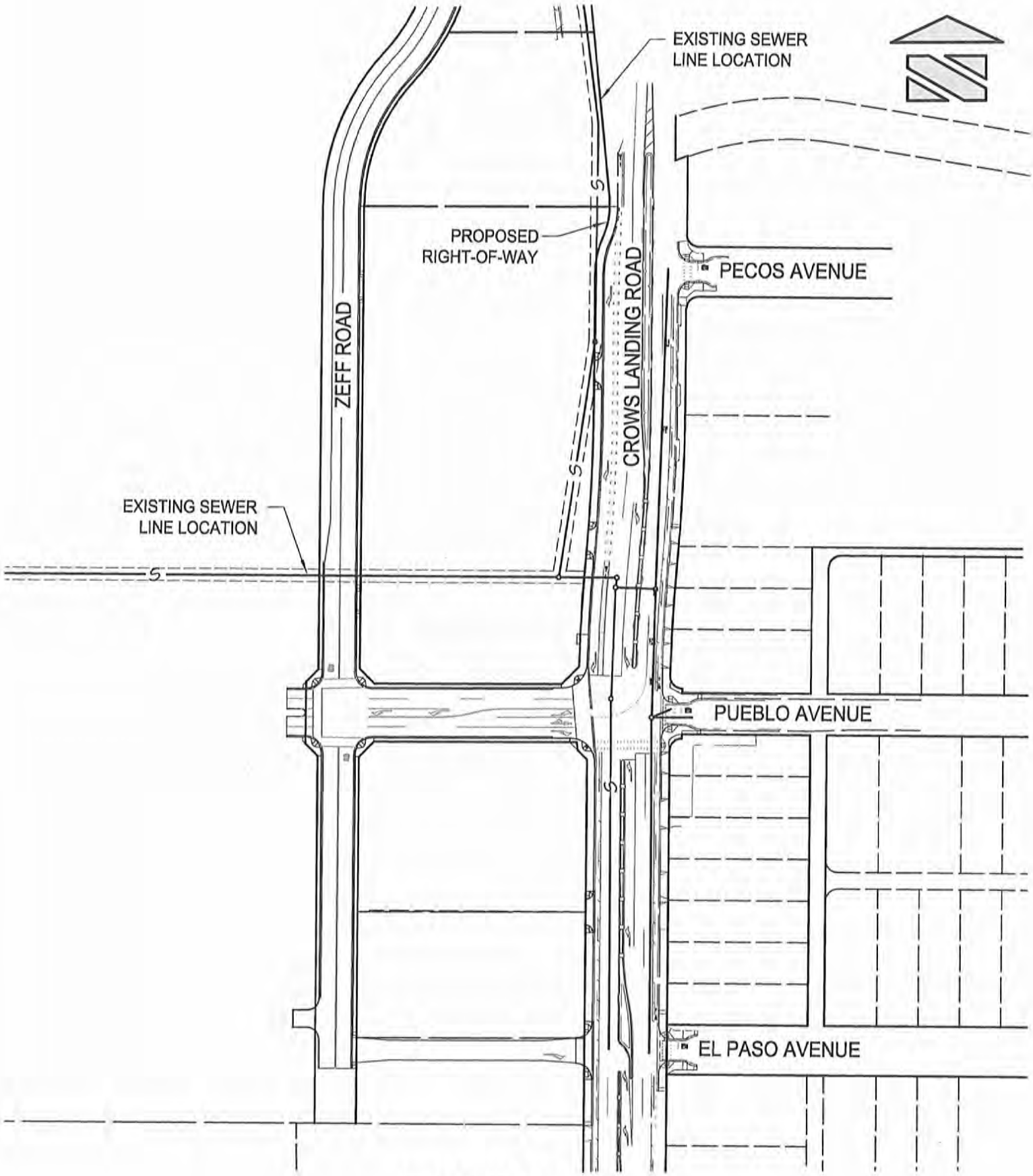


EXHIBIT G

SEWER LINE EASEMENT

EXHIBIT H

FORM OF IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

EXHIBIT H

RECORDING REQUESTED BY:
City of Modesto

WHEN RECORDED MAIL TO:

City of Modesto
City Clerk
P.O. Box 642
Modesto, California 95353

Recording Fee: Exempt
(Government Code Section 6103 and 27383)

Space above this line for Recorder's use

Documentary Transfer Tax: Exempt
(Revenue and Taxation Code Section 11922)

IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

Road/Street name: APN:

The **undersigned**, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the CITY OF MODESTO, A California municipal corporation, and its successors or assigns, for **STREETS AND OTHER PUBLIC PURPOSES,** the real property situated in the CITY OF MODESTO, described in Exhibit "A".

It is understood and agreed that the CITY OF MODESTO and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action by, or on behalf of, the City Council.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this _____ day of _____ 20_____

UNDERSIGNED:

_____ **(name of owners)** _____

SEE EXHIBITS "A" and "B"

_____	_____
(sign)	(sign)
_____	_____
(print)	(print)
Dated: _____	Dated: _____

(Notary Acknowledgment Required for Each signatory)

** Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.*

Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

LLC – signature of proprietor or partner required

APPROVED as to description by City L.S.: _____ Dated: _____

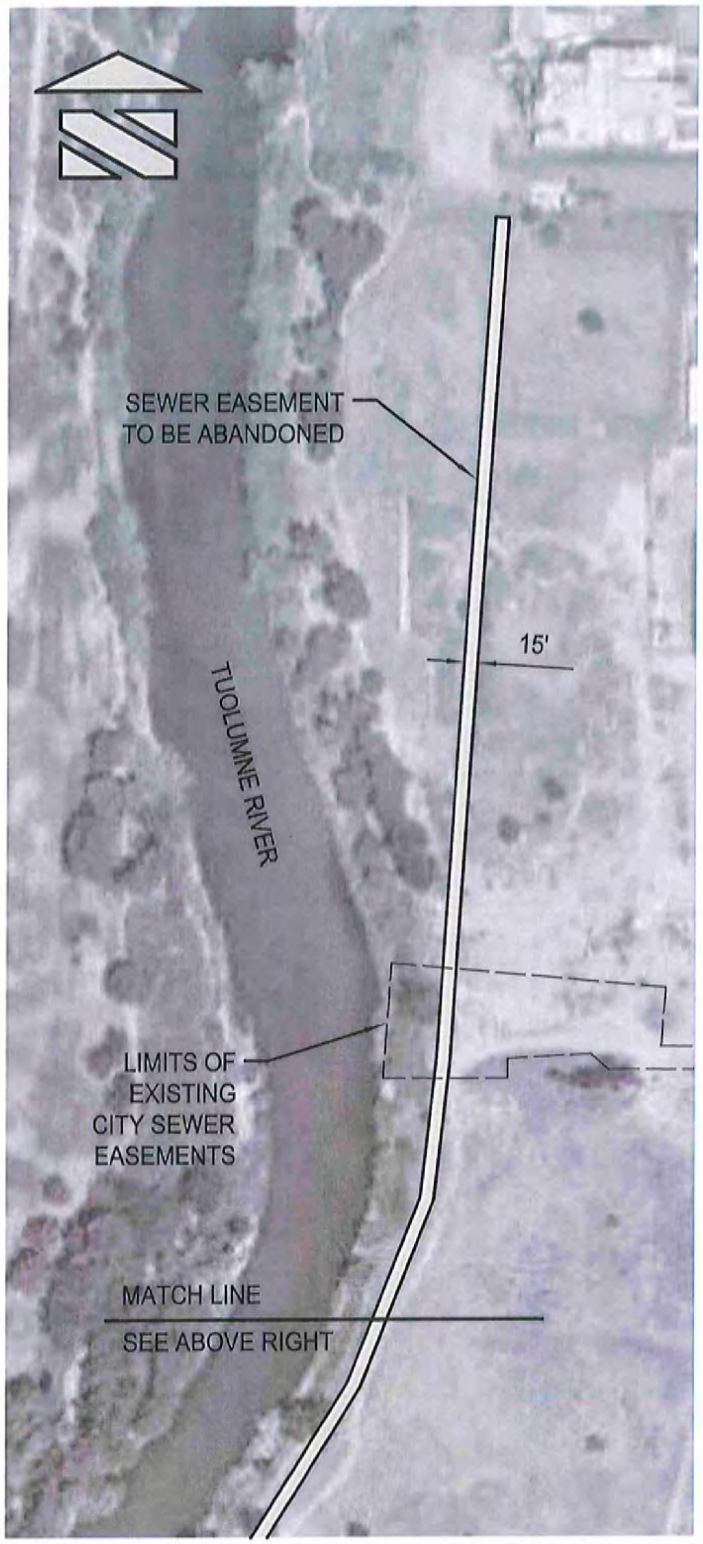
CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the City of Modesto, a Municipal Corporation, is hereby **not accepted** at this time, but reserving the right to accept at any future time on behalf of the public by the undersigned officer or agent on behalf of the City Council of the City of Modesto, pursuant to authority conferred by Modesto City Council Resolution No. 96-331 in accordance with Government Code sections 27281 and 7050 of the State of California. The grantee consents to recordation thereof by its duly authorized officer.

This Offer of Dedication of fee interest shall be irrevocable and shall be binding on the Grantor, its heirs, executors, administrators, successors and assigns.

DATED: _____

_____
Toby Wells, R.C.E. 57728
City Engineer, City of Modesto



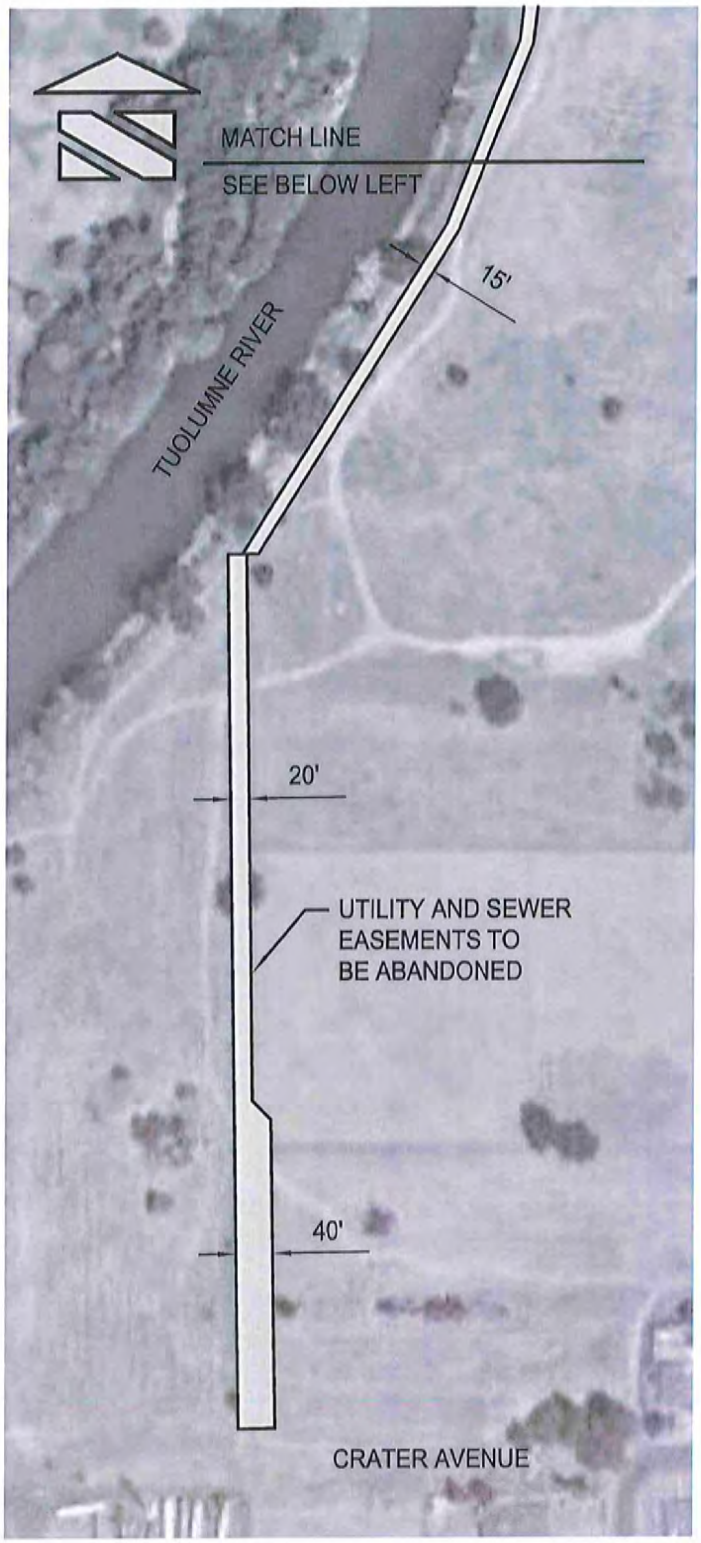


EXHIBIT I

AREA OF SEWER EASEMENT TO BE ABANDONED BY CITY

EXHIBIT J

FORM OF SWH/MHC GRANT DEED

Recording Requested by
and When Recorded, Return to:

Modesto Holding Company
2621 State Street
Dallas, TX 75204
Attn: William A. Shirley

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

APN _____

Exempt from Documentary Transfer Tax
Per Rev. & Tax. Code § 11922
Governmental Agency acquiring title

GRANT DEED

For valuable consideration, the receipt of which is hereby acknowledged, City of Modesto, a California municipal corporation (the "**Grantor**"), hereby grants in fee to the Southwest Hide Co., an Idaho general partnership, as to a 50% undivided tenant in common interest, and Modesto Holding Company, a Delaware corporation, as to a 50% undivided tenant in common interest (the "**Grantee**"), all that real property located at _____ in the City of Modesto, County of Stanislaus, State of California and more particularly described and depicted in Exhibit A, attached hereto and incorporated here by this reference.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed as of as of _____.

Grantor

City of Modesto,
a California municipal corporation

By: _____
[Name, Title]

SIGNATURE MUST BE NOTARIZED

Exhibit A to Grant Deed

LEGAL DESCRIPTION & PLAT

That real property located in the City of Modesto, County of Stanislaus, State of California, described as follows:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

5075338.1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-103

RESOLUTION APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY OF MODESTO, SOUTHWEST HIDE CO., AND MODESTO HOLDING COMPANY FOR THE DISPOSITION OF APPROXIMATELY 65,776 SQUARE FEET OF CITY PROPERTY IN EXCHANGE FOR RECEIPT OF APPROXIMATELY 103,819 SQUARE FEET OF PROPERTY BOTH OF WHICH ARE LOCATED APPROXIMATELY ADJACENT TO CROWS LANDING ROAD BETWEEN THE CA-99 AND ZEFF ROAD

WHEREAS, Zeff Road is a Minor Collector Street, which extends from the River Road/Janopaul Avenue intersection westward under the CA-99 Freeway then southward as a frontage road of the freeway, to the intersection of Zeff Road and Crows Landing Road; and

WHEREAS, in order to facilitate the development of the former Modesto Tallow site, the City and property owner desire to realign the existing Zeff Road to be located generally to the west of the current road right-of-way to be abandoned, providing for new Minor Collector Street standard alignment that would extend south to the intersection of Crows Landing Road and Pueblo Avenue, as shown in the **attached exhibits**; and

WHEREAS, City staff is proposing to enter into a land exchange agreement whereby the City would transfer approximately 65,776 square feet of property consisting of an approximately 0.25-mile long segment of Zeff Road located generally adjacent to Crows Landing Road between the CA-99 freeway and Zeff Road and Crows Landing Road to Southwest Hide Co. and Modesto Holding Company; and

WHEREAS, in exchange the City will receive 103,819 square feet of property consisting of 85,162 square feet for the new alignment of Zeff Road and 18,657 square feet for the proposed Pueblo Avenue; and

WHEREAS, as part of the Land Exchange Agreement, the City will receive a

license allowing the City and public to continue to use the current alignment of Zeff Road until after construction of the new alignment is completed; and

WHEREAS, upon the completion of the new alignment, staff will return to the City Council so that the Council can formally vacate the Zeff road right-of-way that burdens the City property being transferred; and

WHEREAS, on February 23, 2023 the Planning Commission determined that the disposition of the City owned property conformed to the General Plan; and

WHEREAS, the property to be disposed of by the City is exempt surplus land Pursuant to Government Code section 54221(f)(1)(C) because the City is exchanging the property for other real property to be used as public right-of-way; and

WHEREAS, the City Council reviewed Initial Study, Environmental Assessment No. EA/C&ED 2023-05, and has determined that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of approximately 65,776 square feet of property consisting of an approximately 0.25-mile long segment of Zeff Road.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute the Land Exchange Agreement, in a form approved by the City Attorney, and take all other actions necessary to carry out the purpose and intent of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXCHANGE AGREEMENT

This EXCHANGE AGREEMENT ("Agreement") is entered into as of _____, 2023 ("Effective Date") by and between the City of Modesto, a California charter city ("City"), and Southwest Hide Co., an Idaho general partnership, as to a 50% undivided tenant in common interest, and Modesto Holding Company, a Delaware corporation, as to a 50% undivided tenant in common interest (collectively, "SWH/MHC"). City and SWH/MHC may hereinafter be referred to individually as "Party" and collectively as "Parties."

RECITALS:

A. City is the fee owner of certain real property ("City Exchange Property") consisting of that portion of existing Zeff Road shown on **Exhibit A** attached hereto and incorporated herein by this reference ("Exchange Map") as the "53,706 SF City Exchange Property License Area" and the "12,070 SF City Exchange Property Non-License Area". The City Exchange Property is more particularly described on **Exhibit B** attached hereto and incorporated herein by this reference.

B. SWH/MHC is the fee owner of those certain parcels of real property located in the City, known on the Stanislaus County Assessor Rolls as APN 038-022-011 and 038-022-015 ("SWH/MHC Parcels"). The SWH/MHC Parcels include that certain real property ("SWH/MHC Exchange Property") shown on the Exchange Map as the "New Zeff Road 85,162 SF Right-of-Way SWH/MHC Exchange Property" and "Proposed Pueblo Avenue 18,867 SF SWH/MHC Exchange Property", and more particularly described in **Exhibit C** attached hereto and incorporated herein by this reference. The City Exchange Property and SWH/MHC Exchange Property may hereinafter be referred to individually as "Property" and collectively as "Properties".

C. City desires to acquire the SWH/MHC Exchange Property from SWH/MHC, and SWH/MHC desires to acquire the City Exchange Property from the City, on the terms and conditions more particularly set forth in this Agreement.

D. The exchange of the SWH/MHC Exchange Property and the City Exchange Property will realign Zeff Road in a manner that improves traffic circulation, traffic safety, and which the City has determined will benefit the public and the orderly future development of properties owned by SWH/MHC. In order to maintain a continuous and uninterrupted route for vehicular traffic on Zeff Road to Crows Landing Road after the conveyance of the City Exchange Property, the Parties intend to enter into a license agreement as more particularly set forth below.

E. The Parties have determined that the value of the easements, licenses, property and other benefits the City will be receiving pursuant to this Agreement is approximately equal in value to the licenses, property, monies, and other benefits SWH/MHC will be receiving pursuant to this Agreement.

F. City finds that the transactions contemplated in this Agreement, including all Exhibits attached hereto and incorporated herein, (i) are consistent with the City's General Plan,

(ii) further the health, safety and welfare of the City's residents, and (iii) and are in conformity with the City's economic development plans and Municipal Code.

TERMS:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows.

1. City Conveyance of City Exchange Property to SWH/MHC.

1.1 Conveyance. Subject to satisfaction of the conditions set forth in Section 1.2, below, City shall convey to SWH/MHC, and SWH/MHC shall accept from City, the City Exchange Property in accordance with the terms, covenants and conditions set forth herein. The conveyance of the City Exchange Property to SWH/MHC shall be accomplished by recordation of a grant deed substantially in the form attached hereto and incorporated herein as **Exhibit D** ("City Grant Deed").

1.2 Conditions. Notwithstanding anything to the contrary set forth herein, City's conveyance of the City Exchange Property to SWH/MHC is expressly conditioned upon satisfaction of the following conditions ("City Conditions"):

(i) The Parties deliver to one another through Escrow an executed License and Street Closure Agreement ("License Agreement") in generally the form attached hereto and incorporated herein by this reference as **Exhibit E**;

(ii) The Parties deliver to one another through Escrow those easements and terminations of easements in recordable form mutually acceptable to the Parties according to the List of Easements set forth in **Exhibit F** attached hereto and incorporated herein by this reference ("Easement Documents") including without limitation SWH/MHC granting City a fifteen foot (15') sanitary sewer service easement over that portion of the City Exchange Property in which City sanitary sewer service lines are currently located as generally shown in **Exhibit K** attached hereto and incorporated herein by this reference;

(iii) SWH/MHC delivers to City through Escrow a fully executed in recordable form Irrevocable Offer of Dedication of Fee Interest ("IOD") to the SWH/MHC Exchange Property in generally the form attached hereto and incorporated herein by this reference as **Exhibit L**; and

(iv) SWH/MHC is not in violation of any of its obligations under the terms and conditions of this Agreement.

(v) City delivers to SWH/MHC through Escrow in recordable form mutually acceptable to the Parties an abandonment of easement ("Abandonment") by which City abandons to SWH/MHC the City's sanitary sewer easement through the SWH/MHC Parcels near the Tuolumne River at the locations shown on **Exhibit H** attached hereto and incorporated herein by this reference;

2. SWH/MHC Conveyance of SWH/MHC Exchange Property to City.

2.1 Conveyance. Subject to satisfaction of the conditions set forth in Section 2.2, below, SWH/MHC shall convey to City, and City shall accept from SWH/MHC, the SWH/MHC Exchange Property in accordance with the terms, covenants and conditions set forth herein. The conveyance of the SWH/MHC Exchange Property to City shall be accomplished by recordation of a grant deed substantially in the form attached hereto and incorporated herein by this reference as **Exhibit G** ("SWH/MHC Grant Deed").

2.2 Conditions. Notwithstanding anything to the contrary set forth herein, conveyance of the SWH/MHC Exchange Property to the City is expressly conditioned upon satisfaction of all the following conditions ("SWH/MHC Conditions"):

(i) City delivers to SWH/MHC through Escrow a release of the terms and conditions License Agreement in a form reasonably acceptable to the Parties;

(ii) City is not in violation of any of its obligations under the terms and conditions of this Agreement;

(iii) City has conveyed to SWH/MHC the City Exchange Area through Escrow under the terms and conditions of this Agreement; and

(vi) SWH/MHC has completed and City has accepted all Road Improvements as more particularly described in Section 12, below.

3. Closings.

3.1 Escrow; Escrow Instructions. Not later than three (3) days following the Effective Date, the Parties shall open an escrow ("Escrow") at the office of Chicago Title Company, located at 1700 Standiford Avenue, Suite 110, Modesto, California 95350; Attention: Karla Sam-Sin ("Title Company" or "Escrow Agent"). Upon the opening of Escrow, the Parties shall deposit with the Escrow Agent an executed copy of this Agreement, which together with such additional instructions as may be executed by either Party and delivered to the Escrow Agent, shall serve as the escrow instructions of SWH/MHC and City for the conveyance of the SWH/MHC Exchange Property to City and the conveyance of the City Exchange Property to SWH/MHC.

3.2 Closing Costs. Each Party shall pay the cost of any title insurance such Party elects to purchase with respect to the Property to be acquired by such Party pursuant to this Agreement at the time such Party acquires the Property. SWH/MHC and City shall each pay one-half (1/2) of all other closing costs and escrow fees (including without limitation recording fees, escrow charges, real estate transfer taxes, and documentary transfer taxes) associated with the closing for the conveyance City Exchange Property to SWH/MHC ("Closing No. 1") and the conveyance of the SWH/MHC Exchange Property to City ("Closing No. 2"); and together Closing No. 1 and Closing No. 2 hereinafter referred to as "Closings").

3.3 Closings; Documents and Funds; Timing.

3.3.1. Closing No. 1. Provided that the conditions set forth in Section 1.2 have been satisfied, and neither Party has terminated this Agreement prior to the end of the Due Diligence Period (as defined below), Closing No. 1 shall take place on a date ("Closing No. 1 Date") as soon as practicable following the completion of all closing conditions and the deposit into Escrow of all the documents described in this Section. Notwithstanding the foregoing, if the Closing No. 1 Date has not occurred within one (1) year of the Effective Date, either Party may terminate this Agreement upon written notice to the other. The Parties each agree that they shall not unreasonably condition, delay, or withhold consent to an extension of the Closing No. 1 Date. Prior to the Closing No. 1 Date, the Parties shall deposit the following documents into Escrow:

(i) City and SWH/MHC deliver executed License Agreement;

(ii) City delivers evidence of the completed Abandonment;

(iii) City delivers fully executed City Grant Deed sufficient to convey good and marketable fee simple title to the City Exchange Property free of all title defects and encumbrances except the Permitted Exceptions (as defined below);

(iv) SWH/MHC delivers a fully-executed IOD in recordable form;

(v) City and SWH/MHC shall deliver executed Easement Documents;

(vi) City and SWH/MHC each deliver their respective share of closing costs; and

(vii) City and SWH/MHC each deliver such additional duly executed instruments and documents as the Escrow Agent may reasonably require to consummate the conveyance of the City Exchange Property to SWH/MHC.

3.3.2. Closing No. 2. Provided that the conditions set forth in Section 2.2 have been satisfied, and neither Party has terminated this Agreement prior to the end of the Due Diligence Period (as defined below), Closing No. 2 shall take place on a date ("Closing No. 2 Date"; and together the Closing No. 1 Date and Closing No. 2 Date hereinafter "Closing Dates") as soon as practicable following the completion of all closing conditions and the deposit into Escrow of all the documents described in this Section. Notwithstanding the foregoing, the Closing No. 2 Date shall occur within one (1) year of the Closing No. 1 Date, unless the Parties mutually agree to extend the Closing No. 2 Date. The Parties each agree that they shall not unreasonably condition, delay, or withhold consent to an extension of the Closing No. 2 Date. Prior to the Closing No. 2 Date, the Parties shall deposit the following documents into Escrow:

(i) City and SWH/MHC deliver a release of all terms and conditions of the License Agreement in a form reasonably acceptable to the Parties;

(ii) City and SWH/MHC each deliver their respective share of closing costs;

(iii) SWH/MHC delivers fully executed Grant Deed sufficient to convey good and marketable fee simple title to the SWH/MHC Exchange Property free of all title defects and encumbrances except the Permitted Exceptions (as defined below); and

(iii) City and SWH/MHC each deliver such additional duly executed instruments and documents as the Escrow Agent may reasonably require to consummate the conveyance of the SWH/MHC Exchange Property to City.

3.4 Prorations.

3.4.1. Closing No. 1. In connection with the conveyance of the City Exchange Property to SWH/MHC, the Escrow Agent shall make the following prorations: (i) property taxes and assessments shall be prorated as of the Closing No. 1 Date based upon the most recent tax bill available, including any property taxes which may be assessed after the Closing No. 1 Date but which pertain to the period prior to the transfer of title, regardless of when or to whom notice thereof is delivered; (ii) any bond or assessment that constitutes a lien on the City Exchange Property on the Closing No. 1 Date shall be assumed by SWH/MHC (provided, however, it shall be a condition to Closing No. 1 that any such bond or assessment be paid current by each Party). Any utility and sewer service charges shall be prorated as of the respective Closing No. 1 Date.

3.4.2. Closing No. 2. In connection with the conveyance of the SWH/MHC Exchange Property to City, the Escrow Agent shall make the following prorations: (i) property taxes and assessments shall be prorated as of the Closing No. 2 Date based upon the most recent tax bill available, including any property taxes which may be assessed after the Closing No. 2 Date but which pertain to the period prior to the transfer of title, regardless of when or to whom notice thereof is delivered; (ii) any bond or assessment that constitutes a lien on the SWH/MHC Exchange Property on the Closing No. 2 Date shall be assumed by City (provided, however, it shall be a condition to Closing that any such bond or assessment be paid current by each Party). Any utility and sewer service charges shall be prorated as of the Closing No. 2 Date.

3.5. Closing No. 1 Protocol. The Escrow Agent shall close Escrow for the conveyance of the City Exchange Property to SWH/MHC by:

(i) causing the City Grant Deed, the Easement Agreements, the IOD, and the Abandonment to be recorded in the Official Records of Stanislaus County;

(ii) issuing the Title Policy (as defined below) for the City Exchange Property and delivering same to SWH/MHC;

(iii) delivering to City and SWH/MHC a conformed copy of all documents recorded in connection with the Closing No. 1, indicating recording information thereon; and

(iv) distributing to each Party fully executed copies of the License Agreement.

On Closing No 1 Date, possession of the City Exchange Property shall be delivered to SWH/MHC subject to the terms and conditions of the License Agreement.

3.6. Closing No. 2 Protocol. The Escrow Agent shall close Escrow for the conveyance of the SWH/MHC Exchange Property to City by:

(i) issuing the Title Policies (as defined below) for the SWH/MHC Exchange Property and delivering same to City;

(ii) delivering to City and SWH/MHC a conformed copy of all documents recorded in connection with the Closing No. 2, indicating recording information thereon; and

(iii) distributing to each Party fully executed release of the terms and conditions of the License Agreement in form reasonably acceptable to the Parties.

On the Closing No. 2 Date, possession of the SWH/MHC Exchange Property shall be delivered to City.

4. Title Documents. No later than five (5) business days following the Effective Date, each Party shall deliver or cause to be delivered to the other Party a preliminary title report issued by the Title Company for its Property ("Preliminary Report") setting forth all liens, encumbrances, easements, restrictions, conditions, and other matters of record affecting title to that Property ("Title Exceptions") together with copies of all instruments referred to therein. Each Party shall approve or disapprove each Title Exception within ten (10) days following receipt of the Preliminary Report and instruments referred to in the Title Exceptions. Upon failure to object within such period, any Title Exceptions that are not disapproved shall be deemed to be Permitted Exceptions (as defined below). If either Party objects to any Title Exception, the other Party shall use its best efforts at its sole expense to remove from title or otherwise satisfy each such exception in a form that is reasonably satisfactory to the requesting Party within thirty (30) days following the date that the objecting Party objects to such exception. If the responsible Party is unable to remove the exception within such time, the requesting Party may either waive its objection to the Title Exception or terminate this Agreement.

5. Title Policy. It shall be a condition to the Closings that Title Company shall deliver to each Party, no later than ten (10) days prior to each of the Closings, a title commitment for an CLTA Owner's Title Insurance Policy ("Title Policy") to be issued by Title Company in an amount to be determined by the Parties receiving title, showing title to each Property, subject only to the Permitted Exceptions, including such endorsements as may reasonably be requested by each Party receiving title and committing Title Company to issue each Title Policy to the acquiring Party upon each of the Closings.

The following exceptions shown on the Preliminary Report ("Permitted Exceptions") are approved by each of the Parties: (a) exceptions for a lien for local real estate taxes and assessments

not yet due or payable, including (without limitation) special taxes under Govt. Code §§53311–53368.3 or installment assessments under Street & H C §§8500–8887; (b) the standard preprinted exceptions and exclusions of the Title Company; (c) any other exception shown on the Preliminary Report, other than exceptions for monetary liens, which the acquiring Party does not object to by written notice to the other Party on or before 5:00 pm Pacific on the date that is ten (10) days after delivery of the Preliminary Report and instruments referred to in the Title Exceptions ("Buyer's Title Notice").

6. Conveyance of Title. Each Party shall convey by grant deed to the other Party marketable fee simple title to its respective Property, free and clear of all recorded and unrecorded liens, encumbrances, restrictions, easements, and leases, except the Permitted Exceptions.

7. Due Diligence.

7.1 Feasibility Studies. During the period commencing upon the Effective Date and terminating thirty (30) days thereafter ("Due Diligence Period"), City and SWH/MHC may undertake further inspection, review and testing of both the SWH/MHC Exchange Property and the City Exchange Property, respectively, including without limitation (i) a review of the physical condition of such Property, including inspection and examination of soils, environmental condition, and archeological information relating to the Property; (ii) a completion of Phase I environmental assessment; (iii) a review and investigation of the effect of any zoning, maps, permits, reports, engineering data, regulations, ordinances, and laws affecting the Property, and (iv) an evaluation of the Property to determine its feasibility for the Party's intended use. All of the foregoing is hereinafter collectively referred to as "Feasibility Studies." The Parties may consult with or retain any experts they wish in order to determine if the Property is suitable for each Party's intended use. Each Party shall bear its own costs for the Feasibility Studies and consultations with experts.

7.2 Contracts, Reports and Investigations. SWH/MHC and City each agree to make available within ten (10) days following the Effective Date, any and all information, studies, reports, investigations, contracts, leases, rental agreements and other obligations concerning or relating to the Property each Party has agreed to convey pursuant to this Agreement which are in such Party's possession or which are reasonably available to such Party, including without limitation any Phase I Environmental Site Assessments, surveys, studies, reports and investigations concerning the property's physical, environmental or geological condition, habitability, or the presence or absence of Hazardous Substances in, on or under the Property and its compliance with Environmental Laws (as defined below).

7.3 Termination. Either Party may terminate this Agreement prior to the end of the Due Diligence Period by written notice to the other Party.

8. Right of Entry. During the Due Diligence Period, each Party grants to the other and to the other Party's agents and employees a right to enter its Property upon reasonable notice to the other Party for the purpose of inspecting, examining, surveying and reviewing such Property in accordance with this Agreement. Each Party's inspection, examination, survey and review of such Property shall be at such Party's sole expense. Each Party shall obtain the other Party's advance

consent to any proposed physical testing of the Property, which consent shall not be unreasonably conditioned, withheld or delayed. Physical tests shall be scheduled during normal business hours unless otherwise approved by the owner of the Property to be tested. Each Party agrees to indemnify the other Party and to hold the other Party harmless from and against all liability, loss, cost, damage and expense (including, without limitation, reasonable attorney's fees and costs of litigation) resulting from such Party's activities pursuant to this Section. This Section will survive the expiration or termination of this Agreement and the Closings.

9. "As Is" Purchase. Except as otherwise specified in this Agreement, each Party agrees to accept the Property conveyed to it pursuant to this Agreement, including the land, all buildings, structures, improvements, equipment, and operating systems located on or under the land "AS IS, WHERE IS" and in its current state and condition, without any warranties whatsoever regarding its condition except as specifically described in this Agreement, and with all faults and defects, including Hazardous Substances and any other environmental conditions or hazards, if any, that may be located on, under, or around the Property, whether known or unknown, suspected or unsuspected, actual or potential, and each Party assumes all responsibility for any such faults, defects, and conditions as of the respective Closings.

10. Representations, Warranties, and Covenants.

10.1 Representations and Warranties. Each Party hereby represents, warranties, and covenants that except as disclosed in writing to the other Party, as of the Effective Date and as of the Closings: (i) no contracts, licenses, leases or commitments regarding the maintenance or use of its Property or allowing any third party rights to use its Property are in force; (ii) Party knows of no pending actions, suits, condemnation or other proceedings against or affecting its Property or any portion thereof or the interest of Party in its Property; (iii) there are no threatened or pending condemnation, eminent domain, or similar proceedings affecting its Property or any portion thereof; (iv) Party knows of no receipt of notice, warning, notice of violation, administrative complaint, judicial complaint, or other formal or informal notice alleging that conditions on its Property are in violation of any Environmental Law; and (v) Party has disclosed all material facts concerning its Property actually known to that Party.

10.2 Additional Representations. Each Party further represents and warrants that this Agreement and all other documents to which it is a party and delivered or to be delivered in connection herewith shall at the time of their delivery: (a) have been duly authorized, executed, and delivered; (b) be the binding obligations of that Party; (c) collectively be sufficient to transfer all of that Party's right, title and interest in and to its Property; and (d) not be in violation of the provisions of any agreement to which Party is a party or which affects its Property. Each Party further represents and warrants that the persons who have executed this Agreement on behalf of that Party are authorized to do, that it has the legal right to enter into this Agreement and to perform all of its terms and conditions, and that this Agreement is enforceable against the Party in accordance with its terms.

10.3 Covenants. Each Party covenants that from the Effective Date and through the Closings, it: (i) shall not willingly permit any liens, encumbrances, or easements to be placed on its Property other than Permitted Exceptions and SWH/MHC shall have the right to mortgage the

SWH/MHC Exchange Property for the purpose of financing the construction of the Road Improvements; provided, however, the SWH/MHC Exchange Property shall be free of any such mortgage as a condition of Closing No. 2; (ii) shall not without the prior written consent of the other Party, enter into any agreement regarding the sale, rental, management, repair, improvement, or any other matter affecting its Property that would be binding on the other Party or its Property after the Close of Escrow; (iii) shall not permit any act of waste or act that would tend to diminish the value of its Property for any reason, except that caused by ordinary wear and tear; and (iv) shall maintain its Property in its condition as of the date hereof, ordinary wear and tear excepted, and shall manage its Property substantially in accordance with its established practices.

10.4 Notification. Each Party shall notify the other Party of any facts that would cause any of the representations contained in this Agreement to be untrue as of the Close of Escrow. If either Party reasonably believes that any fact materially and adversely affects its Property, such Party shall have the option to terminate this Agreement by delivering written notice thereof to other Party. In the event either Party elects to terminate this Agreement, all funds and documents deposited into Escrow by or on behalf of each Party shall be returned to that Party, and all rights and obligations hereunder shall terminate.

11. Mutual Release & Indemnity. Each Party (i) releases and forever discharges the other Party from any and all claims and causes of action regarding the Property the Party is acquiring pursuant to this Agreement under or with respect to any Environmental Laws, including without limitation the California Hazardous Substance Account Act, California Health and Safety Code Section 25300 *et seq*., (including section 25359.7), the Comprehensive Environmental Response, Compensation, and Liability Act, ("CERCLA") title 42 U.S.C. section 9601 *et seq.,* the Resource Conservation and Recovery Act ("RCRA") title 42 U.S.C. section 6901 *et seq*.; and the Clean Water Act, title 33 U.S.C. section 2601 *et seq*., as these laws may be amended in the future; and (ii) agrees to defend (with counsel approved by both Parties, which approval will not be unreasonably withheld) indemnify, protect and hold the other Party free and harmless from any claim, liability, damages of any kind, attorneys' fees, costs, etc. arising out of or resulting from the physical condition or use of its Property on or after Close of Escrow, including, without limitation, due to the presence of Hazardous Substances on its Property, as well as any claims or causes of action threatened or made by anyone relating to the condition or use of its Property, including, without limitation, third parties adjoining property owners, governmental agencies, or claims brought under Proposition 65, California Health and Safety Code Sections 25249.5-25249.13. For the purposes of this Section, "its Property" shall refer to the Property the Party acquires pursuant to this Agreement.

11.1 "Hazardous Substances" means any chemical, compound, material, mixture, or substance that is now or may in the future be defined or listed in, or otherwise classified pursuant to any Environmental Laws (defined below) as a "hazardous substance", "hazardous material", "hazardous waste", "extremely hazardous waste", "infectious waste", "toxic substance", "toxic pollutant", or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, or toxicity. The term "hazardous substances" shall also include asbestos or asbestos-containing materials, radon, methyl tertiary butyl ether, perchlorate, polychlorinated biphenyls, petroleum, petroleum products or by-products, petroleum components, oil, mineral spirits, natural gas, natural gas liquids,

liquefied natural gas, and synthetic gas usable as fuel, whether or not defined as a hazardous waste or hazardous substance in the Environmental Laws.

11.2 "Environmental Laws" means any and all federal, state and local statutes, ordinances, orders, rules, regulations, guidance documents, judgments, governmental authorizations, or any other requirements of governmental authorities, as may presently exist, or as may be amended or supplemented, or hereafter enacted, relating to the presence, release, generation, use, handling, treatment, storage, transportation or disposal of Hazardous Substances, or the protection of the environment or human, plant or animal health.

12. Additional Covenants. As additional inducement for the Parties to enter this Agreement and complete, each of the Parties covenants and agrees as follows:

12.1. Road Improvements on the SWH/MHC Exchange Property. SWH/MHC shall complete all road improvements within the SWH/MHC Exchange Property to realign Zeff Road from the City Exchange Property to the SWH/MHC Exchange Property ("Road Improvements"), at SWH/MHC sole cost and expense, according to plans and specifications approved by the City under the terms and conditions of City standard encroachment permit.

12.1.1 Plans & Specifications. SWH/MHC has submitted to City plans and specifications for the Road Improvements which are subject to City's approval according to applicable City standards and requirements. The SWH/MHC's final plans and specifications (as approved by City) are referred to herein as the "Plans and Specifications" and will be prepared by SWH/MHC's licensed civil engineer with sufficient detail to construct the Road Improvements. The Plans and Specifications include designs and locations for the Road Improvements. To the extent not included in the Plans and Specifications, SWH/MHC will deliver to City such other materials as appropriate to provide City with reasonably sufficient initial information to review and approve the Plans and Specifications. City's approval or disapproval of the Plans and Specifications will be promptly completed and communicated to SWH/MHC accompanied by a description of the basis for any disapproval. City, by approving the Plans and Specifications, does not assume any liability therefor or make any warranty as to the design, construction, or suitability of materials or equipment specified therein, and City will not be liable for any defects in design or construction completed in accordance with the Plans and Specifications or any equipment, machinery, appliance or material incorporated therein. SWH/MHC will defend, indemnify and hold City and its Indemnitees (as defined herein) harmless from and against any and all Claims (as defined herein) arising out of or relating to any error or defect in the Plans and Specifications and construction of the Road Improvements. The Parties obligation to indemnify under this Section shall survive the termination or expiration of this Agreement.

12.1.2. Construction Standards. SWH/MHC will cause the Road Improvements to be constructed in a lien-free, good and workmanlike manner and in strict compliance with the Permits, City approved Plans and Specifications ("Final Plans and Specifications"), and otherwise in compliance with the provisions of this Agreement. SWH/MHC will cause the construction of the Road Improvements to be carried out with such materials and equipment as SWH/MHC shall select, all of which will be consistent with the Permits and Final

Plans and Specifications. SWH/MHC will diligently pursue until completion the correction of any defects in the design and/or construction of the Road Improvements.

12.1.3 Bonds. Prior to commencement of construction of Road Improvements, SWH/MHC or their contractor will provide City completion and performance and payment bonds, on a form approved by the City Attorney, from a surety or sureties licensed to do business in the State of California in an amount equal to one hundred percent (100%) of the estimated cost of the Road Improvements insuring full payment for all labor and materials and faithful performance of the construction of the Road Improvements so as to guarantee the lien-free completion of all such work, and naming City as an additional insured/beneficiary under such bond or bonds. Prior to acceptance of the Road Improvements by the City, SWH/MHC shall provide the City with a Guarantee and Warranty Security Bond, in a form approved by the City Attorney, in the amount often percent (10%) of the estimated cost of the Road Improvements to guarantee and warrant the Road Improvements for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

12.1.4 Additional Construction Requirements**.** All work done in connection with the construction of the Road Improvements will be done in a first-class and workmanlike manner and substantially in accordance with the applicable Permits, and Final Plans and Specifications.

12.1.5 Title to Road Improvements. Upon completion and written acceptance by the City, the Road Improvements and all improvements of whatever nature therein, will become and remain the property of City.

12.1.6 Inspection During Construction. SWH/MHC will keep City informed of construction progress for the Road Improvements and will allow City, City's authorized representatives, agents, and/or employees to inspect any construction upon the Road Improvements in order to determine whether SWH/MHC are complying with SWH/MHC's undertakings, duties and obligations under this Agreement, and the Permits. Such inspections will not materially interfere with any construction being done by or on behalf of SWH/MHC. No such inspection will be deemed or construed as City's waiver or approval of any default by SWH/MHC under this Agreement existing at the time of the inspection which City does not discover during the inspection.

12.1.7 Surveys and As-Built Plans. As soon as practical (however, in no event to exceed six (6) calendar months) after completion and acceptance by City of the Road Improvements, SWH/MHC will furnish to City, at SWH/MHC sole cost and expense (i) two (2) complete sets of final "As-Built" plans and specifications of the completed Road Improvements, and (ii) two (2) duplicates of any plat of survey prepared in connection with completion of the Road Improvements, depicting to scale the exact location of the Road Improvements.

12.1.8 Insurance. SWH/MHC, at its sole cost and expense, must carry insurance, for its activities in connection with the Road Improvements, and obtain, keep in force, and maintain insurance, for general liability, workers compensation, property, and business automobile liability adequate to cover its potential liabilities hereunder, with limits not less than

Two Million Dollars ($2,000,000) per occurrence. Insurance policies shall be endorsed to name as an additional insured the City and its officers, agents, and employees. Insurance certifications shall be provided to the City for approval prior to the commencement of any construction or preconstruction work.

12.4 Survivability. The provisions of this Section 12 shall survive the Close of Escrow.

13. Miscellaneous Provisions.

13.1 Notices. Except as otherwise specified in this Agreement, all notices to be sent pursuant hereto shall be made in writing, and sent to the parties at their respective addresses specified below or to such other address as a party may designate by written notice delivered to the other parties in accordance with this Section. All such notices shall be sent by:

(i) personal delivery, in which case notice shall be deemed delivered upon receipt;

(ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered two (2) business days after deposit, postage prepaid in the United States mail;

(iii) nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) day after deposit with such courier; or

(iv) facsimile transmission, in which case notice shall be deemed delivered on transmittal, provided that a transmission report is generated reflecting the accurate transmission thereof.

City: City of Modesto
1010 10th Street
Modesto, CA 95354
Attention: City Manager

SWH/MHC: William A. Shirley
2621 State Street
Dallas, Texas 75204
Phone: 214-689-0320
Email: bshirley@pascalenterprises.com

With copy to: Russell A. Newman, Esq.
1034 12th Street
Modesto, CA 95354

Phone: 209-521-9521
Email: russ.newman51@gmail.com

13.2 Attorneys' Fees. In any action at law or in equity, arbitration or other proceeding arising in connection with this Agreement, the prevailing party shall recover reasonable attorneys' fees and other costs, including but not limited to court costs and expert and consultants fees incurred in connection with such action, in addition to any other relief awarded.

13.3 Escrow Cancellation Charges. If the Escrow fails to close by reason of a default by SWH/MHC or City hereunder, such defaulting party shall pay all escrow or other Title Company charges. If the Escrow fails to close for any reason other than default by SWH/MHC or City, then SWH/MHC and City shall each pay one-half of such charges.

13.4 Amendments; Assignment. This Agreement may be amended only by a written instrument executed by the Parties hereto or their successors in title. This Agreement may not be assigned without written authorization from both Parties.

13.5 Severability. If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged thereby.

13.6 Waiver. A waiver by either party of the performance of any covenant or condition herein shall not invalidate this Agreement nor shall it be considered a waiver of any other covenant or condition, nor shall the delay or forbearance by either party in exercising any remedy or right be considered a waiver of, or an estoppel against, the later exercise of such remedy or right.

13.7 Default and Remedies. An event of default ("Default") under this Agreement shall occur if either Party fails to comply with any of such Party's covenants or obligations set forth herein and does not cure such failure within twenty (20) days after receipt of written notice thereof (or in the case of a non-monetary default, fails to commence to cure such default within such 10-day period and fails to thereafter proceed with due diligence to cure such default.) Upon the occurrence of an event of default hereunder the Parties may pursue all remedies at law or in equity including the remedy of specific performance. The rights and remedies of the Parties hereunder are cumulative, and the exercise or failure to exercise one or more of such rights or remedies by either Party shall not preclude the exercise by it, at the same time or different times, of any right or remedy for the same default or any other default.

13.8 Entire Agreement. This Agreement, together with **Exhibit A** through **Exhibit L** which are hereby incorporated by reference, contains the entire agreement between the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, documents and discussions pertaining thereto.

13.9 Binding Effect; Due Authorization. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties hereto. Any reference in this Agreement to a specifically named party shall be

deemed to apply to any successor, heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

13.10 Parties Not Co-Venturers; No Brokers. Nothing in this Agreement is intended to or does establish the Parties as partners, co-venturers, or principal and agent with one another. Each Party hereby represents and warrants to the other Party that it has retained no broker or other party to whom a commission or finder's fee is due with respect to the transactions contemplated hereby. Each Party agrees to defend, indemnify, and hold the other Party harmless from and against all claims, losses, costs, expenses and liabilities arising in connection with a breach of this representation and warranty by the indemnifying party. The terms of this Section shall survive the expiration or earlier termination of this Agreement and shall survive Close of Escrow.

13.11 No Third Party Beneficiaries. Nothing contained in this Agreement is intended by the Parties, nor shall any provision of this Agreement be deemed or construed by the Parties or by any third person, to be for the benefit of any third party, nor shall any third party have any right to enforce any provision of this Agreement or be entitled to damages for any breach by SWH/MHC or City of any of the provisions of this Agreement.

13.12 Captions; Interpretation. The section headings used herein are solely for convenience and shall not be used to interpret this Agreement. The Parties acknowledge that this Agreement is the product of negotiation and compromise on the part of both Parties, and the Parties agree, that since both Parties have participated in the negotiation and drafting of this Agreement, this Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

13.13 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

13.14 Further Assurances. The Parties each agree to execute, acknowledge and deliver to the other such other documents and instruments, and to undertake such actions, as either shall reasonably request or as may be necessary to carry out the intent of this Agreement.

13.15 Governing Law; Time is of the Essence. This Agreement shall be interpreted under and pursuant to the laws of the State of California without regard to principle of conflicts of laws. Any legal action filed in connection with this Agreement shall be filed in the Superior Court of Stanislaus County, California or in the Federal District Court for the Eastern District of California. Time is of the essence and is a material term for all conditions and provisions contained in this Agreement.

13.16 No Merger; Survival of Representations. The obligations stated herein which are intended to operate after the Close of Escrow, including without limitation indemnification obligations and the obligations in Section 12 shall not merge with the transfer of title but shall remain in effect until fulfilled as provided herein. Without limiting the generality of the foregoing, the representations and warranties made by each Party shall survive Close of Escrow.

13.17 Indemnification and Insurance. Except where otherwise specified herein, each Party shall indemnify, defend and hold harmless the other Party and its respective boards, commissions, and elected and appointed officials, employees, agents and contractors (collectively "Indemnitees") from and against all claims, actions, proceedings, demands, liabilities, judgments, losses, expenses (including reasonable attorneys' fees and expenses) and costs (collectively "Claims") arising out of or related to the indemnifying Party's negligence or willful misconduct. Each Party shall promptly notify the other Party of any such Claim. Nothing contained in this Section shall prohibit a Party from participating in a defense of any Claim, and if it chooses to do so, it shall be reimbursed for its reasonable attorneys' fees and expenses. The provisions of this Section shall survive the expiration or termination of this Agreement and Close of Escrow.

13.18 Compliance with Applicable Laws. Parties, and any subcontractors retained by a Party, to complete the Road Improvements shall comply with all federal, state, and local laws and regulations applicable to the performance of obligations under this Agreement including, to the extent required by the California Labor Code section 1720 *et seq.*, payment of not less than the latest prevailing wage rates as determined by the California Department of Industrial Relations. The Parties shall, at their sole cost and expense, obtain all necessary permits from any public agency with jurisdiction over any of the work required by this Agreement, including the City of Modesto.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

[Signatures on Following Page]

IN WITNESS WHEREOF, the City and SWH/MHC have executed this Agreement as of the Effective Date first written above.

CITY OF MODESTO

By:_____
Joseph Lopez
City Manager

Attest:

By:_____
Diane Nayares-Perez
City Clerk

Approved as to Form:

By: _____
Jose M. Sanchez
City Attorney

SOUTHWEST HIDE CO., an
Idaho general partnership, as to a 50%
undivided tenant in common interest

By: _____
Name:
Its:

MODESTO HOLDING COMPANY,
a Delaware corporation as to a 50%
undivided tenant in common interest

By: _____
Name: William A. Shirley
Its: President

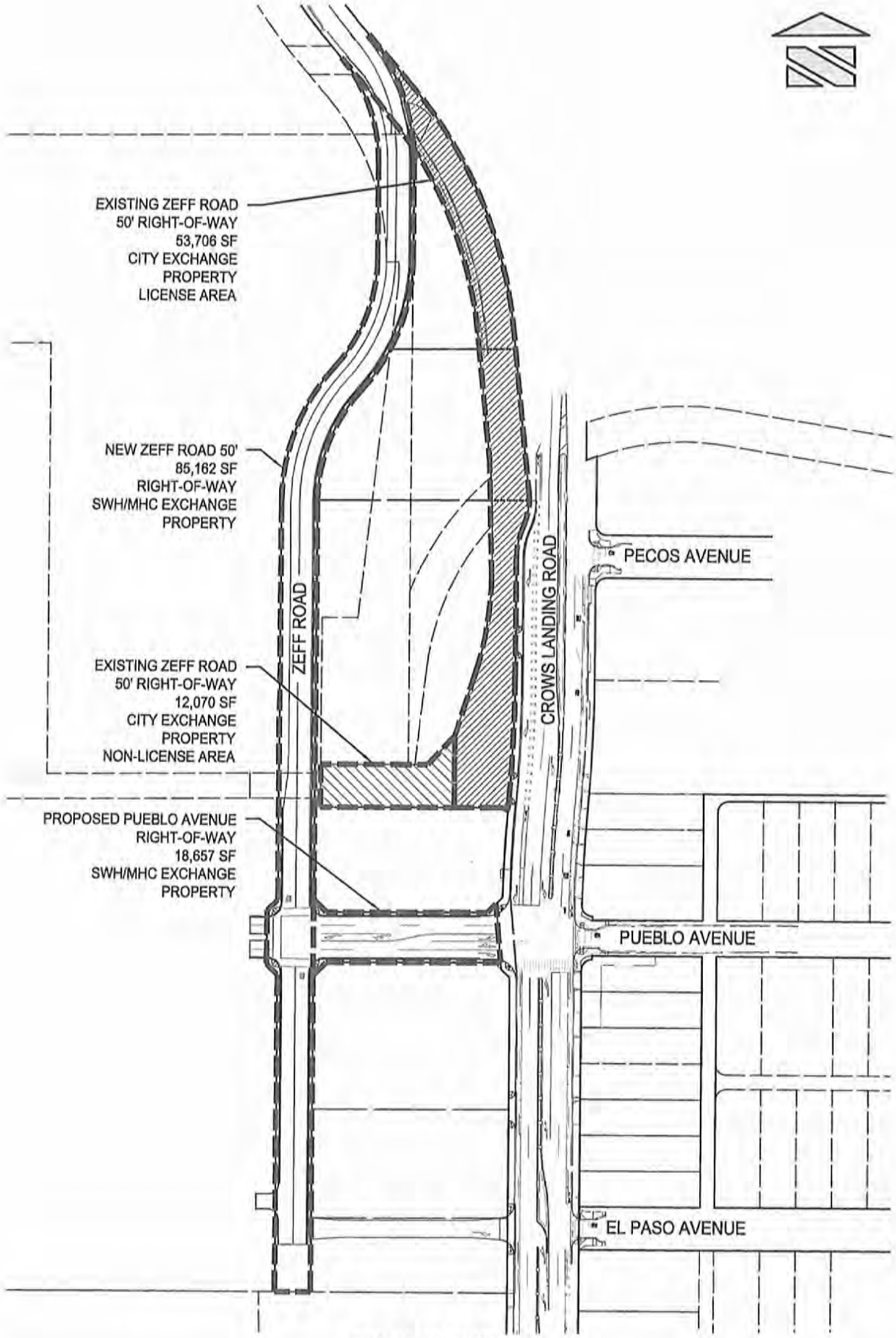


EXHIBIT A

CITY EXCHANGE PROPERTY, SWH/MHC EXCHANGE PROPERTY,
CITY LICENSE AREA, AND NON-LICENSE AREA

EXHIBIT "B"
ZEFF ROAD & CROWS LANDING ROAD ABANDONMENT
LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, LYING WITHIN THE EAST HALF OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN, DESCRIBED AS FOLLOWS:

ABANDONMENT PARCEL "A"

ALL THAT PORTION OF PARCEL 1 AS CONVEYED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION BY DOCUMENT ENTITLED "RELINQUISHMENT OF STATE HIGHWAY IN THE CITY OF MODESTO, ROAD 10-STA-99-14.1-18.3, REQUEST NO. 52", RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS ON MARCH 6, 1967 IN BOOK 2149 OF OFFICIAL RECORDS AT PAGE 683 AS INSTRUMENT NUMBER 6803, SAID PARCEL 1 ALSO AS SHOWN AS SHADED ON THE MAPS OF THE "PROPOSED RELINQUISHMENT TO THE CITY OF MODESTO", FILED OCTOBER 25, 1966, IN STATE HIGHWAY MAP BOOK NO. 2, AT PAGE 12, STANISLAUS COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE SOUTH LINE OF PARCEL 1 HEREIN ABOVE REFERRED TO, SAID ANGLE POINT BEING THE BEGINNING OF COURSE NUMBER 2 OF PARCEL NUMBER 1 OF DEED RECORDED MAY 29, 1962 IN VOLUME 1770 OF OFFICIAL RECORDS AT PAGE 402, INSTRUMENT NO. 20761, STANISLAUS COUNTY RECORDS; THENCE NORTH 38°40'15" WEST ALONG THE SOUTH LINE OF THE HEREIN ABOVE PARCEL 1, A DISTANCE OF 64.15 FEET TO THE BEGINNING OF COURSE NUMBER 3 OF SAID PARCEL NUMBER 2; THENCE NORTH 89°52'43" WEST ALONG LAST SAID SOUTH LINE AND COURSE NUMBER 3, A DISTANCE OF 4.16 FEET TO THE **POINT OF BEGINNING OF THIS ABANDONMENT DESCRIPTION;** THENCE ALONG THE SOUTHERLY AND WESTERLY LINE OF THE HEREIN ABOVE REFERRED TO PARCEL 1, THE FOLLOWING TWELVE (12) COURSES:
1) NORTH 89°52'43" WEST, A DISTANCE OF 263.46 FEET; THENCE
2) NORTH 00°06'45" EAST, A DISTANCE OF 60.00 FEET; THENCE
3) SOUTH 89°52'43" EAST, A DISTANCE OF 150.12 FEET; THENCE
4) NORTH 43°16'46" EAST, A DISTANCE OF 55.46 FEET; THENCE
5) NORTH 17°51'44" EAST, A DISTANCE OF 88.57 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 470.00 FEET; THENCE
6) NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°44'27", AN ARC DISTANCE OF 145.53 FEET; THENCE
7) NORTH 01°27'09" WEST, A DISTANCE OF 155.87 FEET; THENCE
8) NORTH 05°55'22" WEST, A DISTANCE OF 180.42 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 570.00 FEET; THENCE
10) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°38'40", AN ARC DISTANCE OF 274.92 FEE TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS WHICH BEARS SOUTH 86°07'03" WEST A DISTANCE OF 275.00 FEET ; THENCE
11) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°33'36", AN ARC DISTANCE OF 175.48 FEET; THENCE
12) NORTH 49°33'27" EAST, A DISTANCE OF 0.50 FEET; TO A POINT ON THE EASTERLY LINE OF SAID PARCEL 1; THENCE CONTINUING SOUTHERLY ALONG SAID EASTERLY LINE OF PARCEL 1 THE FOLLOWING TWO (2) COURSES:

1) SOUTH 40°26'33" EAST, A DISTANCE OF 95.48 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 620.50 FEET; THENCE
2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°31'11", AN ARC DISTANCE OF 373.84 FEET; THENCE LEAVING SAID EASTERLY LINE AND PROCEEDING ALONG THE FOLLOWING SIX (6) COURSES:
1) SOUTH 00°05'25" EAST ALONG A LINE LYING 49.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 5, A DISTANCE OF 11.25 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 90.00 FEET; THENCE
2) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°47'39", AN ARC DISTANCE OF 37.38 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 110.00 FEET OF WHICH THE RADIUS POINT BEARS SOUTH 66°06'55" EAST; THENCE
3) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°47'39", AN ARC DISTANCE OF 45.68 FEET; THENCE
4) SOUTH 00°05'25" EAST ALONG A LINE LYING 66.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SECTION 5, A DISTANCE OF 167.53 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1939.00 FEET; THENCE
5) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°57'49", AN ARC DISTANCE OF 167.98 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 2061.00 FEET OF WHICH THE RADIUS POINT BEARS SOUTH 84°56'45" EAST; THENCE
6) SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°20'59", AN ARC DISTANCE OF 12.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.51 ACRES MORE OR LESS

SAID PARCEL ALSO SHOWN ON EXHIBIT B-1, ATTACHED HEREWITH AND MADE A PART HEREOF.

ABANDONMENT PARCEL "B"

ALL THAT PORTION OF THAT CERTAIN PARCEL OF LAND AS CONVEYED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION BY GRANT DEED, RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS ON FEBRUARY 5, 1975 IN BOOK 2681 OF OFFICIAL RECORDS AT PAGE 543 AS INSTRUMENT NUMBER 29849, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE SOUTH LINE OF PARCEL 1 HEREIN ABOVE REFERRED TO, SAID ANGLE POINT BEING THE BEGINNING OF COURSE NUMBER 2 OF PARCEL NUMBER 1 OF DEED RECORDED MAY 29, 1962 IN VOLUME 1770 OF OFFICIAL RECORDS AT PAGE 402, INSTRUMENT NO. 20761, STANISLAUS COUNTY RECORDS; THENCE NORTH 38°40'15" WEST ALONG THE SOUTH LINE OF THE HEREIN ABOVE PARCEL 1, A DISTANCE OF 64.15 FEET TO THE BEGINNING OF COURSE NUMBER 3 OF SAID PARCEL NUMBER 2; THENCE NORTH 89°52'43" WEST ALONG LAST SAID SOUTH LINE, A DISTANCE OF 4.16 FEET TO THE **POINT OF BEGINNING OF THIS ABANDONMENT DESCRIPTION**, THENCE CONTINUING ALONG SAID SOUTH LINE AND COURSE NUMBER 3, NORTH 89°52'43" WEST ALONG LAST SAID SOUTH LINE, A DISTANCE OF 10.67 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS WHICH BEARS SOUTH 00°07'17" WEST 15.00 FEET; THENCE LEAVING SAID SOUTH LINE AND COURSE NUMBER 3, SOUTHESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°35'49", AN ARC DISTANCE OF 11.41 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS WHICH BEARS

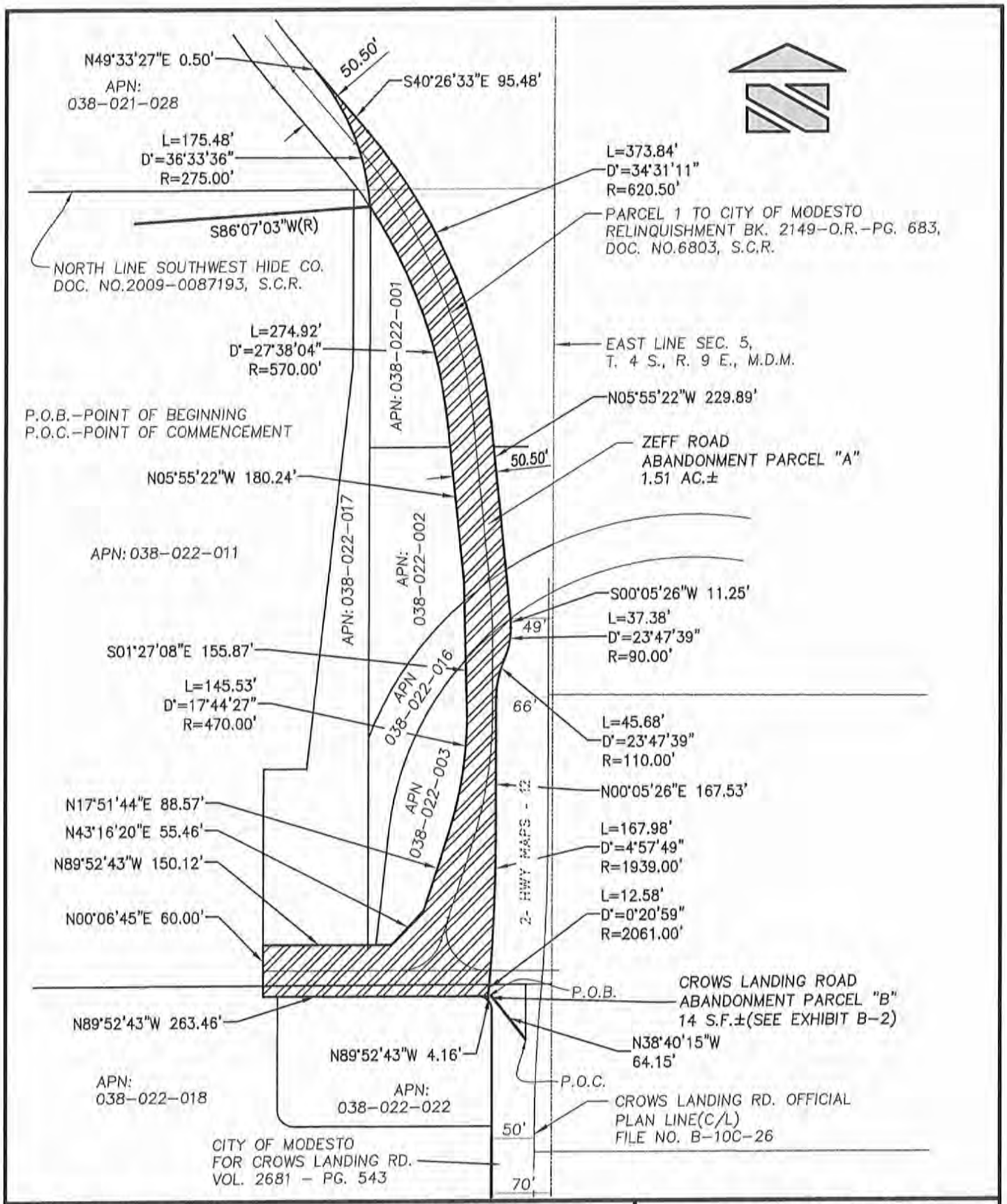
SOUTH 85°24'40" EAST 2061.00 FEET; THENCE SOUTHESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°35'49", AN ARC DISTANCE OF 4.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 14 SQUARE FEET MORE OR LESS

SAID PARCEL ALSO SHOWN ON EXHIBIT B-2, ATTACHED HEREWITH AND MADE A PART HEREOF.

_____

DUSTIN BYRON WILTON, P.L.S. 8080
09/__/22

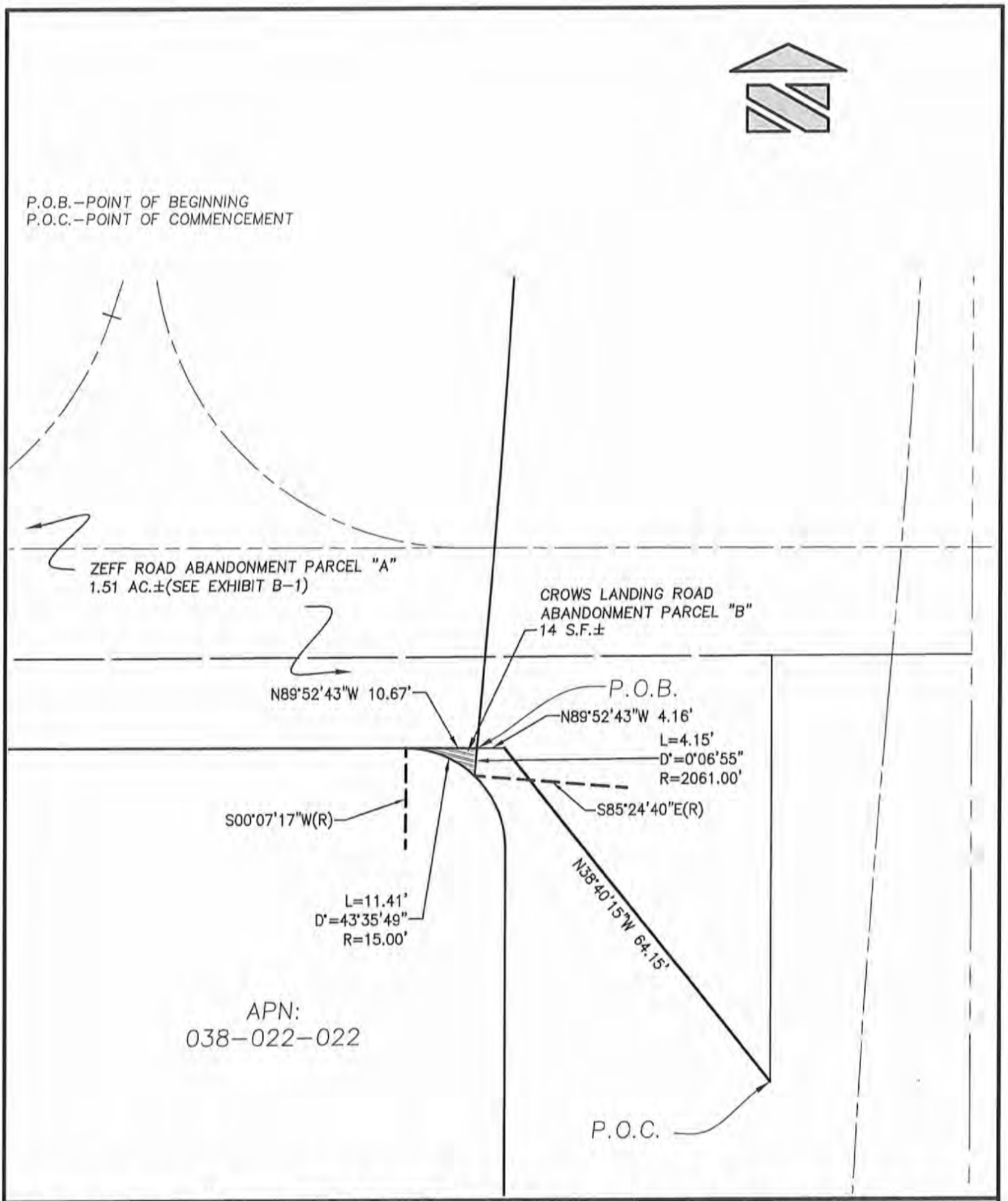


DRAWN:	DBW
DATE:	8/29/22
SCALE:	1"=150'
JOB #:	549A-21
DWG:	549D-21-EXH. B

EXHIBIT "B-1"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

ZEFF ROAD ABANDONMENT
MODESTO CALIFORNIA

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com



DRAWN:	DBW
DATE:	8/29/22
SCALE:	1"=30'
JOB #:	549A–21
DWG:	549D–21–EXH. B

EXHIBIT "B-2"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

CROWS LANDING ROAD ABANDONMENT
MODESTO CALIFORNIA

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

EXHIBIT C

LEGAL DESCRIPTION OF SWH/MHC EXCHANGE PROPERTY

The legal description of the SWH/MHC Exchange Property to be attached to the Grant Deed will be prepared to encompass that real property shown on Exhibit A of this Exchange Agreement and identified on the Exchange Map as the "85,162 SF Right-of-Way SWH/MHC Exchange Property". During construction, it is possible that minor adjustments are needed to the location of the right-of-way, so at the time of dedication of New Zeff Road, the City Engineer will review the legal description and attest that it is in substantial conformance to that area shown on the Exchange Map.

EXHIBIT D

FORM OF CITY GRANT DEED

Recording Requested by
and When Recorded, Return to:

City of Modesto
1010 10th Street
P.O. Box 642
Modesto, CA 94354
Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

APN _____

Exempt from Documentary Transfer Tax
Per Rev. & Tax. Code § 11922
Governmental Agency acquiring title

GRANT DEED

For valuable consideration, the receipt of which is hereby acknowledged, _____, a California [corporation/limited liability company/etc.] (the "**Grantor**"), hereby grants in fee to the City of Modesto, a California municipal corporation (the "**Grantee**"), all that real property located at _____ in the City of Modesto, County of Stanislaus, State of California and more particularly described and depicted in Exhibit A, attached hereto and incorporated here by this reference.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed as of as of _____.

Grantor

_____,
a California _____

By: _____
[Name, Title]

SIGNATURE MUST BE NOTARIZED

Exhibit A to Grant Deed

LEGAL DESCRIPTION & PLAT

That real property located in the City of Modesto, County of Stanislaus, State of California, described as follows:

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed dated _____, from _____, a California _____ ("**Grantor**"), to the City of Modesto ("**City**"), is hereby accepted on behalf of the City by the undersigned officer pursuant to the authority conferred by Government Code section 27281 and Resolution No. _____, adopted by the City Council on _____, and the City consents to the recordation thereof in the official records of Stanislaus County by its duly authorized officer.

Dated: _____

CITY OF MODESTO

By: _____
Joseph Lopez, City Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

5075338.1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

EXHIBIT E

FORM OF LICENSE AND STREET CLOSURE AGREEMENT

EXHIBIT E

Recording requested by and when recorded mail to:

City of Modesto
1010 10th Street
P. O. Box 642
Modesto, CA 95353
Attention: City Engineer

EXEMPT FROM RECORDING FEES PER GOVERNMENT CODE §§6103, 27383

APN:

Space above this line for Recorder's use.

LICENSE AND STREET CLOSURE AGREEMENT

This LICENSE AND STREET CLOSURE AGREEMENT ("Agreement") is entered into as of _____, 2023 ("Effective Date") by and between the City of Modesto, a California charter city ("City"), and Southwest Hide Co., an Idaho general partnership, as to a 50% undivided tenant in common interest, and Modesto Holding Company, a Delaware corporation, as to a 50% undivided tenant in common interest (collectively, "SWH/MHC"). City and SWH/MHC may hereinafter be referred to individually as "Party" and collectively as "Parties."

RECITALS:

A. City and SWH/MHC have entered into that certain Exchange Agreement dated _____, 2023, ("Exchange Agreement") by which SWH/MHC intends to acquire from the City fee title to that certain real property shown as the "City Exchange Property" on the map ("Map") attached hereto and incorporated herein as **Exhibit A** ("City Exchange Property"), and City intends to acquire from SWH/MHC fee title to that certain real property consisting of the strip of land shown on the Map as the "SWH/MHC Exchange Property" ("SWH/MHC Exchange Property"). A copy of the Exchange Agreement is attached hereto and incorporated herein as **Exhibit B**.

B. The City Exchange Property consists of all area shown on the Map as the "City Exchange Property License Area" ("City License Area") and all area shown on the Map as the "City Exchange Property Non-License Area" ("Non-License Area").

C. City intends to permanently close the City License Area and Non-License Area as a public road for all public vehicular and pedestrian traffic. As a condition of the Exchange Agreement, SWH/MHC has agreed to grant City a temporary license for public use of the City License Area for road purposes subject to the terms and conditions of this Agreement.

D. As a condition of the Exchange Agreement, City has agreed to grant SWH/MHC a license for access over and across and private use of the SWH/MHC Exchange Property under the terms and conditions of this Agreement.

E. City finds that the transactions contemplated in this Agreement, including all Exhibits attached hereto and incorporated herein, (i) are consistent with the City's General Plan, (ii) further the health, safety and welfare of the City's residents, and (iii) and are in conformity with the City's economic development plans and Municipal Code.

TERMS:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows.

1. Grant of City License.

1.1. City License. As of Closing No. 1 Date as defined in the Exchange Agreement ("City License Commencement Date") , SWH/MHC hereby grants to City a temporary, exclusive license ("City License") for the purpose of operating, maintaining and using the City License Area for public road purposes. The City License shall be held by City for the benefit of the public, which shall have the right to use the City License Area for pedestrian and vehicular traffic, and for such other public street purposes as permitted by the City, in its sole and absolute discretion. All use of the City License Area by City and the public shall be in a manner consistent with the use of public streets in the City. The City License is not intended to nor shall it be interpreted to create or vest in City any leasehold or any other property rights or interests in the City License Area or the improvements located thereon, or any part thereof.

1.2. Maintenance of City License Area. During the City License Term (as defined below), the City shall, at its sole cost and expense, maintain the City License Area in its condition existing as of the Effective Date, reasonable wear and tear excepted, and shall keep the City License Area in such condition as is necessary for the use of the City License Area by the public for street purposes, in accordance with all applicable federal, state and local laws, rules and regulations.

1.3. Enforcement of Traffic Laws. During the City License Term, City shall have the right to enforce all applicable traffic laws and regulations in the City License Area. All traffic laws and regulations applicable to the City License Area prior to the transfer of fee ownership in the City License Area from City to SWH/MHC pursuant to the Exchange Agreement shall remain applicable to the City License Area throughout the City License Term. Nothing in this Section shall create any obligation for City to enforce such traffic laws and regulations, and City, and its officers, officials, employees and agents shall incur no liability to any member of the public for failure to enforce such laws and regulations pursuant to the City License.

1.4. City License Term. The term of the City License ("City License Term") shall commence on the City License Comencement Date and shall remain in effect until the date ("City License Termination Date") SWH/MHC has completed, and City has accepted for dedication, the

Road Improvements (as defined in the Exchange Agreement). City shall record a resolution permanently vacating the City Exchange Property as a public road pursuant to Streets and Highways Code section 8320 *et seq.*, no later than ten (10) days following the City License Termnination Date. SWH/MHC hereby agrees not to revoke or terminate the City License prior to the City License Termination Date.

1.5. Indemnity. City shall indemnify, defend and hold harmless the City Exchange Property and SWH/MHC and its officers, directors, employees, and agents (collectively, "Indemnitees") from and against all actions, proceedings, claims, demands, liabilities, judgments, losses, expenses (including reasonable attorneys' fees and expenses) and costs (all of the foregoing, collectively "Liability") arising out of or related to the maintenance and/or use of the City License Area by the City and/or the public during the City License Term, except to the extent such Liability is caused by the gross negligence or willful misconduct of the Indemnitees. Furthermore, City shall indemnify, defend and hold harmless the Indemnitees from and against any claim, action or proceeding to attack, set aside, void or annul the City License or any part hereof.

1.6. Insurance. City, at its sole cost and expense, must carry insurance with limits not less than Two Million Dollars ($2,000,000) per occurrence, or self-insure, for its activities in connection with the City License, and obtain, keep in force, and maintain insurance or equivalent programs of self-insurance, for general liability, workers compensation, property, and business automobile liability adequate to cover its potential liabilities hereunder. Insurance policies shall be endorsed to name as an additional insured the SWH/MHC, its officers, agents, and employees.

1.7. Liens. City shall keep the the City License Area free from any liens arising out of any work performed, materials furnished or obligations incurred by the City in connection with the exercise of its rights, or the performance of obligations, under the City License.

2. Permanent Closure of City Exchange Area.

2.1. Non-License Area. As of the Closing No. 2 Date (as defined in the Exchange Agreement) , City and SWH/MHC shall take all actions necessary and appropriate to permanently close the Non-License Area of the City Exchange Area to all pedestrian and vehicular traffic from and after the Effective Date.

2.2. City License Area. City and SWH/MHC shall take all actions necessary and appropriate to permanently close the City License Area to all pedestrian and vehicular traffic from and after the City License Termination Date.

3. Events of Default; Remedies. An Event of Default under this Agreement shall occur if any Party fails to comply with any of the covenants or obligations hereunder and does not cure such failure within thirty (30) days after receipt of written notice thereof (or fails to commence to cure such default within such thirty (30) day period and thereafter fails to proceed with due diligence to cure such default).

4. Miscellaneous.

4.1 No Joint Venture. No provision of this Agreement shall be deemed to constitute the Parties as partners, principal and agent, or joint venturers with one another.

4.2 No Waiver. No waiver of, acquiescence in or consent to any breach of any term, covenant or condition hereof shall be construed as, or constitute a waiver of, acquiescence in, or consent to, any other, further or succeeding breach of the same or any other term, covenant or condition.

4.3 Notices. Except as otherwise specified herein, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified below or to such other address as a Party may designate by written notice delivered to the other Parties in accordance with this Section. All such notices shall be sent by:

(i) personal delivery, in which case notice is effective upon delivery;

(ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered on receipt if delivery is confirmed by a return receipt;

(iii) nationally recognized overnight courier, with charges prepaid or charged to the sender's account, in which case notice is effective on delivery if delivery is confirmed by the delivery service:

City:
City of Modesto
1010 10th Street
Modesto, CA 95354
Attention: City Manager

SWH/MHC:
William A. Shirley
2621 State Street
Dallas, Texas 75204
Phone: 214-689-0320
Email: bshirley@pascalenterprises.com

With copy to:
Russell A. Newman, Esq.
1034 12th Street
Modesto, CA 95354
Phone: 209-521-9521
Email: russ.newman51@gmail.com

4.4 No Third Party Beneficiaries. There no third party beneficiaries to this Agreement. Nothing in this Agreement is intended to or shall confer upon any person other than the Parties any rights or remedies hereunder.

4.5 Governing Law; Venue. This Agreement shall be construed in accordance with the laws of the State of California without regard to principles of conflicts of law. Any legal action

filed in connection with this Agreement shall be filed in the Superior Court of Stanislaus County, California or in the Federal District Court for the Eastern District of California.

4.6 Severability. If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged thereby.

4.7 Attorneys' Fees. In any action at law or in equity, arbitration or other proceeding arising in connection with this Agreement, the prevailing party shall recover reasonable attorneys' fees and other costs, including but not limited to court costs and expert and consultants' fees incurred in connection with such action in addition to any other relief awarded, and such attorneys' fees and costs shall be included in any judgment in such action.

4.8 Amendments; Assignment. This Agreement may be amended only by a written instrument executed by the Parties hereto. This Agreement may not be assigned without written authorization from both Parties.

4.9 Captions; Entire Agreement. The section headings used in this Agreement are for convenience only and are not intended to affect the interpretation or construction of the provisions herein contained. This Agreement, along with all Exhibits attached hereto, contains the entire agreement of the Parties with respect to the subject matter hereof, and all prior negotiations, documents and discussions with respect thereto are hereby superseded.

4.10 Binding Effect; Due Authorization. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties hereto. Any reference in this Agreement to a specifically named party shall be deemed to apply to any successor, heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

4.11 Recording and Filing. The City and SWH/MHC shall cause this Agreement, and all amendments and supplements to it, to be recorded in the Official Records of Stanislaus County.

4.12 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

[Signatures on Following Page]

IN WITNESS WHEREOF, the City and SWH/MHC have executed this Agreement as of the Effective Date first written above.

CITY OF MODESTO

By:_____
Joseph Lopez
City Manager

Attest:

By:_____
Diane Nayares-Perez
City Clerk

Approved as to Form:

By: _____
Jose M. Sanchez
City Attorney

SOUTHWEST HIDE CO., an
Idaho general partnership, as to a 50%
undivided tenant in common interest

By: _____
Name:
Its:

MODESTO HOLDING COMPANY,
a Delaware corporation as to a 50%
undivided tenant in common interest

By: _____
Name: William A. Shirley
Its: President

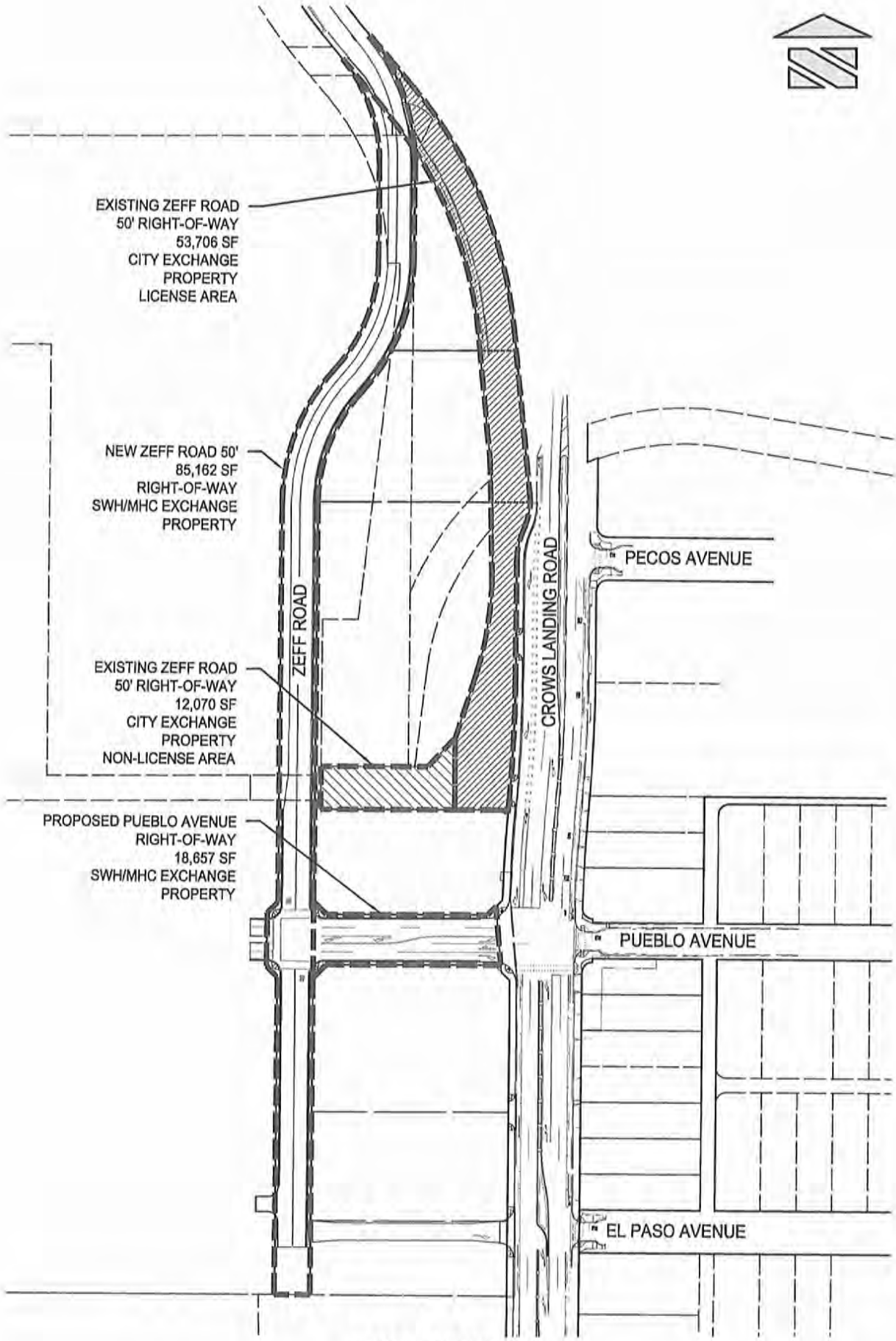


EXHIBIT A

CITY EXCHANGE PROPERTY, SWH/MHC EXCHANGE PROPERTY,
CITY LICENSE AREA, AND NON-LICENSE AREA

EXHIBIT B

COPY OF EXCHANGE AGREEMENT

[To Be Attached]

5274453.1

EXHIBIT F

LIST OF EASEMENTS

	EASEMENTS	STATUS	ACTION ATCLOSING NO. 1
1.	Temporary Construction Easement on SWH/MHC Parcels	Recorded: May 13, 2014	Record Termination of Easement
2.	Permanent Sewer Easement on SWH/MHC Parcels	Recorded: May 13, 2014	None
3.	Right of Entry Agreement ("ROE Agreement") on SWH/MHC Parcels	Fully Executed Agreement: June 11, 2018	Record Termination of Easement
4.	Temporary Bypass Road on SWH/MHC Parcels	Contained in ROE Agreement: June 11, 2018	Record Termination of Easement
5.	Sanitary Sewer Easement on SWH/MHC Parcels	Contained in ROE Agreement: June 11, 2018	Record in Approved Grant of Permanent Easement
6.	Permanent Sewer Easements as Shown in **Exhibit I**		Record Termination of Easement
7	Sanitary Sewer Easement in City Exchange Property at location shown in **Exhibit G**		Record Approved Grant of Permanent Easement

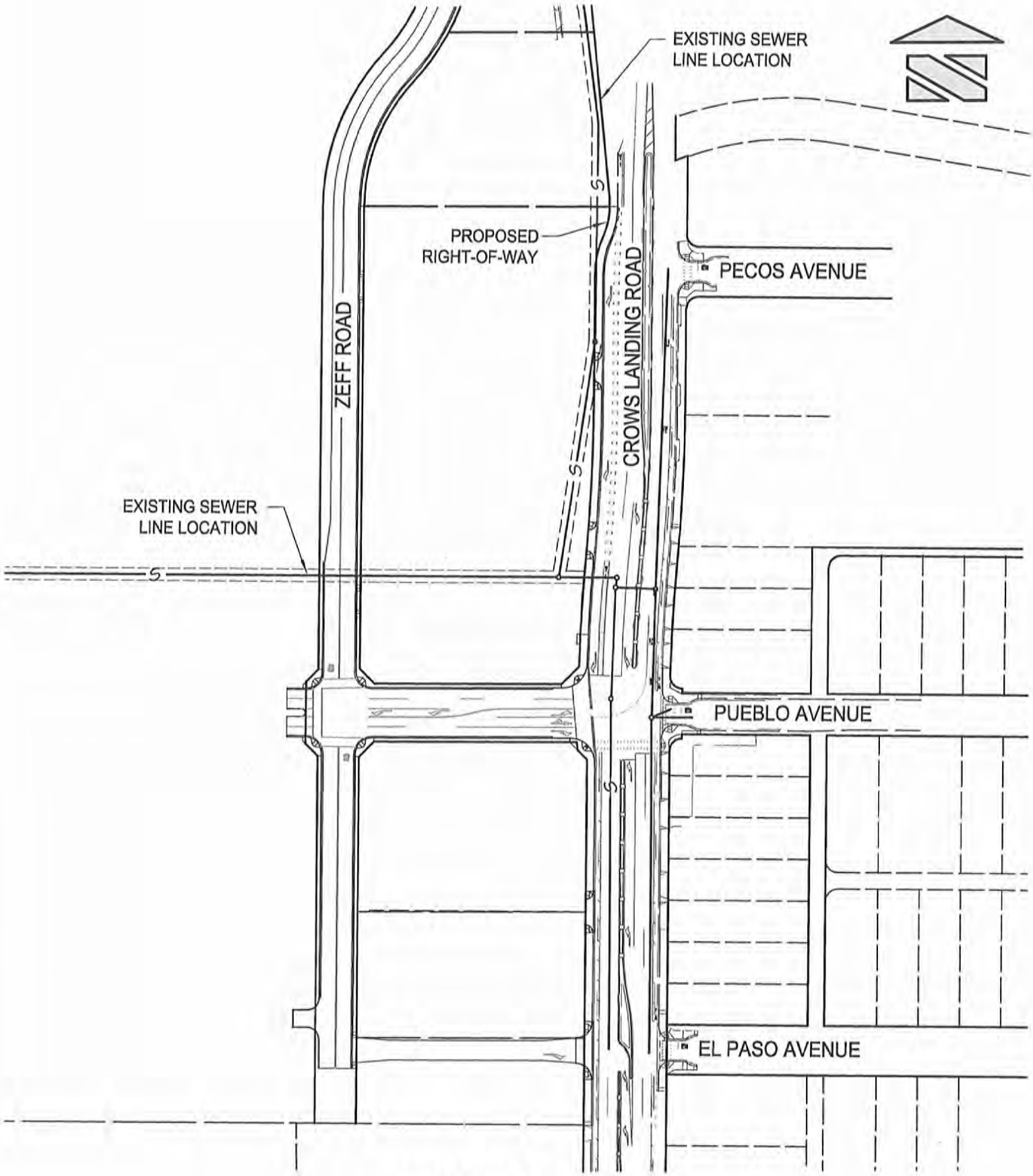


EXHIBIT G

SEWER LINE EASEMENT

EXHIBIT H

FORM OF IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

EXHIBIT H

RECORDING REQUESTED BY:
City of Modesto

WHEN RECORDED MAIL TO:

City of Modesto
City Clerk
P.O. Box 642
Modesto, California 95353

Recording Fee: Exempt
(Government Code Section 6103 and 27383)

Space above this line for Recorder's use

Documentary Transfer Tax: Exempt
(Revenue and Taxation Code Section 11922)

IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

Road/Street name: APN:

The **undersigned**, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to the CITY OF MODESTO, A California municipal corporation, and its successors or assigns, for **STREETS AND OTHER PUBLIC PURPOSES,** the real property situated in the CITY OF MODESTO, described in Exhibit "A".

It is understood and agreed that the CITY OF MODESTO and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action by, or on behalf of, the City Council.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this _____ day of _____ 20_____

UNDERSIGNED:

_____ **(name of owners)** _____

SEE EXHIBITS "A" and "B"

_____	_____
(sign)	(sign)
_____	_____
(print)	(print)
Dated: _____	Dated: _____

(Notary Acknowledgment Required for Each signatory)

** Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.*

Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

LLC – signature of proprietor or partner required

APPROVED as to description by City L.S.: _____ Dated: _____

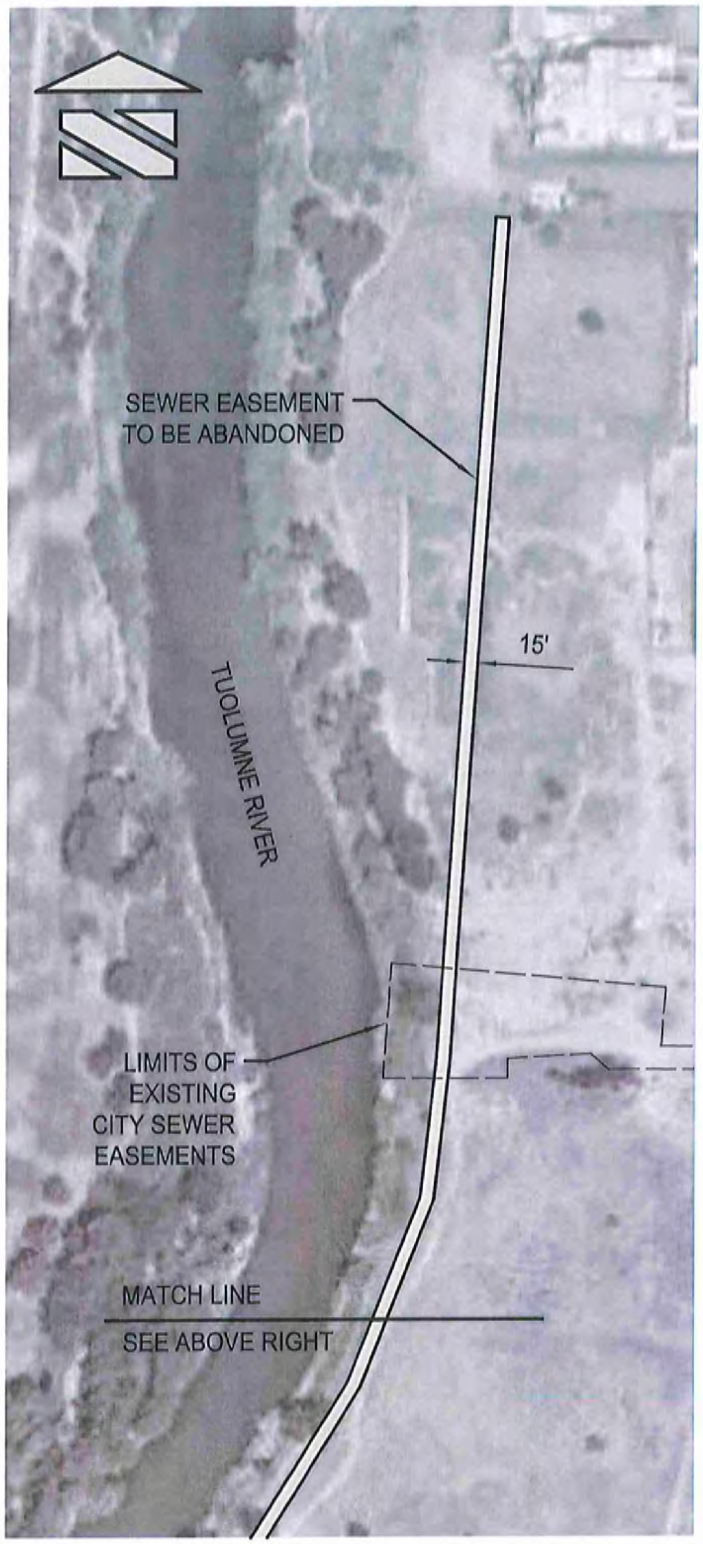
CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the City of Modesto, a Municipal Corporation, is hereby **not accepted** at this time, but reserving the right to accept at any future time on behalf of the public by the undersigned officer or agent on behalf of the City Council of the City of Modesto, pursuant to authority conferred by Modesto City Council Resolution No. 96-331 in accordance with Government Code sections 27281 and 7050 of the State of California. The grantee consents to recordation thereof by its duly authorized officer.

This Offer of Dedication of fee interest shall be irrevocable and shall be binding on the Grantor, its heirs, executors, administrators, successors and assigns.

DATED: _____

_____
Toby Wells, R.C.E. 57728
City Engineer, City of Modesto



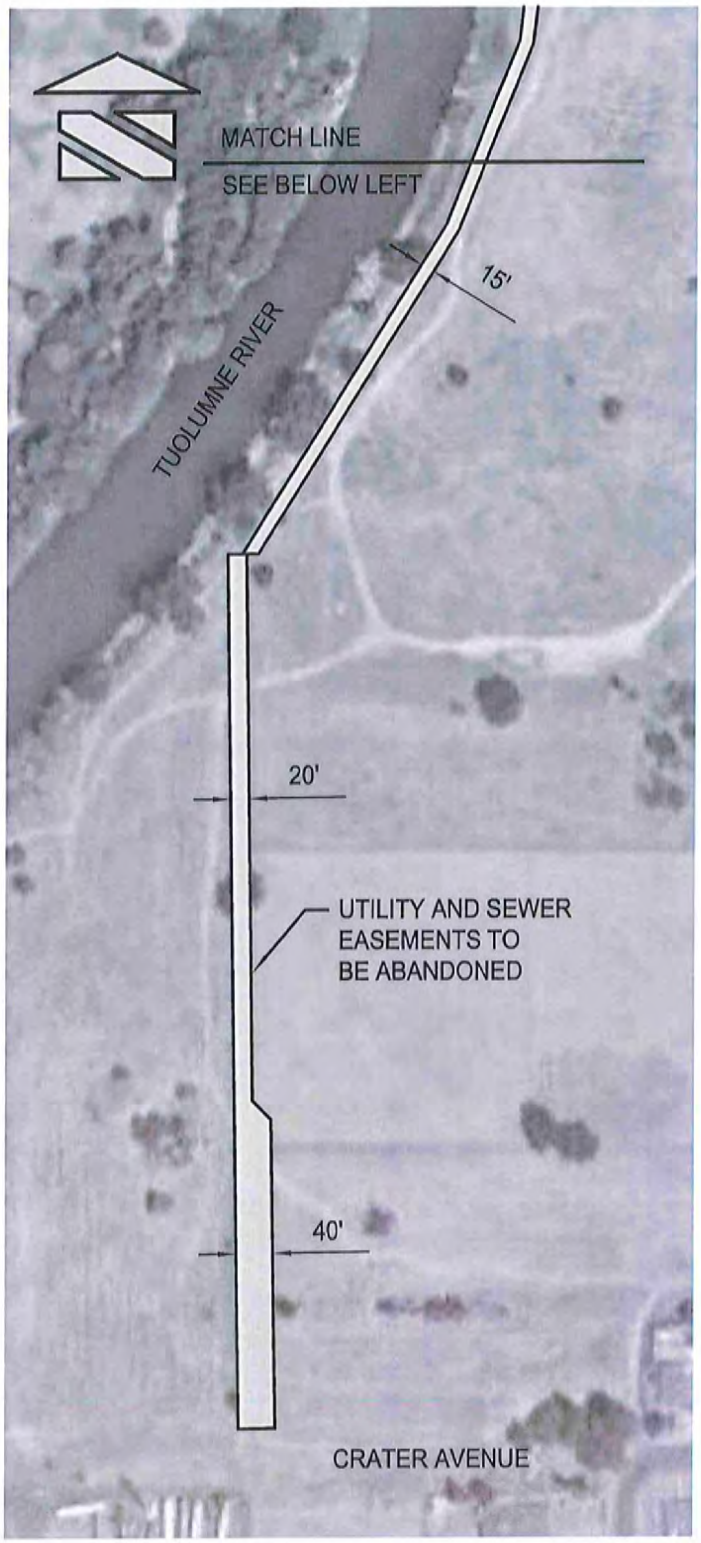


EXHIBIT I

AREA OF SEWER EASEMENT TO BE ABANDONED BY CITY

EXHIBIT J

FORM OF SWH/MHC GRANT DEED

Recording Requested by
and When Recorded, Return to:

Modesto Holding Company
2621 State Street
Dallas, TX 75204
Attn: William A. Shirley

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

APN _____

Exempt from Documentary Transfer Tax
Per Rev. & Tax. Code § 11922
Governmental Agency acquiring title

GRANT DEED

For valuable consideration, the receipt of which is hereby acknowledged, City of Modesto, a California municipal corporation (the "**Grantor**"), hereby grants in fee to the Southwest Hide Co., an Idaho general partnership, as to a 50% undivided tenant in common interest, and Modesto Holding Company, a Delaware corporation, as to a 50% undivided tenant in common interest (the "**Grantee**"), all that real property located at _____ in the City of Modesto, County of Stanislaus, State of California and more particularly described and depicted in Exhibit A, attached hereto and incorporated here by this reference.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed as of as of _____.

Grantor

City of Modesto,
a California municipal corporation

By: _____
[Name, Title]

SIGNATURE MUST BE NOTARIZED

Exhibit A to Grant Deed

LEGAL DESCRIPTION & PLAT

That real property located in the City of Modesto, County of Stanislaus, State of California, described as follows:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

5075338.1

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On_____, 20____ before me, _____, a Notary Public, in and for said State and County, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist
C&ED No. 2023-xx

For the proposed:

ABD-22-001
Zeff Road Abandonment and Realignment
Zeff Road west of Pueblo Ave

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

January 30, 2023

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Zeff Road Abandonment and Realignment ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

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

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

II. PROJECT DESCRIPTION

A. Title: ABD-22-001—Abandonment of 0.25-mile segment of Zeff Road west of Pueblo Avenue at Crows Landing Road, with realignment of segment to the west.

B. Address or Location: Zeff Road west of Pueblo Avenue, from northern tip of Assessor's Parcel Number 038-022-001 and intersection of Pueblo Avenue and Crows Landing Road.

C. Applicant: Modesto Holding Company (Attn: James Reeder)
2621 State St. Dallas, TX 75204 (214)727-2421

D. City Contact Person: Katharine Martin, Senior Planner

Project Manager: Katharine Martin, Senior Planner
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Industrial (I)

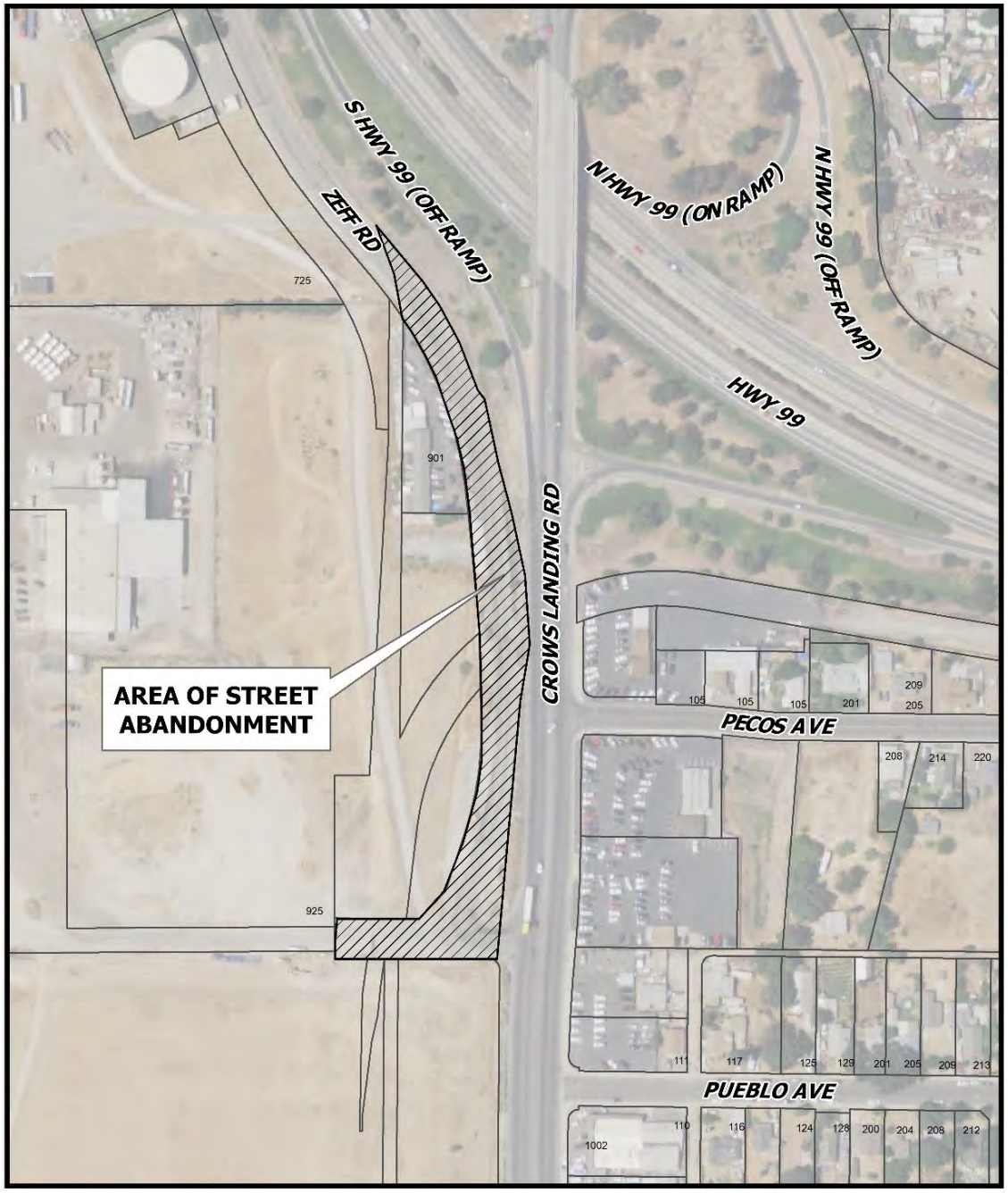
F. Current Zoning Classification(s): Heavy Industrial (M-2)

G. Surrounding Land Uses:

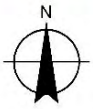
North: Heavy Industrial (M-2) Zone, Vacant land, State Highway CA-99
South: Heavy Industrial (M-2) Zone, Vacant land
East: Heavy Industrial (M-2) Zone, Crows Landing Road right-of-way, commercial uses
West: Heavy Industrial (M-2) Zone, Vacant land, former tallow rendering plant, Tuolumne River

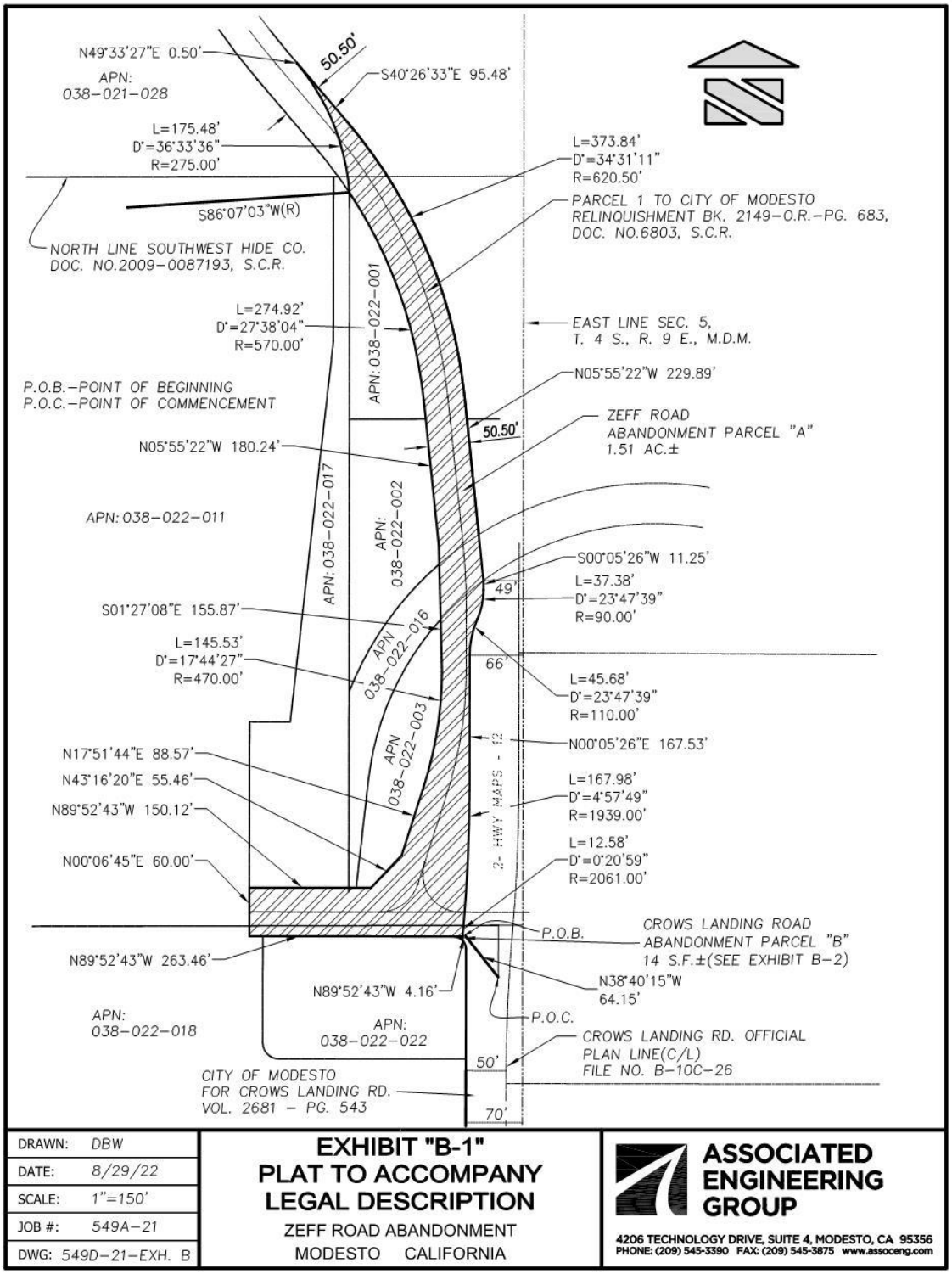
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Abandonment of a 0.25-mile segment of Zeff Road from the intersection of Zeff Road and Crows Landing Road (200-feet north of Pueblo Avenue) to the northerly tip of Assessor's Parcel Number 038-022-001. Abandonment is associated with a land exchange agreement between the City of Modesto and the underlying property owner for the area of a new alignment of Zeff Road, for connection to the intersection of Crows Landing Road at Pueblo Avenue, as shown on the maps below.



Zeff Road Abandonment and Realignment to Pueblo Ave ABD-22-001





STREET ABANDONMENT
ABD-22-001

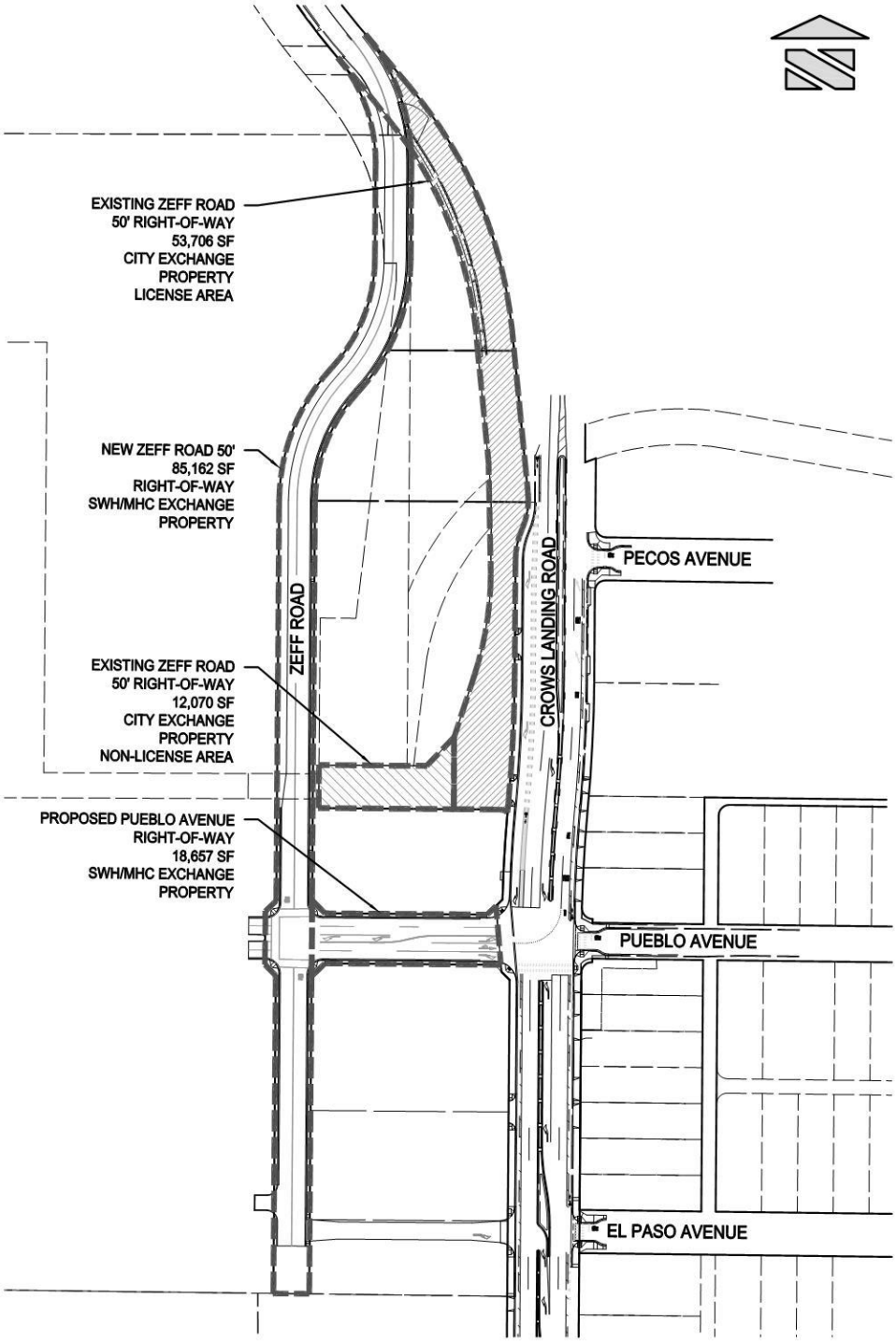


EXHIBIT A

CITY EXCHANGE PROPERTY, SWH/MHC EXCHANGE PROPERTY, CITY LICENSE AREA, AND NON-LICENSE AREA

NEW ZEFF ROAD ALIGNMENT (PROPERTY EXCHANGE AREA)
ABD-22-001

I. Other Public Agencies Whose Approval is Required: None.

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

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

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

   B. No new or additional mitigation measures or alternatives are required;

   C. The subsequent project is within the scope of the project covered by the Master EIR; and,

   D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

   A. The subsequent project is within the scope of the project covered by the Master EIR;

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3. ____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR;

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

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

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

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

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐

(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

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

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	☒
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	☒
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment and realignment to a new right-of-way (ROW) would not conflict with any traffic plan, ordinance or policy document. Zeff Road is a Minor Collector Street that runs parallel to State Highway CA-99 and Crows Landing Road, an arterial street. The segment being abandoned is a quarter-mile long stretch between the existing intersection of Zeff Road and Crows Landing Road, north of Pueblo Avenue. The exchange of property between the City and the property owner would provide for a new alignment of Zeff Road to be located generally westerly of the current street alignment, and connect to Crows Landing Road at a new signalized intersection at Crows Landing Road and Pueblo Avenue.

(2) The proposed land use amendment would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) The nearest airport is the City-County Airport approximately 1.5 miles away to the northeast, and the street abandonment is not located within a safety zone as established by the Airport Land Use Commission. Abandonment and realignment of the street would not interfere with airport operations.

(4) The proposed abandonment and realignment would not result in an increase in hazards or dangerous intersections. The abandonment and realignment would tie the future alignment of Zeff Road into a newly improved signalized intersection to the south of the current Zeff/Crows Landing intersection, which is an unsignalized "T" intersection.

(5) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation.

(6) The proposal would not result in a projected level of service of "D" or worse for the new Zeff Road roadway.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include AQ-102, AQ-103, AQ-105, AQ-107, AQ-108, AQ-110, and AQ-113-116 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☐	☒
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☒	☐
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment and realignment would not be inconsistent with the air quality and greenhouse gas emissions policies of the General Plan.

(2) The proposal would not conflict with or obstruct implementation of the applicable air quality plan.

(3) The proposal would not violate any air quality standard or contribute substantially to an existing or projected violation.

(4) The proposed street abandonment and realignment would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

(5-6) The nearest sensitive receptor would be the Shackelford Elementary School to the southeast of the street abandonment area, with impacts being generated by future roadway improvement operations and therefore temporary in nature. However, mitigation measures applied from the MEIR would reduce impacts to a less than significant level.

(7) The primary source of emissions would be from vehicle trips on the new Zeff Road alignment, however not at levels in excess of trips contemplated by the General Plan MEIR.

(8) The proposed amendment itself would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include Noise 4 and Noise 7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☒	☐
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	☒
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☒	☐
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.	☐	☐	☐	☒

Discussion:

(1) The proposal would not be inconsistent with Urban Area General Plan noise and vibration policies and standards.

(2) The proposal involves the abandonment of a quarter-mile street segment with future realignment of the roadway to the west. Any ground-borne noise or vibration would be from demolition of the abandoned segment and grading/paving activities for the future installation of the new segment, and be temporary in nature.

(3) The proposal would not cause a permanent increase in noise above current conditions at the site.

(4) The proposal would not cause a permanent increase in ambient noise above current conditions at the site. Any noise level increase would be from demolition of the abandoned segment and grading/paving activities for the future installation of the new segment, and be temporary in nature.

(5-6) The proposal is not located within an airport land use plan nor in the vicinity of a private airstrip. The nearest airport is 1.5 miles to the northeast.

(7) The proposal does not involve the development of residential uses within 200-feet of an active rail line.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	☒
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1-2) The street abandonment/realignment area is on vacant land not used for agricultural purposes nor zoned for agricultural uses. The proposal would not be inconsistent with the General Plan's policies related to agricultural land.

(3-4) The site is zoned for Heavy Industrial (M-2) uses. The site is not zoned for agricultural uses, would not conflict with an agricultural zone nor would conflict with a Williamson Act contract.

(5-6) The general area is flat with urban uses to the east and the Tuolumne River riparian corridor located approximately 1,000 feet to the west. The area of the street abandonment/realignment is flat vacant land and does not have forest or timberland. No forest or timberland would be converted to a non-forest use by the project, nor cause environmental changes that could result in the conversion of farmland or forest land.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
Urban Area General Plan policies relating to water supply.				
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	☒
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The proposal would be consistent with the water supply policies in the General Plan.

(2) The proposal would not deplete ground water supplies. As part of the future realignment of Zeff Road, associated utility lines would also be rerouted and installed per City Standards.

(3) The proposal would not require or result in the construction of new water treatment facilities.

(4) The proposal would not exceed existing water supply entitlements or require expansion of entitlements.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	☒
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The proposal would be consistent with the wastewater policies in the General Plan.

(2-3) The proposal would not require or result in the construction of new wastewater treatment facilities, or result in a lack of wastewater capacity. As part of the future realignment of Zeff Road, associated utility lines including sewer lines would also be rerouted and installed per City Standards.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	☒
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.

(2) The proposal is located on vacant land formerly part of a tallow rendering plant located west of the current Zeff Road alignment, and has no value as a biological habitat source.

(3-5) The roadway abandonment/realignment is located approximately 1,000-feet east of a riparian corridor as defined by Figures V-7-1 of the Master EIR; however, the roadway abandonment and future realignment would not interfere substantially with the movement of native or migratory fish or wildlife species. The Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(6-7) The proposal is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	☒
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	☒

Discussion:

(1) The proposal would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-3) The general area of the street abandonment and realignment is on vacant land located to the east of the existing Southwest Hide building, and would not result in the demolition of a listed or eligible historic resource, nor the demolition of a structure older than 50 years.

(4) There are no known significant resources at the site. The area is vacant land located to the east of the existing Southwest Hide building.

(5-6) There are no known cultural, archeological and/or paleontological resources at the site. The area is vacant land located to the east of the existing Southwest Hide building, previously utilized as livestock pens as part of the business. The proposal was referred to local tribal authorities who indicated no concerns.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: SD-10, SD-12, SD-13 and SD-15 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☒	☐
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	☒

Discussion:

(1) Construction activities associated with the road abandonment and realignment will comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

(2) Activities associated with the roadway abandonment and realignment will manage storm water impacts in accordance to current City Standards and its amendments.

(3) The proposal will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures."

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies

appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: FWQ-11, FWQ-13, FWQ-14 and FWQ-16 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	☒
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☒	☐

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2-3) The project site is partially vacant land and is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0551F dated September 24, 2021.

(4) The site is not in the vicinity of a levee or dam. The nearest waterway is the Tuolumne River approximately 0.20 miles to the west.

(5, 7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(6) Activities associated with the roadway abandonment and realignment will manage storm water impacts in accordance to current City Standards and its amendments.

(8) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures."

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The proposal is to abandon a 0.25-mile segment of roadway with realignment of the roadway to the west.

(3) The proposal would not be required to provide for additional park space.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.				

Discussion:

(1) The proposal is consistent with the policies relating to schools in the General Plan.

(2) The proposal was referred to Modesto City Schools who indicated no concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The proposal is consistent with the policies relating to police services in the General Plan.

(2) The proposal would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	☒

Discussion:

(1) The proposal is consistent with the fire service policies in the General Plan.

(2) The proposal would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	☒

Discussion:

(1-2) The proposal would not be inconsistent with solid waste policies in the General Plan. The proposal involves the abandonment of a 0.25-mile segment of roadway and realignment of the roadway to the west. The proposal would not cause solid waste generation that would exceed the capacity of existing facilities or result in non-compliance with any statutes or regulations related to solid waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☐
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset	☐	☐	☐	☐

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
and accident conditions involving the release of hazardous materials into the environment.				
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	☒
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2-3) The proposal involves the abandonment of a roadway and realignment of the roadway to the west. No hazardous materials would be produced or handled with this proposal. The nearest school is Shackelford Elementary School located approximately 700 feet southeast of the future Zeff Road's realignment to the intersection of Crows Landing Road and Pueblo Avenue.

(4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.

(7) The proposal would not interfere with an adopted emergency response or evacuation plan.

(8) The site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The proposal is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The site is not located on soil that is unstable, or that would become unstable as a result of the proposal. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposal is consistent with the energy policies in the General Plan.

(2) The proposal would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	☒
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	☒

Discussion:

(1) The proposal is consistent with the policies relating the visual resources in the General Plan.

(2) The proposal would not have an adverse impact on a scenic vista. The site is located within the Baseline Urbanized Area of the City and is surrounded by urban uses.

(3-4) The proposal would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.

(5) The proposal would not cause substantial light or glare.

(6) The proposal would not impact views from riverside areas and parks.

(7) The proposal would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

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

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposal involves the abandonment of a 0.25-mile segment of Zeff Road, a Collector Street in the General Plan's Circulation Diagram, and realigning the segment to the west to connect to the new signalized intersection of Crows Landing Road at Pueblo Avenue. The proposal is therefore consistent with the General Plan as it involves replacement of the abandoned roadway with the roadway's realignment.

(2) The project would not divide an established community.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed

project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Traffic study(ies) may be required for any given project(s).

Air Quality and Greenhouse Gases:

AQ-102. Reduce PM10 emissions from City–maintained roads to the maximum extent feasible. (Policy VII.H.2.ll)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological / Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Schools:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Police Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Fire Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Solid Waste:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Energy:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Effects on Visual Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Land Use and Planning:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-104

RESOLUTION APPROVING A SEVENTH AMENDMENT TO THE AGREEMENT WITH DOKKEN ENGINEERING FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE – PHASE 2 PROJECT, TO INCREASE THE EXISTING AGREEMENT BY $46,558, PLUS $20,000 ADDITIONAL SERVICES, IF NEEDED, FROM $3,599,233 FOR A TOTAL AMOUNT NOT TO EXCEED $3,665,791 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE SEVENTH AMENDMENT

WHEREAS, the purpose of this project is to reconstruct the State Route 99 (SR99) and Pelandale Avenue Interchange to alleviate congestion and improve operations of both SR99 and Pelandale Avenue; and

WHEREAS, the project is to be designed consistent with the Project Report prepared by Dokken Engineering and approved by Caltrans on December 12, 2009; and

WHEREAS, on March 9, 2010, by Resolution No. 2010-90, Council approved an Agreement with Dokken Engineering to prepare the plans, specifications & estimate (PS&E) for the SR99/Pelandale Avenue Interchange reconstruction project in an amount not to exceed $3,011,832; and

WHEREAS, on February 22, 2011, by Resolution No. 2011-045, Council approved the First Amendment to the Agreement to amend contract language per Caltrans request and revise Dokken's contract to a cost-plus-fixed-fee Agreement with no change in compensation; and

WHEREAS, on September 14, 2011, the City Manager approved the Second Amendment to the Agreement to incorporate a Post Award Audit clause to the Agreement with no change in compensation; and

WHEREAS, on February 14, 2012, by Resolution No. 2012-63, Council approved the Third Amendment to the Agreement with Dokken Engineering to incorporate right-

of-way engineering and land acquisition services to obtain a required Right-of-Way Level 2 Certification from Caltrans prior to start of construction in an amount not to exceed $338,000; and

WHEREAS, on January 22, 2013, by Resolution No. 2013-40, Council approved the Fourth Amendment to the Agreement with Dokken Engineering to include additional work for modifying the PS&E to exclude the "Carl's Jr" property from the project's first phase in an amount not to exceed $64,000; and

WHEREAS, the Fourth Amendment to the Agreement reflected a credit of $45,000, although Resolution No. 2013-40 did not; and

WHEREAS, the amount of $64,000 for the Fourth Amendment excludes the remaining contract credited amount of $45,000, for a net increase of $19,000 and a total contract amount of $3,368,832; and

WHEREAS, on April 2, 2019, by Resolution No. 2019-133, Council approved the Fifth Amendment to the Agreement with Dokken Engineering to include the work needed to prepare the PS&E and proceed with right-of-way acquisition for the SR99/Pelandale Avenue Interchange – Phase 2 project in an amount not to exceed $181,495; and

WHEREAS, Dokken Engineering's cost proposal for the Fifth Amendment was $249,354, however there were $67,859 in unexpended funds from the original Agreement utilized as a credit in the Fifth Amendment, resulting in a net increase of $181,495 and a total contract amount of $3,550,327; and

WHEREAS, on December 7, 2021, by Resolution No. 2021-459, Council approved the Sixth Amendment to the Agreement with Dokken Engineering to revise 95% PS&E, and right-of-way acquisition requirements to align with the alternate

drainage basin storage requirements approved by Caltrans for the SR99/Pelandale Avenue Interchange – Phase 2 project in an amount not to exceed $48,906 and a total contract amount of $3,599,233; and

WHEREAS, the original scope of the SR99/Pelandale Avenue Interchange – Phase 2 project required the acquisition of the entire parcel at 4125 Sisk Road, where a Carl's Jr. restaurant currently operates; and

WHEREAS, an appraisal of the required parcel, utility coordination, 95% design plans, specifications and estimate reflecting the full acquisition were completed by Dokken Engineering and a 95% plan review was conducted by Caltrans; and

WHEREAS, following the completion of the above-mentioned items related to the scope of the Phase 2 project, staff discovered that Caltrans District 10 was requiring a larger factor of safety for the drainage basins on this project than what had been required on other projects in various Caltrans Districts; and

WHEREAS, Dokken Engineering and City staff were able to work with District 10 Caltrans Hydraulics Division staff to receive approval for a reduced storm drainage safety factor; and

WHEREAS, Dokken Engineering was able to show that this reduced safety factor was already met with the existing configuration of storm drainage basins built during the previous phase of the SR99/Pelandale Avenue Interchange project; and

WHEREAS, this approval from Caltrans reduced the right-of-way required from the parcel at 4125 Sisk Road, from a full parcel acquisition to a partial acquisition, that will allow the existing restaurant to remain with some modifications to their parking lot and drive-through; and

WHEREAS, 100% plans, specifications, and estimate are complete, and Caltrans has provided review and approval; and

WHEREAS, the required right of way for this project has been acquired through a Possession and Use Agreement with the property owner and property tenant and Staff is preparing to advertise this project for bid; and

WHEREAS, on January 17, 2023, Dokken Engineering submitted a request for a Seventh Amendment to the City to support the project through construction and project completion; and

WHEREAS, services will include responding to requests for information, review of contractor shop drawing submittals, traffic control support, and utility services necessary to support construction of the project and close out the project, for a net increase of $46,558 and a total contract amount of $3,645,791.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 99/Pelandale Avenue Interchange – Phase 2 project, to increase the existing Agreement by $46,558, plus $20,000 additional services, if needed, from $3,599,233 for a total not to exceed amount of $3,665,791.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Seventh Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-105

RESOLUTION APPROVING A SEVENTH AMENDMENT TO THE AGREEMENT WITH DOKKEN ENGINEERING FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT TO INCREASE THE EXISTING AGREEMENT BY $98,948, FROM $9,400,083 TO A TOTAL AMOUNT NOT TO EXCEED $9,499,031 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE SEVENTH AMENDMENT

WHEREAS, the purpose of the SR132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR132, and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, on May 2, 2017, by Resolution No. 2017-174, the City Council approved an Agreement with Dokken Engineering for professional design services in the amount of $6,400,000, plus $600,000 for additional services, for a total contract amount of $7,000,000; and

WHEREAS, on January 22, 2019, by Resolution No. 2019-01, the City Council approved a First Amendment to the Agreement with Dokken Engineering in the amount of $344,096, for a total contract amount of $7,344,096; and

WHEREAS, on May 7, 2019, by Resolution No. 2019-208, the City Council approved a Second Amendment to the Agreement with Dokken Engineering in the amount of $144,422, for a total contract amount of $7,488,518; and

WHEREAS, on September 24, 2019, by Resolution No. 2019-441, the City Council approved a Third Amendment to the Agreement with Dokken Engineering in the amount of $1,363,210, for a total contract amount of $8,851,728; and

WHEREAS, on December 8, 2020, by Resolution No. 2020-504, the City Council approved a Fourth Amendment to the Agreement with Dokken Engineering in the amount of $304,270, for a total contract amount of $9,155,998; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-147, the City Council approved a Fifth Amendment to the Agreement with Dokken Engineering in the amount of $89,227, for a total contract amount of $9,245,225; and

WHEREAS, on August 23, 2022, by Resolution No. 2022-349, the City Council approved a Sixth Amendment to the Agreement with Dokken Engineering in the amount of $154,858, for a total contract amount of $9,400,083; and

WHEREAS, the City opened bids for the construction of SR132 West Freeway/Expressway – Phase I Project on August 20, 2019; and

WHEREAS, due to the complexity of the project, design support services are required during the construction of the project to provide technical support to the construction manager; and

WHEREAS, as the project construction has developed, additional design support services have been identified to complete tasks that were not required in the original design of the SR132 West Freeway/Expressway - Phase 1 Project; and

WHEREAS, on February 8, 2023, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of $98,948, for a total contract amount of $9,499,031; and

WHEREAS, the additional services to be provided include surveying, environmental clearance and design of the replacement of 19 sidewalk curb ramps along

Kansas Avenue to allow rehabilitation of the roadway surfacing due to wear and tear incurred during the trucking operations necessary for the construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Seventh Amendment to the Agreement with Dokken Engineering for the State Route 132 West Freeway/Expressway - Phase 1 Project to increase the existing Agreement by $98,948, from $9,400,083 to a total not to exceed amount of $9,499,031.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Seventh Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-106

RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST AND CONSULTANT AGREEMENTS CONSISTING OF O'DELL ENGINEERING GROUP; HARRIS AND ASSOCIATES, INC.; YAMABE AND HORN ENGINEERING, INC; AND DF ENGINEERING INC. FOR ENGINEERING PLAN CHECK, MAP CHECK AND LAND SURVEYING SERVICES FOR A PERIOD OF THREE YEARS, WITH TWO ADDITIONAL ONE-YEAR EXTENSION OPTIONS; FOR A COMBINED ANNUAL ESTIMATED COST OF $160,000 AND A TOTAL AMOUNT NOT TO EXCEED $800,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONSULTANT AGREEMENTS

WHEREAS, the existing agreements for consultant plan and map checking service will expire on March 13, 2023; and

WHEREAS, the Community and Economic Development Department has developed a prequalified list for map and plan check services and surveying services to assist the City with review and approval of various development related projects; and

WHEREAS, the cost for the plan checking and surveying services will be reimbursed by the developers; and

WHEREAS, the consultant list will be active for three (3) years with options to extend the list for two (2) additional years; and

WHEREAS, with current City staffing and work load the City needs additional assistance to meet the requested map and plan check time frames; and

WHEREAS, staff formally advertised the Request For Qualifications (RFQ) through the City's public bidding website, Planet Bids for Civil Engineering Services; and

WHEREAS, staff received seven (7) Statements of Qualifications (SOQs) for consideration; and

WHEREAS, a qualified committee of five (5) city employees reviewed the proposals and selected the top four (4) consultant firms; and

WHEREAS, City staff recommends approving the prequalified consultant list; and

WHEREAS, the city will assign projects to firms from the consultant list as projects are submitted and as determined by the City to be the best firm to work on the submitted project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Prequalified Consultant List and consultant agreements consisting of O'Dell Engineering Group; Harris and Associates, Inc.; Yamabe and Horn Engineering, Inc; and DF Engineering Inc. for Engineering Plan Check, Map Check and Land Surveying Services for a period of three years, with two additional one-year extension options; for a combined annual estimated cost of $160,000 and a total amount not to exceed $800,000 over five years.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the consultant agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-107

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR ICON AT THE VILLAGE SUBDIVISION, LOCATED SOUTH OF SHARON DRIVE, SOUTH OF YELLOWHAMMER LANE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, SB Builders, LLC, a California limited liability company ("OWNER"), is the owner and subdivider of a tract of land consisting of 3.75 acres being subdivided into 24 residential lots, situated in the City of Modesto, known as the ICON AT THE VILLAGE ("SUBDIVISION"); and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and streetlights; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $559,100.96 for ICON AT THE VILLAGE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $279,550.48 for ICON AT THE VILLAGE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $55,910.09 for ICON AT THE VILLAGE SUBDIVISION; and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released; and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-108

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR METRO AT THE VILLAGE SUBDIVISION, LOCATED SOUTHEAST OF FLOYD AVENUE AT ROSELLE AVENUE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, SB Builders, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 5.35 acres being subdivided into 46 residential lots, situated in the City of Modesto, known as the METRO AT THE VILLAGE ("SUBDIVISION"); and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water mains, sanitary sewer mains, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and streetlights; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $747,173.90 for METRO AT THE VILLAGE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $373,586.95 for METRO AT THE VILLAGE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $74,717.39 for METRO AT THE VILLAGE SUBDIVISION; and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released; and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statutory periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-109

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRAILS AT FALLING LEAF SUBDIVISION, LOCATED AT THE NORTHWEST CORNER OF FLOYD AVENUE AND CLAUS ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Bonaventure Fund I, LLC, a California limited liability company and Modesto GAFL, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 5.72 acres being subdivided into 59 residential lots, situated in the City of Modesto, known as the TRAILS AT FALLING LEAF ("SUBDIVISION"); and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes water mains, sanitary sewer mains, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and street lights; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $444,714 for TRAILS AT FALLING LEAF SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $222,357 for TRAILS AT FALLING LEAF SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $44,471 for TRAILS AT FALLING LEAF SUBDIVISION; and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released; and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statutory periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-110

RESOLUTION AUTHORIZING THE GRANT AGREEMENT WITH THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT (GO-BIZ) FOR THE AWARD OF $350,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE BY ELECTRONIC SIGNATURE ON BEHALF OF THE CITY OF MODESTO, THE GRANT AGREEMENT AND, INCLUDING ANY EXTENSIONS OR AMENDMENTS THEREOF AND ANY SUBSEQUENT GRANT AGREEMENT WITH THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT IN RELATION THERETO

WHEREAS, the members of the California Legislature have recognized the need for cannabis equity grant funding; and

WHEREAS, funding has been provided to the Governor's Office of Business and Economic Development to provide grant funds to local governments pursuant to AB 97 (Stats. 2019, Ch. 40); and

WHEREAS, the City Council of the City of Modesto has adopted or operates a local equity program for commercial cannabis activity; and

WHEREAS, the City Council of the City of Modesto has determined that it will use grant funds from the Governor's Office of Business and Economic Development to assist local equity applicants and licensees through its local equity program for commercial cannabis activity as described in its application for grant funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto authorizes the grant agreement with the Governor's Office of Business and Economic Development for the award of $350,000.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute by electronic signature on behalf of The City of Modesto the grant agreement with the Governor's Office of Business and Economic Development, for the award of $350,000

including any extensions or amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto.

IT IS AGREED that any liability arising out of the performance of this grant agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The Governor's Office of Business and Economic Development and the State of California disclaim responsibility for any such liability.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-111

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR LOW LEAD BRASS, PVC, GALVANIZED FITTINGS AND VALVES TO TWO VENDORS WITH THE OVERALL LOWEST RESPONSIVE AND RESPONSIBLE BIDS TO FERGUSON WATERWORKS, MODESTO CA, AND PACE SUPPLY, STOCKTON, CA FOR A (1) ONE-YEAR AGREEMENT WITH (4) FOUR, ONE-YEAR EXTENSION OPTIONS, FOR A TOTAL ESTIMATED ANNUAL OF $640,000, AND A TOTAL AMOUNT NOT TO EXCEED $3,200,000 OVER FIVE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the Water Services Division utilizes low lead brass, polyvinyl chloride (PVC) fittings, galvanized fittings and valves throughout Modesto and the outlying areas included in the City's regional water systems, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Invitation For Bid (IFB) for the purchase of low lead brass, PVC, and galvanized service fittings and valves, and

WHEREAS, on November 29, 2022, the Purchasing Division issued IFB No. 2223-01 for the purchase of low lead brass, PVC, galvanized fittings and valves on the City's website, and sixteen (16) companies chose to download the IFB document, and

WHEREAS, on January 10, 2023, bids were formally opened in the City Clerk's office. Three (3) companies chose to respond, and one was a local vendor, and

WHEREAS, based on providing the lowest responsive and responsible bids, staff recommends the award of bid of low lead brass, PVC, galvanized service fittings, and valves for a total estimated annual cost of $640,000 and $3,200,000 over five years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for the purchase of low lead brass, PVC, and

galvanized service fittings and valves to Ferguson Waterworks, Modesto, CA, and Pace Supply, Stockton CA conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of low lead brass, PVC, and galvanized service fittings and valves to Ferguson Waterworks, Modesto, CA, and Pace Supply, Stockton CA for a one year purchasing agreement with four one-year extension options, for a total annual estimated cost of $640,000 and a total amount not to exceed $3,200,000 over five years.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to establish, and subsequently adjust, the contract amount for each of Ferguson Waterworks and Pace Supply, subject to the total not to exceed amount established herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to execute the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-112

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH VAC-CON INC., GREEN COVE SPRINGS, FL TO PURCHASE TWO (2) VACUUM 3 AXLE TRUCKS FOR AN AMOUNT NOT TO EXCEED $1,296,449 AND RESCINDING RESOLUTION 2023-13; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs); and

WHEREAS, once a unit is replaced and placed into City service, funds for its replacement are charged out as monthly recurring charges until the end of the unit's service life; and

WHEREAS, on January 10, 2023, under Resolution 2023-13, Council approved the competitive bidding process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase two (2) Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449 and authorized the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price; and

WHEREAS, when City staff submitted the agenda item to Council on January 10, 2023, the quote for the two (2) Vacuum 3 Axle Trucks was provided by Municipal Maintenance Equipment (MME) who is the local dealer for this purchase; and

WHEREAS, after further review of the quote instructions, the quote specified all purchasing documents must be issued to Vac-Con Inc., because they are the Sourcewell contract holder for the cooperative agreement for these vehicles; and

WHEREAS, under this Sourcewell cooperative agreement, the City received the quote from the Dealer (MME) with the provision to issue the Purchase Order to the Manufacturer, Vac-Con based on how the contract is defined; and

WHEREAS, the Dealer (MME) does not have ownership of the units that are being purchased since the build of these vehicles are contractually with Vac-Con once ordered; and

WHEREAS, City staff is recommending to rescind Resolution #2023-13 to correct this technical error and update the payee for these vehicles to Vac-con, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Vac-con Inc., Green Cove Springs, FL to purchase two (2) Vacuum 3 Axle Trucks for an amount not to exceed $1,296,449 and rescinding Resolution 2023-13.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

BE IT FURTHER RESOLVED that the Purchasing Manager or her designee to execute any change orders not to exceed 15% of the total purchase price.

BE IT FURTHER RESOLVED that Resolution #2023-13 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-113

RESOLUTION APPROVING THE PURCHASE OF A CYBERSECURITY PATCH MANAGEMENT SYSTEM WITH TELCION COMMUNICATIONS GROUP, MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED $109,413; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, the Information Technology Department contracted with a cybersecurity firm and completed its cybersecurity audit in June 2021; and

WHEREAS, the goal of the cybersecurity audit was to perform a comprehensive cybersecurity assessment based on the National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF) and identify a roadmap of cybersecurity recommendations that would assist in improving the defenses of our technology environment; and

WHEREAS, the key cybersecurity audit recommendation was the acquisition and deployment of a cybersecurity patch management system; and

WHEREAS, the benefit of a cybersecurity patch management system is its ability to identify, consolidate, automate and distribute critical updates to software and systems that are susceptible to cyber-attacks or in need of functional correction, therefore improving both technology security and performance for our organization; and

WHEREAS, on September 20, 2022, the City Manager approved City staff to solicit the procurement for the Patch Management Software solution; and

WHEREAS, on November 3, 2022, the Purchasing Division issued Invitation for Bids (IFB) 2223-10 for the furnishing of Ivanti Patch Management Solution equipment, materials, supplies and/or related services; and

WHEREAS, on December 6, 2022, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) vendors chose to respond, there was one (1) local bid received; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the furnishing of Ivanti Patch Management Solution equipment, materials, supplies and/or related services to Telcion Communications Group, Modesto, CA for the total amount not to exceed $109,413; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for the furnishing of Ivanti Patch Management Solution equipment, materials, supplies and/or related services to Telcion Communications Group, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Cybersecurity Patch Management System with Telcion Communications Group, Modesto, CA for the total amount not to exceed $109,413.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-114

RESOLUTION ADOPTING THE 2022 STANISLAUS COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (MJHMP) UPDATE THAT INCLUDES THE CITY OF MODESTO LOCAL HAZARD MITIGATION PLAN (LHMP) ANNEX

WHEREAS, the Disaster Mitigation Act (DMA) of 2000 requires local governments to develop and adopt pre-disaster mitigation plans in order to minimize property damage and the risk to public health and safety that might result from the effects of natural or man-made disasters; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) assesses risk and vulnerabilities and identifies and prioritizes mitigation projects. The 2022 Stanislaus County MJHMP update, approved by the California Office of Emergency Services (Cal OES) and pending approval by Flood Mitigation Assistance (FMA), makes the City eligible for FEMA, Hazard Mitigation Assistance (HMA) and Building Resilient Infrastructure and Communities (BRIC) grant programs. FEMA requires the MJHMP to be updated every five years to maintain eligibility for grants; and

WHEREAS, this single-jurisdiction Annex to the 2022 Stanislaus County MJHMP update is a customized plan tailored for the City of Modesto; and

WHEREAS, California adopted Assembly Bill (AB) 2140 in 2006, which added provisions specifying what is to be included in a MJHMP and requiring a linkage between local jurisdiction's MJHMP and the Safety Element of their General Plan. AB 2140 requires a jurisdiction to adopt the MJHMP into the Safety Element of the General Plan in order to be eligible for an increased share of disaster relief funding under the California Disaster Assistance Act. The related General Plan Amendment adopts the

2022 MJHMP update and City of Modesto's Local Hazard Mitigation Plan (LHMP) Annex into the General Plan by reference; and

WHEREAS, to begin the MJHMP update process, in December 2020, Stanislaus County issued a Request for Proposal (RFP) (#20-51-AH) seeking a qualified consultant to help prepare an update to the County's 2017 LHMP and to facilitate a multi-jurisdictional planning process with the nine participating municipalities and the Stanislaus County Office of Education, for a total of ten participating agencies. In February 2021, the County selected Wood Environment & Infrastructure Solutions, Inc. (now WSP USA Environment & Infrastructure Inc.) as its consultant; and

WHEREAS, County staff and WSP Environment & Infrastructure Inc. began the MJHMP update process with an evaluation of the existing 2017 LHMP, a compilation of background information, the development of an Outreach Strategy, and the establishment of a HMPC comprised of County and City staff, as well as external agency and organization partners. This planning process consisted of participation in the HMPC and the formation of a smaller internal planning team referred to as the City's Local Planning Committee (LPT). Planning partners and stakeholders involved with the Modesto LPT included the Public Works Engineer and Fire Department's Fire Chief; and

WHEREAS, public involvement for hazard mitigation plans according to the DMA of 2000 (CFR § 201.6(b)) requires the planning process include an opportunity for the public to comment on the plan during the drafting stage and prior to plan approval and opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities to be involved in the planning process; and

WHEREAS, the County also circulated a public survey for the MJHMP update for a two-month period and facilitated two public workshops; the public survey and workshops were also advertised locally. The first Public Workshop was on November 4, 2021, and the second Public Workshop was on June 23, 2022; and

WHEREAS, a Public Review Draft MJHMP was available for public comments for 30 days between April 15, 2022 through May 15, 2022. The County compiled public comments on the planning process, hazard profiles, risk assessment, and the Draft MJHMP during public review. During this time formal comments on the draft plan circulated during public review were compiled and organized. These comments were submitted by email and through an online form; some public comments were also recorded during the second public workshop. The County and WSP Environment & Infrastructure incorporated public input by reviewing the comments and revising the Draft MJHMP prior to submittal to Cal OES and FEMA Region IX.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2022 Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) update that includes the City of Modesto Local Hazard Mitigation Plan (LHMP) Annex.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-115

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH PACIFIC GAS AND ELECTRIC FOR GAS SMARTMETER INSTALLATION ADDING 4776 PARKER ROAD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 1, 2008 by Resolution No. 2008-401, Council approved a 20-year license agreement with Pacific Gas and Electric for the installation of Gas Smartmeter on City of Modesto owned streetlights; and

WHEREAS, in June of 2021, the City of Modesto received a request from PG&E to add a Gas SmartMeter location at 4776 Parker Road; and

WHEREAS, Modesto Irrigation District (MID) now requires any additional item that requires power to be installed on a metered service; and

WHEREAS, staff is requesting authorization to add 4776 Parker Road to the PG&E SmartMeter Agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Pacific Gas and Electric by adding 4776 Parker Road.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-116

RESOLUTION APPROVING THE AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES FOR THE ANNUAL MAINTENANCE OF LUCITY, A COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM FOR A FIVE (5) YEAR AGREEMENT WITH AN ESTIMATED ANNUAL AMOUNT OF $44,125 WITH AN ANNUAL INCREASE OF 5%, FOR A TOTAL AMOUNT NOT TO EXCEED $243,820; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April 2014, the previous internal audit consultant, Moss Adams, issued a Water and Wastewater Efficiency Study Final Report and Finding #14 recommended the existing Computerized Maintenance Management System be replaced in Wastewater Collections; and

WHEREAS, on January 12, 2016, by Resolution No. 2016-08, Council approved an agreement with Lucity Inc., Overland Park, KS, for the purchase and implementation of Lucity CMMS for Wastewater Collections to improve critical business processes using the most effective and efficient system to support utilities operational needs; and

WHEREAS, on March 13, 2018, by Resolution No. 2018-117, Council approved an agreement for the purchase of a Utility Department enterprise license for Lucity and two (2) additional implementations of Lucity in the Water Division and Wastewater Division Environmental Compliance Section with Lucity, Inc.; and

WHEREAS, since the implementation of Lucity, the Utilities, Public Works, and Parks, Recreation and Neighborhoods (PRN) Departments have been able to successfully manage assets, respond to customer requests, conduct preventative maintenance, manage work orders, and generate reports; and

WHEREAS, Lucity CMMS software includes modules applicable to City-Wide Departmental use and is fully integrated with the City's Geographical Information

Services (GIS) software which plays a vital role in effectively generating timely and accurate reports for internal and external customers, improves efficiency, data analysis and reporting, and allows management to make informed and timely decisions; and

WHEREAS, a new agreement is necessary to continue the uninterrupted support and maintenance of the City's Lucity CMMS software; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article in process; and

WHEREAS, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, CentralSquare Technologies, LLC should be exempt from the formal bidding procedure in accordance with MMC 8-3.204(b) since they are the original manufacturer and the only vendor that is able to provide this software. Additionally, CentralSquare Technologies, LLC should be exempt from the formal bidding procedure in accordance with MMC 8-3.204(d) it is only sold as a direct transaction between CentralSquare and end clients.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with CentralSquare Technologies for the Annual Maintenance of Lucity, a Computerized Maintenance Management System for a five (5) year agreement with an estimated annual amount of $44,125 with an annual increase of

5%, for a total amount not to exceed $243,820.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-117

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE FACULTATIVE BIOSOLIDS REMOVAL PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH SYNAGRO, OF BALTIMORE, MD, IN THE AMOUNT OF $5,173,106 PLUS $1,551,932 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $6,725,038 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Jennings Wastewater Treatment Plant (WWTP) provides secondary treatment and biological nutrient removal, and

WHEREAS, biosolids from the WWTP Fixed Film Reactors and Biological Nutrient Removal/Membrane Bioreactor (BNR/MBR) facilities are discharged to the East Recirculation Channel and Facultative Ponds for treatment and storage, and

WHEREAS, the existing Ponds, Recirculation Channel and the Irrigation Forebay, have accumulated substantial amounts of biosolids as an extensive cleaning has never been undertaken, and

WHEREAS, this project will provide for the removal of biosolids in critical areas of the Recirculation Channel, Facultative Pond No. 2 and the Irrigation Forebay, in order to maintain an effective secondary wastewater treatment process, and

WHEREAS, the Facultative Biosolids Removal Project was advertised for bids on December 7, 2021, and

WHERAS, on March 8, 2022, bids were publicly opened, pursuant to City Charter Section 1307, five bids were received and Synagro, of Baltimore, MD, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of contract for the Facultative Biosolids Removal Project to Synagro, of Baltimore, MD conforms to the Modesto Municipal code, and

WHEREAS, the Director of Utilities has recommended that the bid of $5,173,106 received from Synagro, of Baltimore, MD, be accepted as the lowest responsible and responsive bid and the contract be awarded to Synagro, of Baltimore, MD.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Facultative Biosolids Removal Project, accepts the bid for a three-year Agreement with two, one-year extension options, for an estimated annual amount of $1,034,621 and a total amount not to exceed $5,173,106 over five years plus $1,551,932 in contingency (if needed) for a total amount not to exceed $6,725,038 and awards Synagro, of Baltimore, MD, the contract for the Facultative Biosolids Removal Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-118

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE FACULTATIVE BIOSOLIDS REMOVAL PROJECT FROM 8% ($413,849) TO 30% ($1,551,932) OF THE CONSTRUCTION CONTRACT AMOUNT OF $5,173,106 WITH SYNAGRO, OF BALTIMORE, MD

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects with a construction value of between $1 Million and $10 Million, and

WHEREAS, given the nature, complexity and duration of this project, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($413,849) of the contract amount of $5,173,106 over five years, and

WHEREAS, staff is requesting authorization to increase the Directors authority to issue change orders to 30% ($1,551,932) of the contract amount of $5,173,106 over five years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the Director of Utilities authority to issue change orders for the Facultative Biosolids Removal Project from 8% ($413,849) to 30% ($1,551,932) of the construction contract price of $5,173,106 over five years with Synagro, of Baltimore, MD.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-119

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF SACRAMENTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION AND CONSTRUCTION MANAGEMENT SERVICES FOR THE FACULTATIVE BIOSOLIDS REMOVAL PROJECT IN THE AMOUNT OF $1,953,497 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $293,025 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $2,246,522 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Jennings Wastewater Treatment Plant (WWTP) provides secondary treatment and biological nutrient removal, and

WHEREAS, biosolids from the WWTP Fixed Film Reactors and Biological Nutrient Removal/Membrane Bioreactor (BNR/MBR) facilities are discharged to the East Recirculation Channel and Facultative Ponds for treatment and storage, and

WHEREAS, the existing Ponds, Recirculation Channel and the Irrigation Forebay, have accumulated substantial amounts of biosolids as an extensive cleaning has never been undertaken, and

WHEREAS, this project will provide for the removal of biosolids in critical areas of the Recirculation Channel, Facultative Pond No. 2 and the Irrigation Forebay, in order to maintain an effective secondary wastewater treatment process, and

WHEREAS, West Yost Associates is the engineer of record, and

WHEREAS, given the nature of this type of work, complexity and duration of this project Engineering Support During Construction and Construction Management Services are necessary from West Yost Associates to ensure the construction documents are followed and the work performed by the contractor meets the original design, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, in the amount of $1,953,497, plus $293,025 in additional services (if needed), for a total amount not to exceed $2,246,522 for Engineering Support During Construction and Construction Management Services for the Facultative Biosolids Removal Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-120

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $9,271,560 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE FACULTATIVE BIOSOLIDS REMOVAL PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $9,271,560, in order to fund the Facultative Biosolids Removal Project; and

WHEREAS, the Fiscal Year 2022-23 Multi-Year Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Multi-Year Program Budget in the amount of $9,271,560.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 14th day of March, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-121

RESOLUTION APPROVING A JOINT SUBMISSION BETWEEN THE CITY OF MODESTO AND VISIONARY HOME BUILDERS OF CALIFORNIA, INC. FOR THE STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABILITY GRANT IN AN AMOUNT NOT TO EXCEED $50,000,000 FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE ON THE PROPERTIES LOCATED ON 7TH STREET BETWEEN J STREET AND I STREET AS WELL AS ANY GRANT REQUIRED TRANSPORTATION IMPROVEMENTS AS OUTLINED IN THE GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH VISIONARY HOME BUILDERS, INC. AND ANY OTHER DOCUMENTS RELATED TO THE SUBMISSION OF THE GRANT APPLICATION

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP) and the City also qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA), each designated to fund components of the development of affordable housing.; and

WHEREAS, despite multiple affordable housing agencies and the availability of housing vouchers and rental subsidy programs there is a shortage of housing units in the City; and

WHEREAS, to help address this shortage, the City of Modesto (City) released a Request for Proposals for Affordable Housing projects on December 14, 2022, to solicit proposals that could qualify for the various funding sources that the City receives as an Entitlement community that can be used for the development of affordable housing; and

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their

Tier 1 proposal by the RFP deadline of January 25, 2023, for a project located on 7th Street between I and J Street for development and funding consideration to pursue an Affordable Housing and Sustainability Communities (AHSC) grant in coordination with the with the City; and

WHEREAS, the Seventh Street Village development will sit on four parcels totaling .88 acres and project is comprised of 79-housing units with a mix of one, two, and three-bedroom units. In addition, one, two-bedroom and one, three-bedroom units as a modern garden-style community will consist of one four-story building on a podium. The ground floor and podium level will house the rental office, business center, Head Start Day Care area, Community Center, and computer lab.; and

WHEREAS, This project is proposing to include the transportation improvements in alignment with the Downtown Master Plan that includes Bike Lane improvements for one mile of improvements along 9th Street connecting to the proposed bike network connecting at L street to I Street in front of the Transit Center and down I Street and sidewalk improvements on 7th, 8th, and Fst for a total of 1000ft of new sidewalks and 1000ft of improved sidewalk infrastructure; and

WHEREAS, in collaboration with Stanislaus Regional Transit Authority there will be a reconfiguration of Route 21 and improved bus transportation through bus shelters and/or bulb outs along this route and in collaboration with San Joaquin Rail Commission this project will include the acquisition of an Altamont Corridor Express (ACE) engine; and

WHEREAS, the proximity to the Transit Center, Downtown, and other public transportation lends this project to be a strong application the State of California's Affordable Housing and Sustainability Grant (AHSC); and

WHEREAS, the State issued its Round 7 Notice of Funding Availability on December 15, 2022, for $750 million in in funding under the AHSC program that focuses on the development of affordable housing with the goal of decreasing greenhouse gas emissions and the City and VHB are seeking to submit a joint application for this project for a total award, $50,000,000 will be a loan given to VHB and used for construction of Phase I of this development, and $19,101,273 will be a grant given to the City and used for transportation related infrastructure improvements; and

WHEREAS, once awarded the AHCS application this project will be seeking further tax credits to fund the nexus between the AHCS and the City commitments to this project with a project is currently estimated to cost $91,000,000; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for the State of California's Affordable Housing and Sustainability Grant in an amount not to exceed $50,000,000 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street as well as any grant required transportation improvements as outlined in the grant application.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute an agreement with Visionary Home Builders, Inc. and any other documents related to the submission of the grant application in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-122

RESOLUTION APPROVING A CITY FUNDING COMMITMENT IN A TOTAL AMOUNT NOT TO EXCEED $7,000,000 PLUS $200,000 IN ACTIVITY DELIVERY COSTS FOR A GRAND TOTAL OF $7,200,000 FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE ON THE PROPERTIES LOCATED ON 7TH STREET BETWEEN J STREET AND I STREET CONTINGENT ON THE SUCCESSFUL AWARD OF THE STATE OF CALIFORNIA FOR THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES GRANT

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP) and the City also qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA), each designated to fund components of the development of affordable housing; and

WHEREAS, despite multiple affordable housing agencies and the availability of housing vouchers and rental subsidy programs there is a shortage of housing units in the City; and

WHEREAS, to help address this shortage, the City of Modesto (City) released a Request for Proposals for Affordable Housing projects on December 14, 2022, to solicit proposals that could qualify for the various funding sources that the City receives as an Entitlement community that can be used for the development of affordable housing; and

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023, for a project located on 7th Street between I and J Street for development and funding consideration to pursue an

Affordable Housing and Sustainability Communities (AHSC) grant in coordination with the with the City; and

WHEREAS, the Seventh Street Village development will sit on four parcels totaling .88 acres and project is comprised of 79-housing units with a mix of one, two, and three-bedroom units. In addition, one, two-bedroom and one, three-bedroom units as a modern garden-style community will consist of one four-story building on a podium. The ground floor and podium level will house the rental office, business center, Head Start Day Care area, Community Center, and computer lab.; and

WHEREAS, the State issued its Round 7 Notice of Funding Availability on December 15, 2022, for $750 million in in funding under the AHSC program that focuses on the development of affordable housing with the goal of decreasing greenhouse gas emissions and the City and VHB are seeking to submit a joint application for this project for a total award, $50,000,000 will be a loan given to VHB and used for construction of Phase I of this development, and $19,101,273 will be a grant given to the City and used for transportation related infrastructure improvements; and

WHEREAS, the city commits to fund the this project in an amount not to exceed $7,000,000 plus $200,000 in activity delivery; and

WHEREAS, staff proposes the project be allocated as a PLHA funded Loan in an amount not to exceed $1,490,784; and

WHEREAS, staff proposes the project be allocated as a CDBG funded Grant in an amount not to exceed $2,000,000; and

WHEREAS, staff proposes the project be allocated as a HOME Entitlement funded loan in an amount not to exceed $3,509,216; and

WHEREAS, the City's funding commitment is contingent upon the award of a State of California for the Affordable Housing and Sustainable Communities Grant; and

WHEREAS, upon award of State of California for the Affordable Housing and Sustainable Communities Grant, the City Council will formally approve funding described herein and approve agreements to effectuate the funding commitment, which must be negotiated by the City and Visionary Home Builders of California, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a City funding commitment in a total amount not to exceed $7,000,000 plus $200,000 in activity delivery costs for a grand total of $7,200,000 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street, contingent on the successful award of the State of California for the Affordable Housing and Sustainable Communities Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-123

RESOLUTION APPROVING THE DEFERRAL OF CAPITAL FACILITIES FEES IN AN AMOUNT NOT TO EXCEED $967,750 FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE ON THE PROPERTIES LOCATED ON 7TH STREET BETWEEN J STREET AND I STREET, CONTINGENT ON THE SUCCESSFUL AWARD OF THE STATE OF CALIFORNIA FOR THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES GRANT

WHEREAS, the City of Modesto Capital Facilities Fees (CFF) Program was established in 1989, and

WHEREAS, the CFF Policies and Procedures also allows an applicant to submit a deferral application and request the CFF be deferred on new affordable units for households earning between fifty-one and eighty percent (51 - 80%) of the Area Median Income, and

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted CFF deferral application on February 27, 2023, for a project located on 7th Street between I and J Street for development (Project); and

WHEREAS, the Project will provide 79 senior and family units, and

WHEREAS, the Project will be affordable to low income households and will have a fifty-five year affordability covenant, and

WHEREAS, staff reviewed VHB CFF Deferral Application and found it complies with the CFF Policies & Procedures as all 79 units will be affordable to low income households.

WHEREAS, CFF fees are adjusted annually and the project has not yet initiated construction, and

WHEREAS, at the time of application the fees are in an amount not to exceed $967,750; and

WHEREAS, upon award of State of California for the Affordable Housing and Sustainable Communities Grant, the City Council will formally approve a CFF Deferral Agreement for the total amount of CFF due for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Deferral of the Capital Facilities Fees in an amount not to exceed $967,750 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street contingent on the successful award of the State of California for the Affordable Housing and Sustainable Communities Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-124

RESOLUTION APPOINTING CECIL RUSSELL TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2027

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

WHEREAS, Planning Commissioner Carmen Morad second term will be coming to an end on January 1, 2023, leaving a vacancy on the Planning Commission; and

WHEREAS, the Appointments Committee met on March 2, 2023 and recommended the appointment of Cecil Russell to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Cecil Russell to the City of Modesto Planning Commission, each with a term expiration of January 1, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the 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 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-125

RESOLUTION APPOINTING JOSE VAZQUEZ AS THE 2023 PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) WITH A TERM EXPIRATION OF DECEMBER 31, 2023

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

WHEREAS, the Planning Commission appoints an individual from their membership to serve as the Planning Commission representative to the Board of Zoning Adjustment (BZA) and the Citizens Housing and Community Development Committee (CH&CDC) each year; and

WHEREAS, on January 23, 2023, the Planning Commission recommended Jose Vazquez as its representative to the Citizens Housing and Community Development Committee; and

WHEREAS, Mr. Vazquez is qualified and willing to be appointed as the Planning Commission representative to the CH&CDC for 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that Jose Vazquez is hereby appointed as the 2023 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of December 31, 2023.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing and Community Development, 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, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-126

RESOLUTION APPROVING THE REAPPOINTMENT OF JOHN BERGMAN TO THE BOARD OF BUILDING APPEALS TO A SECOND FOUR-YEAR TERM, WITH A TERM EXPIRATION OF JANUARY 1, 2027

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

WHEREAS, the City Council approved, by Resolution Number 2018-164 the appointment of John Bergman for the term ending January 1, 2022, and

WHEREAS, John Bergman has expressed interest in continuing to serve as a member of the Board of Building Appeals, and

WHEREAS, the Appointments Committee met on December 15, 2022, and recommended the reappointment of John Bergman to the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the reappointment John Bergman to the Board of Building Appels to a second four-year term, with a term expiration of January 1, 2027.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the 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 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-127

RESOLUTION APPROVING THE RE-APPOINTMENTS OF JIM MCKAY AND SHANE COOPER TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR AN ADDITIONAL FOUR-YEAR TERM

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County, and surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

WHEREAS, Jim McKay and Shane Cooper have already served a four-year term, and

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 that it hereby approves the reappointments of Jim McKay to fill the position representing the Public at Large; and Shane Cooper to fill the position representing a Business Owner / Service Provider to the Modesto City-County Airport Advisory Committee, each for an additional term of four years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-128

RESOLUTION APPROVING A DESIGN SERVICES AGREEMENT WITH WMH CORPORATION OF SAN JOSE, CA FOR THE STANDIFORD AVENUE AT STATE ROUTE 99 INTERCHANGE IMPROVEMENT PROJECT IN THE AMOUNT OF $6,450,665, PLUS $645,066 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $7,095,731, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Standiford Avenue at State Route 99 (SR99) Interchange was constructed incrementally in response to changing demands and available funding over time; and

WHEREAS, now deficiencies are such that a complete overhaul is necessary to maintain traffic flows into the future; and

WHEREAS, an analysis must be performed to understand the regional traffic impacts first and then look for ways to make improvements that Staff anticipates could result in significant changes to local roadways, with the end result a net increase in safety and efficiency for movement of goods and services throughout the vicinity of Standiford and SR99; and

WHEREAS, the initial direction from Caltrans to staff is the SR99 overcrossing needs to be reconstructed to accommodate 8 lanes of traffic on the SR99 mainline; and

WHEREAS, this work is complicated by the presence of traffic signals at less than ideal spacing in the immediate vicinity of the interchange; and

WHEREAS, interchange reconstruction and roadway realignment will be further frustrated by the presence of a major electrical substation and drainage facility in the northeast quadrant of the existing facility; and

WHEREAS, this interchange also serves as a grade separated crossing of the Union Pacific Railroad and future expansion of the ACE Rail System; and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the Standiford Avenue at SR99 interchange through reconstruction; and

WHEREAS, on May 20, 2022, Staff solicited proposals to consultants for the Standiford Avenue at SR99 Interchange Improvement Project in compliance with Modesto Municipal Code 8-3.204(a); and

WHEREAS, on August 2, 2022, five consulting firms submitted proposals, which were evaluated by a multi-jurisdictional panel comprised of representatives from the City, Stanislaus County; and

WHEREAS, on September 23, 2022, the three top-ranked firms were interviewed with ranking as shown below:

1) WMH Corporation, San Jose
2) AECOM, Sacramento
3) Kimley-Horn, Sacramento

WHEREAS, pursuant to Modesto Municipal Code 8-3.204(a) and Administrative Directive 3.1, staff recommends approval of the agreement with WMH Corporation for the Standiford Avenue at SR99 Interchange Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with WMH Corporation of San Jose, CA for the Standiford Avenue at State Route 99 Interchange Improvement Project in the amount of

$6,450,665, plus $645,066 for additional services, if needed, for a total amount not to exceed $7,095,731.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-129

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM PROJECT 101182 BUDGET, IN THE AMOUNT OF $3,500,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Standiford Avenue at State Route 99 (SR99) Interchange was constructed incrementally in response to changing demands and available funding overtime; and

WHEREAS, the initial direction from Caltrans to staff is the SR99 overcrossing needs to be reconstructed to accommodate 8 lanes of traffic on the SR99 mainline; and

WHEREAS, the first phase of the project is the Project Initiation Document (PID) phase; and

WHEREAS, on May 20, 2022 staff solicited proposals to consultants for the Standiford Avenue at SR99 Interchange Improvement Project and on August 2, 2022, five consulting firms submitted proposals; and

WHEREAS, WHM Corporation and the City agreed on a cost proposal of $6,450,665 for the identified scope of work; and

WHEREAS, in order to fully fund the agreement with WHM Corporation a budget adjustment in the amount of $3,500,000 is needed; and

WHEREAS, there are sufficient funds in Fund 3410 Streets Capital Facility Fee Fund reserves to fund the agreement and the program includes $16,936,923 for the Standiford/Beckwith Interchange at SR99; and

WHEREAS, the City Council shall consider amending the 2022-23 Capital Improvement Program project 101182 budget in the amount of $3,500,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2022-23 Capital Improvement Program project 101182 budget in the amount of $3,500,000 to increase the project expenditure budget.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-130

RESOLUTION APPROVING THE AWARD OF BID FOR ONE (1) THERMOPLASTIC PREMELTER TRAILER TO DISPENSING TECHNOLOGY CORPORATION, OXNARD, CA FOR A TOTAL AMOUNT NOT TO EXCEED $94,925; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 2% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs); and

WHEREAS, throughout the fiscal year, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments; when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on December 28, 2022, the Purchasing Division issued Invitation for Bids (IFB) 2223-25 for the Thermoplastic Premelter Trailer on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, eight (8) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on February 7, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, one (1) bidder chose to respond, which was not a local bid; and

WHEREAS, City staff recommends awarding the bid to purchase one (1) Thermoplastic Premelter Trailer to Dispensing Technology Corporation, Oxnard, CA for the total amount not to exceed $94,925; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, based on providing the responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for one (1) Thermoplastic Premelter Trailer to Dispensing Technology Corporation, Oxnard, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for one (1) Thermoplastic Premelter Trailer to Dispensing Technology Corporation, Oxnard, CA for a total amount not to exceed $94,925.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

BE IT FURTHER RESOLVED that the Purchasing Manager or her designee to execute any change orders not to exceed 2% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-131

RESOLUTION APPROVING THE PURCHASE WITH TOWNE FORD SALES, REDWOOD CITY, CA FOR ONE (1) FORD MUSTANG FOR AN AMOUNT NOT TO EXCEED $52,493; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs); and

WHEREAS, once a unit is replaced and placed into City service, funds for its replacement are charged out as monthly recurring charges until the end of the unit's service life; and

WHEREAS, the Modesto Police Department (MPD) and Public Works Fleet Division are proposing to replace the Ford Interceptor with the Ford Mustang Mach-E, which is an all-electric Sports Utility Vehicle (SUV) that will be piloted for the MPD Patrol Division; and

WHEREAS, the MPD and Public Works' Fleet Services are working toward a plan to comply with the California Air Resources Board's Advanced Clean Cars II rule that establishes a roadmap to 2035 when 100% of new cars and light trucks sold in California, including plug-in hybrid electric vehicles, will be zero-emission vehicles; and

WHEREAS, this pilot vehicle will help the MPD and Fleet Services assess the feasibility of electric vehicle technology and how it performs in a patrol environment; and

WHEREAS, Towne Ford Sales notified City staff about a 2023 Ford Mustang Mach-E at the dealership that was available for immediate purchase due to another customer cancelling their purchase; and

WHEREAS, there is a critical need to obtain new vehicles to address over 214 Fleet replacements needed for the City and to purchase these vehicles, City staff continues to complete formal bidding events or utilize a cooperative agreement where feasible; and

WHEREAS, in this situation, there is an opportunity for cost savings by taking advantage of purchasing this vehicle now to avoid manufacturing delays and price increases due to inflation; and

WHEREAS, the manufacturing lead time is estimated at 9-12 months and based on the current market, the price would likely increase at time of delivery based on current estimated inflation increases ranging from 7-9%; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." This vehicle purchase falls under this exception due to the increase in cost due to inflation that will occur due to the significant lead times occurring for the purchase of new vehicles; and

WHEREAS, City staff recommends to award to Towne Ford Sales to purchase one (1) Ford Mustang Mach-E for an amount not to exceed $52,493.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase with Towne Ford Sales, Redwood City, CA for one (1) Ford Mustang for an amount not to exceed $52,493.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-132

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH VSS EMULTECH, MODESTO, CA FOR SLURRY OIL BY $3,213,920 FROM $2,038,840 TO A NEW TOTAL AMOUNT OF $5,252,760 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the Public Works Department, Streets Division, Streets Maintenance Unit has been performing slurry sealing as a function of general street maintenance; and

WHEREAS, the City's Slurry Program has been used by the Streets Maintenance Unit as the City's primary means of asphalt preservation; and

WHEREAS, Slurry oil is one of the essential components that make up the slurry emulsion along with slurry rock and slurry aluminum; and

WHEREAS, on December 7, 2021 under Resolution No. 2021-464, City Council approved the award of bid and agreement for Slurry Oil on an as needed basis to VSS Emultech, Modesto CA, for a one-year agreement with four (4) one-year extension options, for an annual estimated cost of $407,768, and a total amount not to exceed $2,038,840 over five years; and

WHEREAS, this agreement terms and conditions authorize prices increases not to exceed the CalTrans California Crude Oil Price index which are negotiated through the Finance Purchasing Division and increases from 15-45% will vary on a monthly basis under this index; and

WHEREAS, in November 2022, a 22% price increase was approved by the City with the CalTrans Crude Oil Price Index showing a 24% inflation at this time; and

WHEREAS, additionally, with the purchase of a second Slurry Truck which became operational as of Fall 2022, this has almost doubled the volume of slurry oil needed for field operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the Agreement amount with VSS Emultech, Modesto, CA for slurry oil by $3,213,920 from $2,038,840 to a new total amount of $5,252,760 over five years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-133

RESOLUTION APPROVING THE FIRST AMENDMENT WITH UNITED PAVEMENT MAINTENANCE, HUGHSON, CA., FOR HOT PATCH WORK TO AMEND THE ESTIMATED ANNUAL AMOUNT FROM $200,000 TO A REVISED ESTIMATED ANNUAL AMOUNT OF $3,906,500 AND EXTEND THE TERM OF THE AGREEMENT FROM MAY 21, 2023, TO MAY 21, 2024, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO EXECUTE THE FIRST AMENDMENT

WHEREAS, the Utilities Department's Water and Wastewater Divisions request contractual assistance to perform hot patch work throughout Modesto and the outlying areas including the City's regional water systems; and

WHEREAS, on May 22, 2018, by Resolution 2018-188, Council approved the award of bids for the furnishing of hot patch work for the Utilities Department's Water and Wastewater Divisions, to two firms: Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500 and United Pavement Maintenance, Hughson, CA for an annual cost not to exceed $200,000, both were awarded two-year agreements with three one-year extension options, with each one-year extension requiring approval by City Council, for a total combined annual cost not to exceed $4,306,500; and

WHEREAS, on December 4, 2018, staff provided Council an informational report on the hot patch agreements. The report included information on the Utilities Department's progress on hot patch work, on-site job inspections, invoice review, certified payroll review, and contractor status review. The results of this review identified that all of the work being performed by Garrett Thompson Construction and United Pavement Maintenance met all agreement obligations; and

WHEREAS, in May 2019, the City terminated the agreement with Garrett Thompson for failure to maintain insurance coverage as required by the agreement,

resulting in the need for a secondary provider in order to maintain primary and back-up contractor support once United Pavement became the primary vendor; and

WHEREAS, on July 9, 2019, by Resolution 2019-344, Council authorized the agreement with Patch Crew, Modesto, CA, for an annual estimated amount of $400,000, and a total annual combined amount of $4,306,500 between United Pavement Maintenance and Patch Crew; and

WHEREAS, on March 10, 2020, by Resolution 2020-128, Council authorized the first one-year extension option with both United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA without exceeding a total annual combined amount of $4,306,500 between both providers; and

WHEREAS, on April 6, 2021, by Resolution 2021-106, Council authorized the second one-year extension option with both United Pavement Maintenance and Patch Crew; and

WHEREAS, on April 5, 2022, by Resolution 2022-155, Council authorized the third one-year extension option with United Pavement Maintenance, Hughson, CA without exceeding a total annual amount of $3,906,500. During this extension option Patch Crew, Modesto, CA had declined to execute the final extension option due to the fact City staff had not utilized the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the First Amendment for hot patch work with United Pavement Maintenance, Hughson, CA to amend the estimated annual amount from $200,000 to a revised estimated annual amount of $3,906,500.

BE IT FURTHER RESOLVED, that the Director of Finance or her designee to execute the First Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-134

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH LIFE-ASSIST INC, BY UTILIZING THE COMPETITIVE BID PROCESS WITH NATIONAL PURCHASING PARTNERS (NPP), LEAGUE OF OREGON CITIES FOR EMERGENCY MEDICAL SUPPLIES FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $100,000, AND A TOTAL AMOUNT NOT TO EXCEED $500,000 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO AUTHORIZE THE AGREEMENT

WHEREAS, the Modesto Fire Department (MFD) responds to many medical emergencies per year and has a consistent need for medical supplies. These needs include, but are not limited to: gloves, syringes, medications, supplies for medical equipment like Electrocardiogram (EKG) Monitors and Defibrillators, as well as replacement of expired supplies; and

WHEREAS, with an increasing demand partly due to contracting with additional stations and paired with recent inflation, we have a need to enter into a new purchasing agreement with Life-Assist, Inc. with an increased amount which will require council authorization; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Invitation for Bid (IFB) for the purchase of Fire and Emergency Medical Services (EMS) Supplies; and

WHEREAS, On November 12, 2019 the League of Oregon Cities (LOC) issued a request for proposal (RFP) Number 1935 through the USA Today and Daily Journal Commerce for the purchase of Public Safety Medical Supplies, Equipment and Monitors. LOC works in cooperation with National Purchasing Partners (NPP). Eight (8) vendors submitted proposals. Based on providing a responsive and responsible proposal a contract

was awarded to Life-Assist, Inc. The contract between Life Assist, Inc. and LOC expires May 29, 2026; and

WHEREAS, staff is requesting a two-year agreement with three (3) one-year extension options that will extend beyond the term of the League of Oregon Cities contract and Life-Assist Inc. has agreed to these terms; and

WHEREAS, the anticipated annual cost is fully budgeted within the current 2022-2023 Fiscal Year from the General Fund Fire Department and Parks Department budgets and will be budgeted for future Fiscal Years. The majority of the Fire Department's portion of the agreement is covered by additional revenues generated through MFD's agreement with Mountain Valley EMS Agency (Project #100960).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchasing Agreement with Life-Assist Inc, by utilizing the Competitive Bid Process with National Purchasing Partners (NPP), League of Oregon Cities for Emergency Medical Supplies for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount $100,000, and a total amount not to exceed $500,000 over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-135

RESOLUTION APPROVING MEMORANDUMS OF UNDERSTANDING (MOUS) FOR FIRE APPARATUS FLEET MAINTENANCE SERVICES BETWEEN THE CITY OF MODESTO, STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT (SCFPD), AND THE CITY OF TURLOCK; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto and Turlock and Stanislaus Consolidated Fire Protection District desire to enter into an agreement for fleet maintenance services by Modesto and

WHEREAS, the Parties believe that this is a prudent and cost-efficient way to deliver improved fleet maintenance and repair services; and

WHEREAS, the Parties previously entered into that certain Hold Harmless and Indemnification agreement dated September 22 and 26, 2023 (the "Hold Harmless Agreements"); and

WHEREAS, pursuant to the Hold Harmless Agreements Modesto agreed to perform maintenance and repair services for Turlock and Stanislaus Consolidated Fire Protection District while this MOU was being negotiated; and

WHEREAS, the Parties wish to enter into an expanded MOU for fleet maintenance services; and,

WHEREAS, Turlock and Stanislaus Consolidated Fire Protection District shall both agree to pay $131.13 on an hourly basis for agreed upon services, with an option to increase the hourly rate on an annual basis; and

WHEREAS, the Parties are entering into this MOU as authorized pursuant to California Government Code Sections 54980, et seq.; and

WHEREAS, each Party's fire equipment will continue to be owned and operated by their currently designated governing authority.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an MOU for fire department fleet maintenance services between the cities of Modesto and Turlock and Stanislaus Consolidated Fire Protection District.

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the MOU, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-136

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE OMNIA PARTNERS COOPERATIVE PURCHASING ORGANIZATION, MARICOPA COUNTY, CA CONTRACT#180233-002, WITH MYTHICS, INC. OF VIRGINIA BEACH, VA FOR PURCHASE OF ORACLE CLOUD ANALYTICS SUBSCRIPTION SOFTWARE FOR A TOTAL AMOUNT NOT TO EXCEED $510,137 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto currently uses Oracle Discoverer for Business Intelligence reporting on our Oracle E-Business Suite (EBS) and the legacy Financials/Payroll data warehouse; and

WHEREAS, Oracle no longer supports the Discoverer application and has replaced it with a new product, Oracle Analytics Cloud (OAC). OAC is compatible with our current on-premises EBS system and allows for our future direction of moving EBS to a cloud-based platform (off-premise system); and

WHEREAS, Mythics, Inc. is a Platinum Partner reseller of Oracle products. They are the facilitator of a piggy backed contract with Maricopa County for Oracle Software. They will provide Oracle Analytics Cloud subscription and licenses and Oracle Cloud Infrastructure subscriptions. This is the cloud infrastructure that holds our data warehouse for reporting against; and

WHEREAS, on May 18, 2018, Maricopa County of Phoenix AZ issued 180233-RFP for Oracle Products and Services and advertised on the BidSync, Pamplin Media Group, US Communities Publication, and Capital City Press. On June 26, 2018, proposals were opened at Maricopa County, 320 W. Lincoln St., Phoenix, AZ. Eight (8) proposals were received and based on the committee evaluation and criteria outlined in

the RFP, two (2) contracts were awarded for this commodity which includes the Oracle Products and Services; and

WHEREAS, on May 25, 2021, by Resolution No. 2021-194, Council approved the use of American Rescue Plan Act (ARPA) funds in the amount of $500,000 for use in upgrading our existing Oracle Discoverer reporting tool designated under the key focus area of Governance and Service Delivery. The purchase of the Oracle Analytics Cloud upgrade solution in Year 1 including the application's annual subscription fee and professional implementation services would be funded entirely by these ARPA funds as designated in the Governance and Service Delivery focus area under the Program Goal of Discoverer Replacement; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of oracle analytics cloud implementation services to Mythics, Inc., Virginia Beach, VA, conforms to Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from the Omnia Partners cooperative purchasing organization, Maricopa County, CA Contract#180233-002, with Mythics, Inc. of Virginia Beach, VA for purchase of Oracle Cloud Analytics subscription software for a total amount not to exceed $510,137.

BE IT FURTHER RESOLVED, that the City Manager or his designee are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-137

RESOLUTION APPROVING AN AGREEMENT WITH JADE GLOBAL, INC. FOR PROFESSIONAL SERVICES FOR A TERM OF TWO YEARS WITH THREE 1-YEAR EXTENSION OPTIONS FOR THE UPGRADE FROM OUR EXISTING DISCOVERER FINANCIAL REPORTING APPLICATION TO ORACLE ANALYTCS CLOUD FOR AN AMOUNT NOT TO EXCEED $863,080 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto currently uses Oracle Discoverer for Business Intelligence reporting on our Oracle E-Business Suite (EBS) and the legacy Financials/Payroll data warehouse; and

WHEREAS, Oracle no longer supports the Discoverer application and has replaced it with a new product, Oracle Analytics Cloud (OAC). OAC is compatible with our current on-premises EBS system and allows for our future direction of moving EBS to a cloud-based platform (off-premise system); and

WHEREAS, based on the time sensitivity and complexity of recreating existing reports currently available in Discoverer in the upgraded application OAC, it was determined that professional services from an Oracle Analytics Cloud implementor will be required to successfully guide City staff on how to best implement the product. As a result, a Request for Proposal was published for professional services and City staff selected Jade Global, Inc. from the submitted proposals; and

WHEREAS, the Purchasing Division issued RFP No. 2122-61 for Oracle Analytics Cloud implementation services on PlanetBids via the City's website under nine (9) commodity codes. Prospective proposers were notified online and via email of the bid opportunity. Thirty-seven (37) chose to download the RFP document. Based on being ranked highest in total evaluation criteria, the evaluation committee recommends

the award of proposal for the Oracle Analytics Cloud implementation services to Jade Global, Inc.; and

WHEREAS, Jade Global, Inc. will provide the City with professional services including but not limited to:

- Creating a data warehouse in Oracle Cloud Infrastructure that OAC will report against.
- Creating data sets that will serve as the basis for reports.
  - These will convert Oracle's highly complex data structure into data sets that are easily understood by end users.
- Converting existing Discoverer reports into OAC reports.
- Creating dashboards in OAC.
- Training City staff on OAC report creation and dashboard creation.
- Training City IT staff on administrative functions and maintaining data sets.
- On-going support of OAC and the data sets and reports/dashboards until which time City staff becomes self-sufficient.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of oracle analytics cloud implementation services to Jade Global, Inc., San Jose, CA, conforms to Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Jade Global, Inc., for Professional Services for a term of two years with three 1-year extension options for the upgrade from our existing Discoverer Financial Reporting Application to Oracle Analytics Cloud for an amount not to exceed $863,080.

BE IT FURTHER RESOLVED, that the City Manager or his designee are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-138

RESOLUTION APPROVING A FIVE-YEAR LEASE AGREEMENT WITH SUZANNE MCELROY FOR THE MODESTO POLICE DEPARTMENT PROPERTY AND EVIDENCE FACILITY LOCATED AT 1124 F STREET, MODESTO, CA, FOR AN ANNUAL ESTIMATED AMOUNT OF $39,600 AND A TOTAL AMOUNT NOT TO EXCEED $200,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto leases property at 1124 F Street for the Police Department's Property and Evidence facility, and

WHEREAS, the department has leased the property since August 1994 from the McElroy family, and

WHEREAS, in on April 23, 2013, Council approved Resolution No. 2013-163 to renew the lease with an increase to the monthly lease amount, from $2,500 per month to $3,300, and

WHEREAS, at that time, the landlord agreed to install and pay for a fire suppression system to the facility, and

WHEREAS, on November 10, 2015, ownership of the property was transferred from owner Roger McElroy, to his widow, Suzanne McElroy, and

WHEREAS, the current five-year lease was approved by Council on April 24, 2018, by Resolution No 2018-156, and will expire April 30, 2023, and

WHEREAS, the Modesto Police Department continues to have a need to secure property and evidence collected by staff at the building located at 1124 F Street, and

WHEREAS, the new lease agreement is for a five-year term, commencing on May 1, 2023, and

WHEREAS, the new lease will be for an estimated amount not to exceed $3,300 monthly, $39,600 annually, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality", and

WHEREAS, here, Suzanne McElroy, Copperopolis, CA, should be exempt from the formal bidding procedure in accordance with MMC 8-3.204(d) as this is a renewal of the current lease at which Modesto Police Department utilizes as its evidence and storage facility, and

WHEREAS, remaining in this location is the most cost-effective approach avoiding the research, labor and efforts required to secure a new facility and properly move all evidence while maintaining the chain of custody.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a five-year lease agreement with Suzanne McElroy for the Modesto Police Department Property and Evidence facility located at 1124 F Street, Modesto, CA, for an annual estimated amount of $39,600 and a total amount not to exceed $200,000 over five years.

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizing the City Manager, or his designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-139

RESOLUTION ACCEPTING THE AIRPORT LAYOUT PLAN GRANT AS COMPLETE AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY CLERK RECORDER

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated facility and is required to meet Federal Aviation Administration standards (FAA); and

WHEREAS, the Airport accepted a federal grant on February 12, 2017 for a complete Airport Layout Plan Update with Narrative Report; and

WHEREAS, the Airport is required to comply with FAA Part 77 regulations and preserve safe and efficient use of navigable airspace; and

WHEREAS, this project was part of the Airport's five-year Airport Capital Improvement Program (ACIP); and

WHEREAS, the Airport has completed the Airport Layout Plan Update (ALPU) utilizing funds from an FAA Grant for an Airport Improvement Project known as AIP 41.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the FAA Airport Layout Plan Grant No. 3-06-0153-041-2017 (AIP 41) as complete.

BE IT FURTHER RESOLVED, that all necessary steps are authorized to be filed with the County Clerk Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-140

RESOLUTION ACCEPTING THE TANK 5 AND 12 RECOAT AND REPAIRS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,692,500 TO CAL SIERRA CONSTRUCTION, INC., OF CARMICHAEL, CA

WHEREAS, on September 26, 2017, by Resolution No. 2017-270, Council approved an agreement with tank Industry Consultants (TIC), Indianapolis, IN, for tank inspection and evaluation services for the City's existing Steel Water Storage Tanks; and

WHEREAS, dive inspections and evaluations were completed by TIC for Tanks 4, 5, 6, 7, 8, 9 and 12. Inspections and evaluations reported early signs of rust and or coating issues; and

WHEREAS, Tank 5, built in 1993, is located at 2400 Merle Avenue, Modesto, CA and is approximately 1.3 million gallons in size. The scope of work included modifications, structural repairs and the preparation and recoating of the interior and exterior of Tank 5; and

WHEREAS, Tank 12, built in 2009, is located at 2616 Elm Way, Modesto, CA and is approximately 4 million gallons in size. The scope was similar to Tank 5 and includes modifications, structural repairs, and the preparation and recoating of the interior and exterior of Tank 12; and

WHEREAS, initially, Tank 5 and Tank 12 projects were to be bid separately, with Tank 12 bidding first, followed by the bidding of Tank 5. The Tank 12 project was bid; however, the Tank 5 project was not bid; and

WHEREAS, Tank 12 project was advertised for bids on October 13, 2020, and bids were publicly opened on November 10, 2020, pursuant to City Charter Section 1307.

Seven bids were received; and

WHEREAS, all the bids received were below the engineer's estimate, varying from 25.23% to 64.51% below; and

WHEREAS, while variance was apparent in other project bids, the bid item unit costs and range of bids received for this project justified the need to re-evaluate the project specifications for opportunities to better ensure the scope of work and requirements were clearly defined; and

WHEREAS, on January 26, 2021, by Resolution 2021-018, Council approved rejecting all bids for the Tank 12 Recoat and Repairs Project and authorizing staff to re-advertise the project for bids at a future date; and

WHEREAS, Staff has since determined that the City could benefit from economy of scale by bidding both projects together. As part of the Fiscal Year 2021-2022 annual CIP budget approval process, staff proposed the project "Tank 5 and 12 Recoat and Repairs"; and

WHEREAS, given the complex nature of the inspections associated with water tank recoating and repairs, staff determined that utilizing a consulting firm that specializes in these types of inspections would provide the City with the most effective and efficient approach for this project; and

WHEREAS, on August 4, 2021, by Resolution 2021-307, Council approved an agreement with CSI Services, Inc., for tank coating inspection services for Tank 5 & 12 Recoat and Repair project, in the amount of $62,500 plus $15,600 in additional services if needed, not to exceed $78,000; and

WHEREAS, the project was advertised for bids on August 31, 2021, and bids

were publicly opened on September 21, 2021, pursuant to Modesto Municipal Code Section 8-3.403 and City Charter Section 1307; and

WHEREAS, Cal Sierra Construction, Inc., of Carmichael, CA, was the responsible bidder at 22.34% below engineers estimate; and

WHEREAS, on December 7, 2021, by Resolution No. 2021-476, Council awarded a contract to Cal Sierra Construction, Inc., of Carmichael, CA for the construction of the Tank 5 and 12 Recoat and Repair project for the amount of $1,692,500; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of January 25, 2022. All contract work was completed on October 12, 2022; and

WHEREAS, the total project costs were $1,975,896 which included design, construction, and construction administration costs. The total project amount originally budgeted was $4,545,000 which included $2,115,625 for the construction contract and contingency with Cal Sierra Construction, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) which is $135,400 for construction contracts of this dollar value. However, given the nature of tank recoating and repair, and materials used, additional work may be needed to address unexpected conditions that require changes in project scope, by Resolution 2020-05 staff requested an increase in the Director's Authority for the Construction Contingency to twenty-five (25%) which is $423,125; and

WHEREAS, there were two change orders resulting in an overall increase of $0.00 and 115 working days; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council awarded a contract to Cal Sierra Construction, Inc., for the construction of the Tank 5 and 12 Recoat and Repair project in the amount of $1,692,500, is hereby accepted as complete from contractor, Cal Sierra Construction, Inc., and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling $1,692,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-141

RESOLUTION ACCEPTING THE DRY CREEK TRAIL MAINTENANCE AND ORVILLE WRIGHT ELEMENTARY TRAFFIC FLOW AND SAFETY IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $878,469 TO MCFADDEN CONSTRUCTION, INC., STOCKTON, CA.

WHEREAS, in November 2016, the voters of Stanislaus County approved the county wide, 25-year, half-percent sales tax increase known as Measure L; and

WHEREAS, on September 04, 2018, by Resolution No. 2018-380, Council amended the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019; and

WHEREAS, the amendment allocated $685,000 for construction and design of the Dry Creek Trail Maintenance project and $506,702 for construction and design of the Orville Wright Elementary Traffic Flow and Safety Improvements project; and

WHEREAS, the Dry Creek Trail Maintenance (101126) and Orville Wright Elementary Traffic Flow and Safety Improvements (101040) project will rehabilitate deteriorated pavement and crossing on the Dry Creek Trail at Kewin Park, install ADA improvements, install traffic calming speed cushions on Edgebrook Drive and install traffic flow improvements on Monterey Avenue next to Orville Wright Elementary School; and

WHEREAS, the two projects were combined for bidding and construction purposes to take advantage of economies of scale and efficiencies in administrative costs; and

WHEREAS, the project was advertised for bids on October 15, 2019; and

WHEREAS, bids were publicly opened on November 19, 2019, pursuant to Modesto

Municipal Code Section 8-3.403 and City Charter Section 1307; and

WHEREAS, McFadden Construction, Inc., of Stockton, CA, was the apparent low bidder at 4.44% below engineers estimate; and

WHEREAS, on January 14, 2020, by Resolution No. 2020-004, Council awarded a contract to McFadden Construction, Inc., of Stockton, CA for the construction of the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project for the amount of $863,152; and

WHEREAS, the contractor received the Notice to Proceed with a start date of March 09, 2020. All contract work was completed on November 03, 2020; and

WHEREAS, the total project costs were $1,240,341 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,321,702 which included $975,362 for the construction contract and contingency with McFadden Construction, Inc., of Stockton, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 09, 2019, states that a contract of at least $250,000, but less than $1,000,000 allows Directors Authority not to exceed ten percent (10%) of the contract amount. By Council Resolution 2020-005 the Directors Authority was increased to thirteen percent (13%) to $112,210; and

WHEREAS, there were six change orders resulting in an overall increase of $15,317; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council awarded a contract to McFadden Construction, Inc., of Stockton, CA, for the construction of the Dry Creek Trail Maintenance and Orville Wright Elementary Traffic Flow and Safety Improvements project in the amount of $878,469, is hereby accepted as complete from contractor, McFadden Construction, Inc., of Stockton, CA., and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling $878,469.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-142

RESOLUTION ACCEPTING THE PARADISE ROAD PAVEMENT REHABILITATION, STPL-5059(219) PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,791,408 TO DIRT DYNASTY, INC., OF VALLEY SPRINGS, CA

WHEREAS, the California Department of Transportation (Caltrans) authorized funding for Preliminary Engineering in June 2014 in the amount of $250,000, and

WHEREAS, In July 2020, Caltrans authorized $2,080,464 in Regional Surface Transportation Program (RSTP) funds for construction and construction engineering; and

WHEREAS, the Paradise Road Pavement Rehabilitation, STPL-5059(219) project rehabilitated deteriorated pavement with an asphalt rubber chip seal and/or asphalt overlay on Paradise Road from Carpenter Road to Sheridan Street and also includes Americans with Disabilities Act (ADA) improvements, school crossing improvements and class II bicycle lanes, and

WHEREAS, the project was advertised for bids on July 20, 2021 and bids were publicly opened on August 24, 2021, pursuant to City Charter Section 1307, and

WHEREAS, seven bids were received and Dirt Dynasty, Inc., of Valley Springs, CA was the responsible low bidder at 2.61% below engineers estimate, and

WHEREAS, on September 28, 2021, by Resolution No. 2021-374, Council awarded a contract to Dirt Dynasty, Inc., of Valley Springs, CA for the construction of the Paradise Road Pavement Rehabilitation project, STPL-5059 (219) for the amount of $1,850,337, and

WHEREAS, the Contractor received the Notice to Proceed with a start date of November 29, 2021. All contract work was completed on June 23, 2022, and

WHEREAS, the total project costs were $2,231,164 which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,745,464 which included $2,040,337 for the construction contract and contingency with Dirty Dynasty, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) $148,027 for construction contracts of this dollar value. On September 28, 2021 by Resolution 2021-375 staff requested an increase in the Director's Authority for the Construction Contingency to $190,000 (10.2%) of the original contract price, and

WHEREAS, there were seven change orders resulting in an overall decrease of $58,929, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council awarded a contract to Dirty Dynasty, Inc., for the construction of the Paradise Road Pavement Rehabilitation project, STPL-5059 (219) in the amount of $1,850,337, is hereby accepted as complete from contractor, Dirty Dynasty, Inc., and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling $1,791,408.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-143

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE SUTTER TRUNK REHABILITATION PHASE 2 PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, OF ROSEVILLE, CA, IN THE AMOUNT OF $4,671,665 PLUS $700,750 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $5,372,415 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Sutter Trunk currently surcharges under existing peak wet weather flow conditions and is therefore hydraulically deficient, and

WHEREAS, the Sutter Trunk is approximately 13,000 feet long and conveys approximately 5% of the City's total average dry weather flow, and

WHEREAS, the Project was advertised for bids on December 20, 2022, and

WHERAS, on January 31, 2023, bids were publicly opened, pursuant to City Charter Section 1307; Six bids were received and A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Modesto Municipal Code 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, the award of bid for the Sutter Trunk Rehabilitation Phase 2 Project conforms to the Modesto Municipal Code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $4,671,665 received from A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, be

accepted as the lowest responsible and responsive bid and the contract be awarded to A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Sutter Trunk Rehabilitation Phase 2 Project and accepts the bid of $4,671,665 plus $700,750 in contingency (if needed) for a total amount not to exceed $5,372,415 and award A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, the contract for the Sutter Trunk Rehabilitation Phase2 Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-144

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE SUTTER TRUNK REHABILITATION PHASE 2 PROJECT FROM 8% ($373,734) TO 15% ($700,750) OF THE CONSTRUCTION CONTRACT PRICE OF $4,671,665 WITH A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, OF ROSEVILLE, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects between $1 Million and $10 Million, and

WHEREAS, given the nature and complexity of this project with deep shoring and excavation for the replacement of the existing sewer trunk, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($373,734) of the contract amount of $4,671,665, and

WHEREAS, staff is requesting authorization to increase the Directors authority to issue change orders to 15% ($700,750) of the contract amount of $4,671,665 due to the nature of the project, location and the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the Director of Utilities authority to issue change orders for Sutter Trunk Rehabilitation Phase 2 Project from 8% ($373,734) to 15% ($700,750) of the construction contract price of $4,671,665 with A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-145

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF SACRAMENTO, CA, FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE SUTTER TRUNK REHABILITATION PHASE 2 PROJECT IN AN AMOUNT NOT TO EXCEED $600,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $60,000 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $660,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, considering the size and complexity of the Sutter Trunk Rehabilitation Phase 2 Project, staff recommends utilizing a consultant to provide Construction Management and Inspection Services, and

WHEREAS, on March 28, 2020, by Resolution No. 2020-201, Council approved a pre-qualified consultant list for Construction Management and Inspection Services for various Capital Improvement Program projects, and

WHEREAS, on December 21, 2022, a Request for Proposals (RFP) was issued for the Sutter Trunk Rehabilitation Phase 2 Project, to the City's five prequalified firms who provide Construction Management and Inspection Services, and

WHEREAS, staff received proposals from three firms, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 and recommends approval of an agreement with West Yost Associates, of Sacramento, CA, for Construction Management and Inspection Services for the Sutter Trunk Rehabilitation Phase 2 Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates, of Davis, CA, in the amount of $600,000, plus $60,000 in additional services (if needed), for a total amount not to exceed $660,000 for Construction Management and Inspection Services for the Sutter Trunk Rehabilitation Phase 2 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-146

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, OF MODESTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION SERVICES FOR THE SUTTER TRUNK REHABILITATION PHASE 2 PROJECT, IN THE AMOUNT OF $54,348 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $5,435 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $59,783 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 26th, 2017, by Resolution No. 2017-371, Council approved an agreement with O'Dell Engineering (O'Dell) for Engineering Design Services for the Sutter Trunk Rehabilitation project, and

WHEREAS, considering the size and complexity of the Sutter Trunk Rehabilitation Phase 2 project, and that O'Dell is the Engineer-of-Record for the project, Engineering Support During Construction will be needed from O'Dell to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with O'Dell Engineering, for Engineering Support During Construction for the Sutter Trunk Rehabilitation Phase 2 Project in an amount not

to exceed $54,348 for the identified scope of services, plus $5,435 for additional services, if needed, for a maximum total amount of $59,783.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-147

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,455,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES TO FUND THE CONSTRUCTION PHASE OF THE SUTTER TRUNK REHABILITATION PHASE 2 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,455,000, in order to fund the Sutter Trunk Rehabilitation Phase 2 Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,455,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-148

RESOLUTION INCREASING THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE TRANSIT CENTER IMPROVEMENTS AND TRANSIT CENTER ADDITION PROJECT FROM EIGHT PERCENT (8%) ($418,686) TO TEN PERCENT (10%) ($523,358) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $5,233,576 WITH SIMILE CONSTRUCTION SERVICES, INC., OF MODESTO, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $5,756,934

WHEREAS, on December 7, 2021, by Resolution No. 2021-467, Council approved the plans and specifications for the Transit Center Improvements (101339) and Transit Center Addition (101338) Project and awarded a construction contract with Simile Construction Services, Inc. from Modesto CA, in the amount of $5,233,576 plus eight percent $418,686 ($50,058 for 101338 and $368,628 for 101339) for contingency (if needed), for a total not to exceed amount of $5,652,262; and

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects greater than $1,000,000; and

WHEREAS, the change order policy is utilized for each construction contract awarded by the City; it is not written into each contract nor is it a guaranteed amount included in the final compensation to the contractor; and

WHEREAS, prior to bidding a project, staff works diligently to ensure that all bid packages contain a well-defined scope of work and that all projects stay within budget. However, after the contract is executed, if a change is determined to be necessary, or advantageous to the City, the policy authorizes the Director to approve a change order(s)

up to a cumulative amount of eight percent (8%) of the contract price on a project of this contract value; and

WHEREAS, during the construction period, the roof has been determined to have major deficiencies and leaks where the rain water would penetrate and soak the foam insulation, thus causing water leaks to wet the ceiling; and

WHEREAS, the contractor was requested to provide a cost for fixing the roof. The cost provided by the contractor was negotiated and the City agreed to proceed with fixing the roof by sealing it with a sealant that has a ten-year warranty. This additional scope of work was not part of the original construction documents; and

WHEREAS, staff is requesting authorization to increase the Directors authority to issue change orders to 10% ($523,358) of the contract amount of $5,233,576 to address some of the unforeseen condition and challenges due to the age of the existing building.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Transit Center Improvements and Transit Center Addition Project from 8% ($418,686) to 10% ($523,358) of the construction contract price of $5,233,576 with Simile Construction Services Inc., of Modesto, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-149

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE RE-BID LA LOMA - PHASE 2C STRENGTHEN & REPLACE WATER MAINS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH MOZINGO CONSTRUCTION INC., OF OAKDALE, CA, IN THE AMOUNT OF $7,755,824, PLUS $775,583 IN CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $8,531,407 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the La Loma Neighborhood is one of many prioritized areas in the City's water service area that requires replacement of current, aging water infrastructure, and

WHEREAS, the Re-Bid La Loma - Phase 2C Strengthen and Replace Water Mains Project will replace and upgrade approximately 26,000 linear feet of deficient water mains, associated valves, services, and fire hydrants to improve system reliability, flows, and pressures, and will also upgrade approximately 600 linear feet of sewer mains to replace aging sewer mains, and

WHEREAS, the Project was advertised for bids on December 6, 2022, and

WHEREAS, on January 24, 2023, bids were publicly opened, pursuant to City Charter Section 1307; Six bids were received and Mozingo Construction Inc., of Oakdale, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project to Mozingo Construction Inc., of Oakdale, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to Mozingo Construction Inc., of Oakdale, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project; accepting the bid and awarding a construction contract to Mozingo Construction Inc., of Oakdale, CA, for a total of $7,755,824 plus $775,583 in contingency (if needed) for a total amount not to exceed $8,531,407.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-150

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE RE-BID LA LOMA - PHASE 2C STRENGTHEN & REPLACE WATER MAINS PROJECT FROM 8% ($620,466) TO 10% ($775,583) OF THE CONSTRUCTION CONTRACT AMOUNT OF $7,755,824 WITH MOZINGO CONSTRUCTION INC., OF OAKDALE, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for construction contracts of this dollar value, and

WHEREAS, given the nature of rehabilitation projects where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed the Director's Authority of 8% ($620,466) of the contract amount of $7,755,824, and

WHEREAS, staff is requesting an increase in the Director's Authority for the Construction Contingency to 10% ($775,583).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Utilities authority to issue change orders for the La Loma – Phase 2C Strength & Replace Water Mains Project from 8% ($620,466) to 10% ($775,583) of the construction contract price of $7,755,824 with Mozingo Construction Inc., of Oakdale, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-151

RESOLUTION APPROVING AN AGREEMENT WITH TRC ENGINEERS, INC. OF TRACY, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE RE-BID LA LOMA - PHASE 2C STRENGTHEN & REPLACE WATER MAINS PROJECT IN THE AMOUNT OF $832,843 PLUS $83,285 IN ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $916,128 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to the overall size of the Re-Bid La Loma – Phase 2C Strengthen & Replace Water Mains Project, with respect to the anticipated coordination efforts with property owners, and

WHEREAS, due to limited staffing resources and current workload, consultant assistance is necessary for proper project coverage and construction oversight, and

WHEREAS, Staff recommends utilizing a consultant to provide Construction Management and Inspections Services for the anticipated 12-month construction period, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., of Tracy, CA, in the amount of $832,843, plus $83,285 in additional services (if needed), for a total amount not to exceed $916,128.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-152

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $7,905,000 TO BE TRANSFERRED INTO THE PROJECT FROM THE WATER FUND IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE RE-BID LA LOMA - PHASE 2C STRENGTHEN & REPLACE WATER MAINS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $7,905,000, in order to fund the Re-Bid La Loma - Phase 2C Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $7,905,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-153

RESOLUTION APPROVING AN AGREEMENT WITH LARRY WALKER ASSOCIATES FOR THE MONITORING AND MANAGEMENT OF THE CITY OF MODESTO'S STORMWATER PROGRAM AND REGULATORY COMPLIANCE SERVICES, FOR AN ANNUAL ESTIMATED AMOUNT OF $200,000, PLUS $100,000 IN ADDITIONAL SERVICES (IF NEEDED), AND A TOTAL AMOUNT NOT TO EXCEED $1,100,000 OVER FIVE (5) YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's stormwater system is regulated under a National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS, the NPDES permit is mandated by the Federal Clean Water Act and administered in California by the State Water Resource Control Board (SWRCB) and the Central Valley Regional Water Quality Control Board (CVRWQCB) on behalf of the United States Environmental Protection Agency (USEPA); and

WHEREAS, the Regionwide NPDES Phase I Permit that regulates the City of Modesto's stormwater system is unique to the water quality needs and challenges of the Central Valley; and

WHEREAS, the City of Modesto is required to comply with the NPDES Phase I permit issued by the CVRWQCB; and

WHEREAS, it was recently determined the City is out of compliance with the current NPDES permit and requires professional services from a firm with a high level of knowledge on the Central Valley's Regional Stormwater NPDES Phase I permit; and

WHEREAS, Larry Walker Associates is uniquely qualified to provide these Services to the City of Modesto concerning the Stormwater NPDES permit; and

WHEREAS, on October 08, 2020, the City of Stockton advertised a Request for Proposal, RFP PUR 20-031, for Stormwater Program Management and Monitoring

Services; and

WHEREAS, Larry Walker Associates was awarded the resulting contract through the City of Stockton's competitive bid process; and

WHEREAS, the City of Modesto, Wastewater Division would utilize Larry Walker Associates to monitor and manage the current NPDES Phase I permit as well as future changes incorporated into the stormwater NPDES permit due to Larry Walker Associates unique technical expertise necessary to supporting the City of Modesto with maintaining permit compliance; and

WHEREAS, Modesto Municipal Code 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, MMC 8-3.204 (d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. In addition, MMC 8-3.204(a) exempts contracts for professional services from the otherwise required formal bidding procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Larry Walker Associates for the Monitoring and Management of the City of Modesto's Stormwater Permit and Regulatory Compliance, for a five-year agreement, for an annual estimated amount of $200,000 plus $100,000 in additional services (if needed), for a total amount not to exceed $1,100,000 over five (5) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-154

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): REZONE FROM LOW-DENSITY RESIDENTIAL (R-1) ZONE TO MEDIUM-HIGH DENSITY RESIDENTIAL (R-3) ZONE, PROPERTIES LOCATED AT 1505 AND 1513 SCENIC DRIVE

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan; and

WHEREAS, Ulises Belmonte has proposed a rezone, from Low-Density Residential (R-1) Zone to Medium-High Density Residential (R-3) zone, properties located at 1505 and 1513 Scenic Drive; and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2023-02 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report; and

WHEREAS, in accordance with CEQA guidelines beginning on March 15, 2023, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 4, 2023, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone from Low-Density Residential (R-1) Zone to Medium-High Density Residential (R-3) zone, for properties located at 1505 and 1513 Scenic Drive, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2023-02

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2023-02

For the proposed:

RZN-22-002 – Rezone from Low-Density Residential zone to Medium-High-Density Residential zone at the northeast corner of Scenic Drive and Brighton Avenue

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

12/6/2022

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Rezone from Low-Density Residential (R-1) zone to Medium-High Residential (R-3) zone is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

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

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

II. PROJECT DESCRIPTION

A. Title: Rezone from Low-Density Residential (R-1) zone to Medium-High Density Residential (R-3) zone

B. Address or Location: Northeast corner of Scenic Drive and Brighton Avenue

C. Applicant: Ulises Belmonte

D. City Contact Person: Michael Arroyo, Assistant Planner

Project Manager: Michael Arroyo
Department: Community and Economic Development Department
Phone Number: 209 577 5272
E-mail address: Marroyo@modestogov.com

E. Current General Plan Designation(s): Residential

F. Current Zoning Classification(s): Low-Density Residential

G. Surrounding Land Uses:

North: Medium-High-Density Residential, multi-family dwellings
South: Planned Development (P-D 434), 24 zero-lot-line townhouse condominiums
East: Medium-High-Density Residential, multi-family dwellings
West: Medium-High-Density Residential and Low-Density Residential

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

The proposed project is to rezone two contiguous parcels from R-1 to R-3 zone. No specific development has been proposed with the rezone. Future development of the site will require an application for a Development Plan Review application.

I. Other Public Agencies Whose Approval is Required: None

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

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

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

   B. No new or additional mitigation measures or alternatives are required;

   C. The subsequent project is within the scope of the project covered by the Master EIR;

   D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

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

   A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level; and,

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;

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

_____	_____	
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

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

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐

(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

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

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

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

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic	☐	☐	☐	☒

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
levels or a change in location that results in substantial safety risks.				
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	☒
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	☒

Discussion:

(1) The proposed project is a rezone of two contiguous parcels from R-1 zone to R-3 zone. It will have no effect on the circulation system. The Master EIR assumed vehicle trips based on a Mixed Used designation which allows a mixture of uses that include residential, commercial, office, and institutional. The project will not increase vehicle trips above what is assumed in the adopted Master EIR because it accounted for a mixture of office and commercial uses.

(2) The proposed project will have no effect on the level of service standard established by the county congestion management.

(3) The proposed project will have no effect on air traffic patterns.

(4) The proposed project will not increase circulation hazards due to design or incompatible uses or have no effect on emergency access above what is assumed in the adopted Master EIR.

(5) The proposed project will have no effect on alternative transportation policies.

(6) The proposed project will have no effect on Level of Service.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

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

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☐	☒
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☐	☒
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on Urban Area General Plan air quality and greenhouse gas policies.

(2) The proposed project will not conflict with any air quality plan.

(3) The proposed project will not violate any air quality standard or contribute substantially to an existing or projected violation.

(4) The proposed project will have no increase of any criteria pollutant effect on Urban Area General Plan air quality and greenhouse gas policies.

(5) The proposed project will have no effect on sensitive receptors.

(6) The proposed project will not result in the creation of objectionable odors.

(7) The proposed project will not generate greenhouse gas emissions above what is assumed in the adopted Master EIR.

(8) The proposed project will not conflict with a plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gasses.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

3. NOISE AND VIBRATION	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	☒
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	☒
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☐	☒
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would	☐	☐	☐	☒

3. NOISE AND VIBRATION	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.				

Discussion:

(1) The proposed project will have no effect on Urban Area General Plan noise and vibration policies.

(2) The proposed project will not generate excessive permanent noise or vibration levels. Construction of any new building will generate a temporary amount of noise and vibration. The Master EIR contains mitigation measures to minimize the impacts so that they are less than significant.

(3-4) The proposed project will not generate any noticeable increase in ambient noise levels above what is assumed in the adopted Master EIR.

(5-6) The proposed project is not close to a public airport or private airstrip.

(7) The proposed project is not within 200 feet of active rail lines.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

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

4. EFFECTS ON AGRICULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict	☐	☐	☐	☒

4. EFFECTS ON AGRICULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
with existing zoning for, or cause rezoning of, forest land or timberland.				
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on Urban Area General Plan agricultural resources policies.

(2) The proposed project will not convert any farmland. The site is infill surrounded by urban development.

(3) The proposed project will have no effect on any agricultural use or Williamson Act contract.

(4-5) The proposed project will have no effect on any forest land or timberland.

(6) The proposed project will have no effect on farmland or forest land.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	☒
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require	☐	☐	☐	☒

5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.				
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on the water supply policies.

(2) The proposed project will have no effect on groundwater supply above what is assumed in the adopted Master EIR.

(3-4) The proposed project will have no effect on water demand above what is assumed in the adopted Master EIR.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	☒
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on the wastewater policies.

(2) The proposed project will have no effect on sewage flows and no effect on wastewater facilities above what is assumed in the adopted Master EIR.

(3) The proposed project will have no effect on wastewater capacity above what is assumed in the adopted Master EIR.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following

is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

7. LOSS OF PLANT AND WILDLIFE HABITAT	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	☒
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat	☐	☐	☐	☒

7. LOSS OF PLANT AND WILDLIFE HABITAT	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
conservation plan.				

Discussion:

(1) The proposed project will have no effect on wildlife and plant habitat policies.

(2) The proposed project will have no effect on a candidate, sensitive, or special status species in local or regional plans.

(3) The proposed project will have no effect on riparian habitat or other sensitive natural community identified in local or regional plans.

(4) The proposed project will have no effect on wetlands. No wetlands exist on or near the site.

(5) The proposed project will have no effect on native resident or migratory fish or wildlife species.

(6) The proposed project will have no effect on local policies or ordinances protecting biological resources.

(7) The proposed project will have no effect on local, regional, or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

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

8. ARCHAEOLOGICAL / HISTORICAL SITES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	☒
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as	☐	☐	☐	☒

8. ARCHAEOLOGICAL / HISTORICAL SITES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.				

Discussion:

(1) The proposed project will have no effect on archaeological/historical resource policies.

(2) The proposed project will have no effect on historical buildings or landmarks. There are no historical buildings or landmarks that exist on or near this site.

(3) The proposed project will have no effect on existing structures that are more than 50 years old that are determined to have historical significance.

(4) The proposed project will have no effect on known significant resources.

(5) The proposed project will have no effect on cultural resources.

(6) The proposed project will have no effect on tribal cultural resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would

have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

9. INCREASED DEMAND FOR STORM DRAINAGE	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	☒
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on storm drainage policies.

(2-3) The proposed project will have no effect on surface runoff above what is assumed in the adopted Master EIR.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

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

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	☒
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on flooding and water quality policies.

(2) The proposed project will not result in more housing within a 100-year flood hazard zone.

(3) The proposed project will not be in the 100-year floodplain.

(4) The proposed project will not expose people to flooding.

(5) The proposed project will not alter existing drainage patterns of the site that would result in flooding onsite or offsite.

(6) The proposed project will have no effect on water quality standards or waste discharge requirements.

(7) The proposed project will have no effect on existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation.

(8) The proposed project will have negligible contribution to water runoff above what is assumed in the adopted Master EIR.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on parks and open space policies.

(2) The proposed project will have no effect on parks and open space above what is assumed in the adopted Master EIR.

(3) The proposed project will have no effect on parks and open space needs above what is assumed in the adopted Master EIR.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

12. INCREASED DEMAND FOR SCHOOLS	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on school policies.

(2) The proposed project will have no effect on SB 50/Proposition 1A funding provisions.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

13. INCREASED DEMAND FOR POLICE SERVICES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on police policies.

(2) The proposed project will not result in the need for more police personnel and facilities.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

14. INCREASED DEMAND FOR FIRE SERVICES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on fire service policies.

(2) The proposed project will not result in the need for more fire service facilities.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

15. GENERATION OF SOLID WASTE	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on solid waste policies.

(2) The proposed project will have no effect on landfills or solid waste-reduction facilities above what is assumed in the adopted Master EIR.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

16. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☒

16. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	☒
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	☒
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on hazardous materials policies

(2) The proposed project will not involve hazardous materials.

(3) The proposed project will not result in emitting hazardous emissions or handling hazardous materials.

(4) The proposed project will not be located on a hazardous materials site.

(5-6) The project site is not within two miles of any airport.

(7) The proposed project will not interfere with an emergency response plan or evacuation plan.

(8) The proposed project will not expose people to wildland fires. The project site and surround area is already developed with urban uses.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

17. GEOLOGY, SOILS, AND MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on geology, soils, and mineral resources policies.

(2) The proposed project will not result in exposing people or structure to seismic activities, location on expansive soils, or loss of mineral resources above what is assumed in the adopted Master EIR.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

18. ENERGY	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on energy policies.

(2) The proposed project will not result in wasteful energy consumption during future construction activities above what is assumed in the adopted Master EIR.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

19. VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒

19. VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	☒
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the Urban Area General Plan visual resource policies.

(2) The proposed project will not have an adverse effect on a scenic vista.

(3) The proposed project will not damage scenic resources.

(4) The proposed project will not degrade the visual character of its surroundings above what is assumed in the adopted Master EIR.

(5) The proposed project will not create light or glare that would affect views.

(6) The proposed project will have no effect on views from riverside areas and parks.

(7) The proposed project will have no effect on views of riverside areas from public roadways and nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

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

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

20. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will be consistent with land use and planning policies.

(2) The proposed project will not result in the physical division of an established community.

(3) The proposed project will have no effect on a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact.

(4) The proposed project will have no effect on applicable habitat conservation plan or natural community conservation plan.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-102. Reduce PM10 emissions from City–maintained roads to the maximum extent feasible. (Policy VII.H.2.ll)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-106. Wet all exterior surfaces of buildings that are more than six stories tall during demolition. (Policy VII.H.2.pp)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Generation of Noise and Vibration:

Noise-4 Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (UAGP Policy VII-G.3.b)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

AH-14: For any project that involves earth-disturbing activities within the archaeological resource study area (defined as the Riparian and Vernal Pool Locations shown on MEIR Figure V-7-1), or on a site determined to be archaeologically or culturally sensitive by City staff through consultation with Native American tribes or bands and a qualified archaeologist, require the project applicant to implement the following mitigation measures, at a minimum:

(1) Where excavation or construction would occur outside of areas where development has occurred, or where excavation / construction would occur at depths greater than existing foundations, roads, and/or trenches in the immediate vicinity, evaluate the site via a qualified archaeologist retained by the project applicant. Said evaluation would include at minimum a records search, a Phase I pedestrian survey, and preparation of an archaeological report containing the results of this cultural resources inventory identification effort for submittal to the Central California Information Center. If a Phase II archaeological evaluation is recommended, complete a report of the survey and any excavations with recommendations prior to project approval;

(2) In the event of the discovery of a burial, human bone, or suspected human bone, immediately halt all excavation or grading in the vicinity of the find and protect the area of the find. The project applicant shall immediately notify the Modesto Police Department and County Coroner of the find and comply with the provisions of California Health and Safety Code Section 7050.5, including California Public Resources Code Section 5097.98, if applicable. If human remains are identified, also retain a Native American monitor at the applicant's expense;

(3) A qualified archaeological monitor will be present and will have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property; and,

(4) Relinquish ownership of all Native American human remains and/or artifacts that are found within the project area, to the appropriate Native American Most Likely Descendent (MLD), as assigned by the Native American Heritage Commission, for proper treatment and disposition. The MLD will decide whether or not standard archaeological analysis will be allowed on human remains and associated artifacts from burials.

(5) If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find, and the City's Planning Manager shall be notified. A qualified paleontologist shall evaluate the resource to determine if it is significant. If the resource is significant, prepare a proposed mitigation plan in accordance with Society of Vertebrate Paleontology

guidelines. The proposed mitigation plan may include a field survey of additional construction areas, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. (UAGP Policy VII.F.2[k])

AH-15: Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

(1) Planning construction to avoid archaeological sites;

(2) Incorporating sites within parks, green space, or other open space;

(3) Covering the sites with a layer of chemically stable soil; and/or,

(4) Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (UAGP Policy VII.F.2[l])

AH-16: Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (UAGP Policy VII.F.2[m])

AH-17: If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (UAGP Policy VII.F.2[n])

AH-18: All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (UAGP Policy VII.F.2[o])

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

N/A

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-155

RESOLUTION APPROVING THE APPLICATION OF HEAVENLY TRANSPORT, LLC, AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Heavenly Transport LLC has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, Heavenly Transport LLC has paid the required $1,000 filing fee and has provided all necessary information as outline in Modesto Municipal Code Section 3-9.03-9.04; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Heavenly Transport LLC per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for Heavenly Transport LLC to function as a non-emergency medical transport service provider within the City of Modesto, and;

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on April 4, 2023 at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Heavenly Transport LLC for a non-emergency medical transport service within the City of Modesto, and;

WHEREAS, Modesto City Council finds that Heavenly Transport LLC will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Heavenly Transport LLC and issues Heavenly Transport LLC a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-156

RESOLUTION ACCEPTING THE RESIGNATION OF HANK POLLARD FROM THE CITY OF MODESTO PLANNING COMMISSION

WHEREAS, the Planning Commission is responsible for making decisions and recommendations regarding the development of the community, has final authority regarding subdivision maps and parcel maps, certain zoning matters and development plans, and occasionally matters appealed either from the staff level or Board of Zoning Adjustment, and makes recommendations to the City Council regarding annexations, rezonings, code amendments and most General Plan-related matters, and

WHEREAS, the Planning Commission consists of seven (7) members appointed by the City Council for a 4-year term, as authorized by Section 1102 of the Charter of the City of Modesto, and

WHEREAS, Hank Pollard was appointed to serve as a member of the Planning Commission on November 1, 2016, then was reappointed in 2020 and voted on multiple code amendments and served as Citizens Housing and Community Development Committee Representative, and

WHEREAS, Hank Pollard has tendered his resignation from the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto City Council hereby accepts the resignation of Hank Pollard from the Planning Commission be.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-157

RESOLUTION ACCEPTING THE RESIGNATION OF TIM FISHER FROM THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS

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

WHEREAS, by Resolution No. 2019-201, Council's authority to appoint members to the Modesto Convention and Visitors Bureau Board of Directors was affirmed, and

WHERAS, on December 7, 2021, by Resolution No. 2021-456, Council appointed Tim Fisher to the Modesto Convention and Visitors Bureau Board of Directors, and

WHEREAS, on February 4, 2023, Tim Fisher submitted his letter of resignation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Tim Fisher from the Modesto Convention and Visitors Bureau Board of Directors.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-158

RESOLUTION APPOINTING CHAD HILLIGUS AND AMBER LINGLEY TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS FOR A TWO-YEAR TERM RETROACTIVE TO JANUARY 1, 2023 THROUGH DECEMBER 31, 2024

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

WHEREAS, by Resolution No. 2019-201, Council's authority to appoint members to the Modesto Convention and Visitors Bureau Board of Directors was affirmed, and

WHEREAS, on February 23, 2021, the Appointments Committee unanimously recommended the appointment of Chad Hilligus and Amber Lingley be forwarded to Council for approval, and

WHEREAS, the appointment will be for two years retroactive to January 1, 2023 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Chad Hilligus and Amber Lingley to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2023 through December 31, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-159

RESOLUTION REAPPOINTING BERT TABRIZI AND RODNEY CORDOVA TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS FOR A TWO-YEAR TERM RETROACTIVE TO JANUARY 1, 2023 THROUGH DECEMBER 31, 2024

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

WHEREAS, by Resolution No. 2019-201, Council's authority to appoint members to the Modesto Convention and Visitors Bureau Board of Directors was affirmed, and

WHEREAS, on January 12, 2021, by Resolution No. 2021-003, Council approved the reappointments of Bert Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors, and

WHEREAS, on February 23, 2023, the Appointments Committee unanimously recommended the reappointment of Bert Tabrizi and Rodney Cordova be forwarded to Council for approval, and

WHEREAS, the reappointments will be for two years retroactive to January 1, 2023 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Bert Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2023 through December 31, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-160

RESOLUTION ACCEPTING THE INFORMATIONAL FISCAL YEAR 2022-23 GENERAL FUND MID-YEAR UPDATE REPORT AND APPROVING THE RECOMMENDED BUDGET ADJUSTMENTS TO THE MAJOR GENERAL FUND REVENUES AND EXPENDITURES IN THE FISCAL YEAR 2022-23 ANNUAL OPERATING BUDGET

WHEREAS, periodically the Budget Division presents updates to the Finance Committee and Council on the status of the General Fund, included adjustments to the Annual Operating, Capital Improvement, and Multi-year Project budgets, and

WHEREAS, the Fiscal Year 2022-23 General Fund Mid-Year Update Report focuses on the performances of the City's General Fund major revenue sources, as well as the various expenditures across the operating departments, and

WHEREAS, revenue data gathered through February 28, 2023 shows that the City has receipted 58% of the budgeted revenues and overall expenditures have only expended 64% of their total budgets in the General Fund, and

WHEREAS, staff has made multiple recommendations for revenue increases due to the strength of incoming receipts for revenues such as Sales Tax, Property Tax, Business License/Mill Tax, and Transient Occupancy Tax as shown in the chart below:

Account - Description	Current Budget	Increase/ (Decrease)	Revised Amount	Category
41101 - Property Taxes - CY Secured Taxes	$ 18,638,758	$ 385,000	$ 19,023,758	Property Tax - Property
42157 - Intergov - State - VLF Swap Adjustment	$ 20,149,001	$ 650,000	$ 20,799,001	Property Tax - VLF Swap
41201 - Sales and Use Taxes	$ 39,270,902	$ 1,890,000	$ 41,160,902	Sales Tax
41406 - Business License - Cannabis Tax	$ 5,000,000	$ (1,250,000)	$ 3,750,000	Cannabis Tax
41204 - Transient Occupancy Tax	$ 3,338,441	$ 240,000	$ 3,578,441	Transient Occupancy Tax
41402 - Business License Tax - Mill Tax	$ 12,599,354	$ 1,400,000	$ 13,999,354	Business License/Mill Tax
Grand Totals	**$ 98,996,456**	**$ 3,315,000**	**$ 102,311,456**	

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the informational Fiscal Year 2022-23 General Fund Mid-Year

Update Report and approves the recommended budget adjustments to the major General Fund revenues and expenditures, as noted above and in the report, in the Fiscal Year 2022-23 Annual Operating Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-161

RESOLUTION ACCEPTING FISCAL YEAR 2023-24 ENGINEER'S ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 – 6; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 – 6 AND SETTING A PUBLIC HEARING ON JUNE 27, 2023 TO CONSIDER THE FISCAL YEAR 2023-24 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

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 Maintenance 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 Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Landscape Maintenance Assessment District No. 1, to prepare and file an annual report; and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk; and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California 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 hereby accepts the Fiscal Year 2023-24 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, which is **attached** hereto and hereinafter incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2023-24. The amount of the proposed assessment for 2023-24 is the same as the assessment for fiscal year 2022-23.
2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1 and that the existing improvements to be made in said assessment district are generally described as follows: The City shall provide maintenance 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 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 27th day of June, 2023, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1
♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2023 - JUNE 30, 2024

REGISTERED PROFESSIONAL ENGINEER
TOBY E. WELLS
NO. C57728
CIVIL
STATE OF CALIFORNIA

Prepared By:
Peter Ibrahim,
Infrastructure Financing Program Supervisor

Certified By:
Toby Wells, P.E.
City Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

SECTION	TITLE
I.	History
II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Expense Projections
IV.	Maintenance & Plan Specifications
V.	Annual Assessment District Diagram
VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer 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. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of $26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2022-2023 is $19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
   There are 749 single-family residential parcels located within LMAD No. 1.

2. Multi-Family Residential Parcels:
   There are no multi-family residential parcels located within LMAD No. 1.

3. Commercial/Industrial Parcels:
   There are no commercial or industrial parcels located within LMAD No. 1.

4. Public Agency Parcels:
   There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2023-2024 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of $26.00 per parcel. Each parcel receives equal benefits from the District. The Stanislaus County Auditor-Controller's Office, Property Taxes and Assessments Division, collects a $0.20 fee per assessment and per parcel. This fee is built into the annual assessment being levied for LMAD No. 1. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2023-2024 annual assessment is the same as the annual assessment for Fiscal Year 2022-2023 of $26.00 per single-family residential parcel.

SECTION III FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2022-23[1]		Proposed FY 2023-24[2]	
Beginning Fund Balance		**$ 8,018**		**$ 8,159**	
Revenue (Cost Center 80010)					
Special Assessments		$ 10,519	[3]	$ 19,324	[4]
Interest		$ 8			
Change in FMV		$ (149)			
Estimated - Special Assessments		*$ 8,955*	[5]		
Total Revenue		**$ 19,333**		**$ 19,324**	
Expenses (Cost Center 80010)	**Account**				
Operating Budget					
Postage Expenses	52025	$ -		$ -	
Water Utility Expenses	53043	$ (3,277)		$ (4,500)	
Repair and Maintenance Services - Landscape	53165	$ (5,410)		$ (11,000)	
Professional Services	53300	$ -		$ (1,000)	
Legal Services	53450	$ -		$ (500)	
Services City Forces - Interfund	54500	$ (2,685)		$ (4,629)	
Estimated - Water Utility Expenses	*53043*	*$ (1,223)*			
Estimated - Repair and Maintenance Services	*53165*	*$ (3,992)*			
Estimated - Professional Services	*53300*	*$ (1,000)*			
Estimated - Legal Services	*53450*	*$ (500)*			
Estimated - Services City Forces	*54500*	*$ (1,105)*			
Total Expenses		**$ (19,192)**		**$ (21,629)**	
Ending Fund Balance		**$ 8,159**		**$ 5,855**	

[1] The final amount shows what has been expended as of 02.28.23 in FY23. There will be more expenses through the end of the fiscal year (June); these are shown as Estimated.

[2] The estimated expenditures for FY 2023-24 are based on the revenue that is currently able to be generated within LMAD No. 1.

[3] Actual revenue received for FY 2022-23 tax levy.

[4] Proposed revenue

[5] Estimated revenues for second installment of FY 2022-23 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 342-2270.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM

Assessment District Diagram

Landscape Maintenance Assessment District No. 1
(Dry Creek Meadows Subdivisions No. 1 - 6)

250 125 0 250
Feet

Date: 1/9/2023

Document Path: K:\Projects\Maintenance\Mxd\landscape-d1-20230109.mxd

MODESTO CALIFORNIA

SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-002-001-000	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-002-000	SOUMPHONPHAKDY YOUTHANA & KACHELLE MARIE	732 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-003-000	SORDO BRYON S ET AL	728 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-004-000	PRASAD AJAY B & SAILESHNI D TRS	724 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-005-000	LOPEZ JOSE M	720 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-006-000	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-007-000	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-008-000	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-009-000	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-010-000	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-011-000	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-012-000	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357-1557	$26.00
079-002-013-000	BAUTISTA JOSE ALDANA & AVALOS MA DE LOS ANGEL FIER	709 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-014-000	BATTAGLIA COREY J	713 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-015-000	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-016-000	NGUYEN THANG ET AL	721 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-017-000	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-018-000	WRIGHT JASON ET AL	729 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-019-000	VAZQUEZ MIRIAM S	733 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-020-000	CASEY MARY JOHN	737 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-021-000	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-022-000	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-023-000	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-024-000	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-025-000	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-028-000	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-029-000	HASKEL ANDREW ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-030-000	EMERY EVERETTE & SHONDA TRS	3528 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-031-000	VILLALPANDO HERIBERTO & ROSA E	3524 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-032-000	NGUYEN HUY ET AL	3520 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-033-000	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-034-000	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-035-000	ALCAZAR ELISA C ET AL	3513 BERESFORD DR	Modesto CA 95357-5841	$26.00
079-002-036-000	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	$26.00
079-002-037-000	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	$26.00
079-002-038-000	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	$26.00
079-002-039-000	BECERRA JUAN CARLOS RIVERA	3529 BERESFORD DR	Modesto CA 95357	$26.00
079-002-040-000	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	$26.00
079-002-041-000	ALLEN FLETCHER	717 PARKSTON CT	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-002-042-000	SOTO HECTOR M & PENA MARIA C	721 PARKSTON CT	Modesto CA 95357	$26.00
079-002-043-000	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	$26.00
079-002-044-000	WRIGHT JASON ODELL SR & SARA	729 PARKSTON CT	Modesto CA 95357	$26.00
079-002-048-000	SINGH JOTIKA ET AL	745 PARKSTON CT	Modesto CA 95357	$26.00
079-002-049-000	TOWNSELL DARNELL JR ET AL	749 PARKSTON CT	Modesto CA 95357	$26.00
079-002-050-000	ARMENTA ANTONIA GUILLERMINA HERNANDEZ ET AL	753 PARKSTON CT	Modesto CA 95357	$26.00
079-002-051-000	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	$26.00
079-002-052-000	CASTILLO RANDY	748 PARKSTON CT	Modesto CA 95357	$26.00
079-002-053-000	LANZA PHILIP R	744 PARKSTON CT	Modesto CA 95357	$26.00
079-002-054-000	FABER BRUCE ET AL	740 PARKSTON CT	Modesto CA 95357	$26.00
079-002-055-000	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357-1550	$26.00
079-002-056-000	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	$26.00
079-002-057-000	MATUS NICHOLAS A GUEVARA & GUEVARA MARIA C	728 PARKSTON CT	Modesto CA 95357	$26.00
079-002-058-000	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	$26.00
079-002-059-000	ELLYSON JEFFREY	720 PARKSTON CT	Modesto CA 95357-1550	$26.00
079-002-060-000	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	$26.00
079-002-061-000	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	$26.00
079-002-062-000	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	Modesto CA 95354	$26.00
079-002-063-000	KAUR HARVINDER & SINGH SARBJIT	721 MILBANK DR	Modesto CA 95357	$26.00
079-002-064-000	PRASAD RAMA ET AL TRS	725 MILBANK DR	Modesto CA 95357	$26.00
079-002-065-000	WINGO NAIDA J	729 MILBANK DR	Modesto CA 95357	$26.00
079-002-066-000	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357-1549	$26.00
079-002-067-000	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357-1549	$26.00
079-002-068-000	PETERSON JEAN	741 MILBANK DR	Modesto CA 95357	$26.00
079-002-069-000	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	$26.00
079-002-070-000	RAMIREZ-RIVERA JULIO C & CRUZ-FUENTES ALMA NIDIA	817 SALINA DR	Modesto CA 95357	$26.00
079-002-071-000	COHETERO VICTOR & HEIDE	821 SALINA DR	Modesto CA 95357	$26.00
079-002-072-000	PENA MIGUEL G	825 SALINA DR	Modesto CA 95357	$26.00
079-002-073-000	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	$26.00
079-002-074-000	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	$26.00
079-002-076-000	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-078-000	SINGH MOHINDER	733 PARKSTON CT	Modesto CA 95357	$26.00
079-002-079-000	SINGH DALVIR	737 PARKSTON CT	Modesto CA 95357	$26.00
079-002-080-000	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357-1510	$26.00
079-002-082-000	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	$26.00
079-003-001-000	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-002-000	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-003-000	BROWN CHRISTOPHER C & KAREN R	3633 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-004-000	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-005-000	TORRES MOSES & ESTRADA NANCY	3625 DRY CREEK DR	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-003-006-000	MAGCALAS JOEL & VIRGINIA	3621 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-007-000	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-008-000	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-009-000	PRASAD SUJENDRA & DEVI SANGITA	3605 DRY CREEK DR	Modesto CA 95357-1527	$26.00
079-003-010-000	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-011-000	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-012-000	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-013-000	SILLAS DAVID ASPERICUETA & ASPERICUETA LEANNE MARI	3529 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-014-000	REYES FERNANDO ET AL	3525 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-015-000	CHUON LEE & SIN CHANTEVY	3521 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-016-000	DIXON THOMAS L	3517 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-017-000	WISNER JAMES E & ELINA S	3512 BERESFORD DR	Modesto CA 95354	$26.00
079-003-018-000	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	$26.00
079-003-019-000	ALSUMERI FAHMI	3520 BERESFORD DR	Modesto CA 95357-1511	$26.00
079-003-020-000	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357-1511	$26.00
079-003-021-000	DHALIWAL JOGINDER SINGH & KULWANT KAUR	3528 BERESFORD DR	Modesto CA 95357	$26.00
079-003-022-000	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	$26.00
079-003-023-000	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	$26.00
079-003-024-000	GARCIA JOSE VASQUEZ & MOSQUEDA LAURA CALDERON	3540 BERESFORD DR	Modesto CA 95357-1511	$26.00
079-003-025-000	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	$26.00
079-003-026-000	ARELLANO ERIK ALBERTO	3604 BERESFORD DR	Modesto CA 95357	$26.00
079-003-027-000	VAZQUEZ ALICIA	3608 BERESFORD DR	Modesto CA 95357	$26.00
079-003-028-000	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	$26.00
079-003-029-000	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357-4052	$26.00
079-003-030-000	BURKE GARY F II & JEAN-BURKE BECKY TRS	3624 BERESFORD DR	Modesto CA 95357	$26.00
079-003-031-000	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	$26.00
079-003-032-000	MARTINEZ CRISTIAN O	3632 BERESFORD DR	Modesto CA 95357-1515	$26.00
079-003-033-000	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	$26.00
079-003-034-000	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	$26.00
079-003-035-000	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	$26.00
079-003-036-000	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	$26.00
079-003-037-000	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	$26.00
079-003-038-000	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	$26.00
079-003-039-000	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357-1565	$26.00
079-003-041-000	GONZALES JUAN G JR & GLORIA M	729 SPINDALE DR	Modesto CA 95357	$26.00
079-003-042-000	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	$26.00
079-003-043-000	SAMMULI ROBERT A & JAMIE L	721 SPINDALE DR	Modesto CA 95357-1566	$26.00
079-003-044-000	GARCIA ERIKA YAZMIN	717 SPINDALE DR	Modesto CA 95357	$26.00
079-003-045-000	REYES ROGELIO GONZALEZ	713 SPINDALE DR	Modesto CA 95357	$26.00
079-003-046-000	BOWMAN ANDREW	709 SPINDALE DR	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-003-047-000	SINGH RAWNIK & LAL RANJITA	3617 BERESFORD DR	Modesto CA 95357	$26.00
079-003-048-000	COULIBALY LLC	720 MILBANK DR	Modesto CA 95357	$26.00
079-003-049-000	MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	$26.00
079-003-050-000	SWITZER LYNDELL TR	728 MILBANK DR	Modesto CA 95357	$26.00
079-003-051-000	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	$26.00
079-003-052-000	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357-1548	$26.00
079-003-053-000	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	$26.00
079-003-054-000	SPIEKER JANE R & DAVID M	744 MILBANK DR	Modesto CA 95357	$26.00
079-003-055-000	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	$26.00
079-003-056-000	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	$26.00
079-004-001-000	BASSARD MICHAEL ET AL	3709 WICHITA WAY	Modesto CA 95357	$26.00
079-004-002-000	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	$26.00
079-004-003-000	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	$26.00
079-004-004-000	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	$26.00
079-004-005-000	PAPPAS MICHAEL & NANCY CARDENAS	3725 WICHITA WAY	Modesto CA 95357-1570	$26.00
079-004-006-000	MANLULU NOEL M & MARIVIC F TRS	3729 WICHITA WAY	Modesto CA 95357	$26.00
079-004-007-000	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	$26.00
079-004-008-000	VALDES RENE D ET AL	3801 WICHITA WAY	Modesto CA 95357-1572	$26.00
079-004-009-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3805 WICHITA WAY	Modesto CA 95357	$26.00
079-004-010-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3809 WICHITA WAY	Modesto CA 95357	$26.00
079-004-011-000	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	$26.00
079-004-012-000	HECKLER LAWRENCE S TR	3817 WICHITA WAY	Modesto CA 95357	$26.00
079-004-013-000	WU HONG LIANG	3821 WICHITA WAY	Modesto CA 95357	$26.00
079-004-014-000	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	$26.00
079-004-015-000	HAWIL MARCUS	3829 WICHITA WAY	Modesto CA 95354	$26.00
079-004-016-000	SANTIAGO JOSE NAPOLES & SONIA TRS	3901 WICHITA WAY	Modesto CA 95354-1576	$26.00
079-004-017-000	FUENTES MANUEL	3905 WICHITA WAY	Modesto CA 95357	$26.00
079-004-018-000	GONZALEZ CARRAZCO LUIS A & BUENDIA ANA L	3909 WICHITA WAY	Modesto CA 95357	$26.00
079-004-019-000	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	Modesto CA 95354	$26.00
079-004-020-000	BOWMAN TERRI	3917 WICHITA WAY	Modesto CA 95357	$26.00
079-004-021-000	MENDOZA JESUS ET AL	3921 WICHITA WAY	Modesto CA 95355	$26.00
079-004-022-000	TEJEDA SERGIO L & VALDEZ JUANA ROCIO QUINTANILLA	3925 WICHITA WAY	Modesto CA 95357	$26.00
079-004-023-000	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	$26.00
079-004-024-000	MARTINEZ ARTHUR J & ELISA R TRS	3933 WICHITA WAY	Modesto CA 95357	$26.00
079-004-025-000	GARDNER GEORGE H & DAWN MARIE TRS	844 LARNED LN	Modesto CA 95357	$26.00
079-004-026-000	SAMUEL BENJAMIN SADA & JANET A TRS	840 LARNED LN	Modesto CA 95357	$26.00
079-004-027-000	BARTON KEVIN A	836 LARNED LN	Modesto CA 95357	$26.00
079-004-028-000	SEN INDAR & SEN SURUJ M	832 LARNED LN	Modesto CA 95357	$26.00
079-004-029-000	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	$26.00
079-004-030-000	MENDOZA GEORGINA	3925 SHARPSBURG DR	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-004-031-000	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-032-000	BALANJI HELEN FARHAD ZADEH	3917 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-033-000	CARO MARIA LUISA FABIOLA ET AL	3913 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-034-000	SAN PEDRO SHIRLEY Q & GEORGE	3909 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-035-000	AGUIRRE GUADALUPE & RAMIREZ MIGUEL OROZCO	3905 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-036-000	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-037-000	RAYA ARMANDO & ESPARZA JOAN	3821 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-038-000	VAN DE GROENEKAN RUTH ET AL	3817 SHARPSBURG DR	Modesto CA 95357-1562	$26.00
079-004-039-000	MUNOZFERRER ISMAEL & GLORIA LETICIA	3813 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-040-000	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-041-000	VASQUEZ CODY R & BYIANCA	3805 SHARPSBURG DR	Modesto CA 95351	$26.00
079-004-042-000	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-043-000	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357-1560	$26.00
079-004-044-000	PRATT CRYSTAL MARIE	3717 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-045-000	HARO SAYRA YOSELYNE GUTIERREZ ET AL	3713 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-046-000	OROZCO RUDY JOSEPH	3709 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-047-000	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	$26.00
079-004-048-000	LI FELIX JING HUI & PANG HELEN YIM PING	3701 SHARPSBURG DR	Modesto CA 09535	$26.00
079-004-049-000	EYRING MARION L TR	3712 WICHITA WAY	Modesto CA 95357	$26.00
079-004-050-000	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	$26.00
079-004-051-000	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	$26.00
079-004-052-000	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	$26.00
079-004-053-000	MORENO ROSA MARIA	3728 WICHITA WAY	Modesto CA 95354	$26.00
079-004-054-000	GALVAN OLALDE DANIEL GIBRAN & DIAZ GALVAN LAURA EL	3732 WICHITA WAY	Modesto CA 95357	$26.00
079-004-055-000	CASTILLO RAFAEL ET AL	3800 WICHITA WAY	Modesto CA 95357-1571	$26.00
079-004-056-000	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357-1571	$26.00
079-004-057-000	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	Modesto CA 95357	$26.00
079-004-058-000	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	$26.00
079-004-059-000	LEPE ROBERTO ET AL	3816 WICHITA WAY	Modesto CA 95357	$26.00
079-004-060-000	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	$26.00
079-004-061-000	MAPANDA BEATRICE & FELIX	3824 WICHITA WAY	Modesto CA 95357	$26.00
079-004-062-000	BADILLO ALAN & ADELITA M	3828 WICHITA WAY	Modesto CA 95357	$26.00
079-004-063-000	CERVANTES EMIGDIO S ET AL	3900 WICHITA WAY	Modesto CA 95357	$26.00
079-004-064-000	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	$26.00
079-004-065-000	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357-1575	$26.00
079-004-066-000	ISRAEL SHERLY ESGUERRA & ISRAEL SAMMY S	3912 WICHITA WAY	Modesto CA 95357	$26.00
079-004-067-000	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	$26.00
079-004-068-000	OVIEDO IRMA L ET AL	3920 WICHITA WAY	Modesto CA 95357	$26.00
079-004-069-000	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	$26.00
079-005-001-000	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-005-002-000	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	$26.00
079-005-003-000	STAATS BAMBI MICHELLE ET AL	800 SALINA DR	Modesto CA 95357	$26.00
079-005-004-000	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354-1558	$26.00
079-005-005-000	URENA FIDEL & ELIA K	813 PARSONS CT	Modesto CA 95354	$26.00
079-005-006-000	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357-1552	$26.00
079-005-007-000	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	$26.00
079-005-008-000	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357-1552	$26.00
079-005-009-000	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	$26.00
079-005-010-000	GARCIA EDUARDO CAMPOS & ELIZABETH AGUARISTI TRS	808 PARSONS CT	Modesto CA 95351	$26.00
079-005-011-000	HINOJOS BRANDON & KRYSTAL R	812 PARSONS CT	Modesto CA 95357	$26.00
079-005-012-000	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-013-000	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-014-000	FAGUNDES ANTONIO L & HAIR JACQUELINE K TRS	809 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-015-000	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-016-000	ERWIN TERESA M	801 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-017-000	OWENS LARRY G & MARY Z TRS	800 LEAVENWORTH WAY	Modesto CA 95351	$26.00
079-005-018-000	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357-1539	$26.00
079-005-019-000	BISHOFF PHYLLIS J TR	808 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-020-000	GASPARYAN ARMEN ET AL	812 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-021-000	MARCELINO DAVID C & REBECCA N	816 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-022-000	GONZALES LOUIS R SR HEIRS OF	3908 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-023-000	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357-1563	$26.00
079-005-024-000	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-025-000	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	$26.00
079-005-026-000	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	$26.00
079-005-027-000	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	$26.00
079-005-028-000	HANKS HEATH & SUZANA	805 LARNED LN	Modesto CA 95357	$26.00
079-005-029-000	LIGHT MARK T & WRIGHT LUCILA	3909 GOODLAND CT	Modesto CA 95357-1530	$26.00
079-005-030-000	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357-1530	$26.00
079-005-031-000	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	$26.00
079-005-032-000	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	$26.00
079-005-033-000	GAMBOA BENITO & ANGELICA	3908 GOODLAND CT	Modesto CA 95357	$26.00
079-005-034-000	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	$26.00
079-005-035-000	YOUNGER ROGER COLEMAN & LAURA JEAN TRS	3916 GOODLAND CT	Modesto CA 95357	$26.00
079-005-036-000	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	$26.00
079-005-037-000	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	$26.00
079-005-038-000	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	$26.00
079-005-039-000	NUNEZ OMAR AYON	808 LARNED LN	Modesto CA 95357	$26.00
079-005-040-000	AZUETA ORLANDO & ALVAREZ LAURA CISNEROS	812 LARNED LN	Modesto CA 95357	$26.00
079-005-041-000	CAMARENA JESUS D ET AL	816 LARNED LN	Modesto CA 95357-1537	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-005-042-000	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	$26.00
079-005-043-000	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	$26.00
079-006-001-000	SARETH JESSIE ET AL	737 WADDELL WAY	Modesto CA 95357	$26.00
079-006-002-000	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	$26.00
079-006-003-000	TORRES ANTHONY RENE JR ET AL	745 WADDELL WAY	Modesto CA 95357	$26.00
079-006-004-000	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	$26.00
079-006-005-000	FLORES J JESUS	753 WADDELL WAY	Modesto CA 95357	$26.00
079-006-006-000	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	$26.00
079-006-007-000	MICHAEL RAPHAEL	761 WADDELL WAY	Modesto CA 95357	$26.00
079-006-008-000	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	$26.00
079-006-010-000	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-011-000	FELICIANO LIORITA A & RUSEL C	748 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-012-000	WEBB LAQUITA	744 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-013-000	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-014-000	MC CRARY MARY JANE	736 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-015-000	CHAVEZ ALEJANDRO PACHECO	732 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-016-000	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-017-000	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-018-000	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-019-000	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-020-000	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-021-000	PERROTTI PATRICK ET AL TRS	708 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-022-000	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	$26.00
079-006-023-000	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-024-000	PEREZ JUAN & SILVIA P TRS	640 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-025-000	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357-1519	$26.00
079-006-026-000	BANUELOS MARTHA E TR	705 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-027-000	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-028-000	BENDERAS DAMARA	713 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-029-000	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-030-000	GOMEZ FRANCISCO J ET AL	721 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-031-000	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-032-000	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-033-000	CARROLL EDWIN JOSEPH II & LEPE-CARROLL CONNIE LEA	733 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-034-000	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-035-000	MOLINA GIOVANI & ORTEGA MARIA ESTHER TALAVERA	741 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-036-000	PADEN JONATHAN A	745 CODINGTON WAY	Modesto CA 95354	$26.00
079-006-037-000	SILLEMON ANTHONY	749 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-038-000	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	$26.00
079-006-039-000	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-006-040-000	PATRICK ANTONIO	736 CARRBORO LN	Modesto CA 95357	$26.00
079-006-041-000	PALOMERA HECTOR MANUEL	732 CARRBORO LN	Modesto CA 95357	$26.00
079-006-042-000	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357-1408	$26.00
079-006-043-000	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	$26.00
079-006-044-000	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	$26.00
079-006-045-000	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	$26.00
079-006-046-000	AGUILAR EDUARDO D CORTEZ	712 CARRBORO LN	Modesto CA 95357	$26.00
079-006-047-000	LI ZHIHE & HUANG LIFEI	708 CARRBORO LN	Modesto CA 95357	$26.00
079-006-048-000	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	$26.00
079-006-049-000	CONN HILARY A & GARY	700 CARRBORO LN	Modesto CA 95357	$26.00
079-007-001-000	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	$26.00
079-007-002-000	JORGENSEN FRANK E & MIRIAM M TRS	725 WADDELL WAY	Modesto CA 95357	$26.00
079-007-003-000	MALDONADO CARLOS ET AL	721 WADDELL WAY	Modesto CA 95357	$26.00
079-007-004-000	PENALOSA FABIAN HERNANDEZ	717 WADDELL WAY	Modesto CA 95357	$26.00
079-007-005-000	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	$26.00
079-007-006-000	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	$26.00
079-007-007-000	SHANDIL SHALESH & IRENE R	705 WADDELL WAY	Modesto CA 95357	$26.00
079-007-008-000	MCCLURE JODI PENIRIAN	701 WADDELL WAY	Modesto CA 95357	$26.00
079-007-009-000	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	$26.00
079-007-010-000	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	$26.00
079-007-011-000	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	$26.00
079-007-012-000	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	$26.00
079-007-013-000	BAINS KABAL S & JASBIR K TRS	653 WADDELL WAY	Modesto CA 95357	$26.00
079-007-014-000	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	$26.00
079-007-015-000	MARSELLA BARBARA A	645 WADDELL WAY	Modesto CA 95357	$26.00
079-007-016-000	JIMENEZ JOSE GUIZAR	641 WADDELL WAY	Modesto CA 95357	$26.00
079-007-017-000	RUIZ IGNACIO VASQUEZ ET AL	648 WADDELL WAY	Modesto CA 95357	$26.00
079-007-018-000	TIFFER DORIE C	652 WADDELL WAY	Modesto CA 95357	$26.00
079-007-019-000	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	$26.00
079-007-020-000	AMBRIZ MARIO G	721 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-021-000	WEST AARON CHRISTOPHER & JENNIFER JEAN TRS	717 RIEDSVILLE CT	Modesto CA 95354	$26.00
079-007-022-000	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-023-000	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-024-000	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-025-000	RIVERA RAMON ET AL	712 WADDELL WAY	Modesto CA 95357	$26.00
079-007-026-000	PALMERIN ERNESTO & MARIA	716 WADDELL WAY	Modesto CA 95357-1487	$26.00
079-007-027-000	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	$26.00
079-007-028-000	PEREZ JUAN & SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	$26.00
079-007-029-000	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	$26.00
079-007-030-000	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-007-031-000	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	Modesto CA 95357	$26.00
079-007-032-000	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	$26.00
079-007-033-000	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357-1409	$26.00
079-007-034-000	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	$26.00
079-007-035-000	MECIA MIGUEL A & ASPEN	729 CARRBORO LN	Modesto CA 95357	$26.00
079-007-036-000	ZUNIGA ANDRES PEREZ & GARCIA LIZETH L	725 CARRBORO LN	Modesto CA 95357-1409	$26.00
079-007-037-000	CEJA BEATRICE	721 CARRBORO LN	Modesto CA 95357	$26.00
079-007-038-000	NAVARRO ENRIQUE & GONZALEZ ELBA CRISTINA	717 CARRBORO LN	Modesto CA 95357	$26.00
079-007-039-000	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	$26.00
079-007-040-000	VILLALOVOS ART ROBERT & YOLANDA	709 CARRBORO LN	Modesto CA 95357	$26.00
079-007-041-000	HARPER MICHAEL P & LILLIE M	700 CHADBURN CT	Modesto CA 95357	$26.00
079-007-042-000	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	$26.00
079-007-043-000	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	$26.00
079-007-044-000	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	$26.00
079-007-045-000	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	$26.00
079-007-046-000	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	$26.00
079-007-047-000	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	$26.00
079-007-048-000	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	$26.00
079-007-049-000	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	$26.00
079-007-050-000	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	$26.00
079-007-051-000	OROZCO VANESSA G ET AL	709 CHADBURN CT	Modesto CA 95357	$26.00
079-007-052-000	CHAPARRO PABLO	705 CHADBURN CT	Modesto CA 95355	$26.00
079-007-053-000	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-054-000	LUTZOW JOHN P	3721 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-055-000	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-056-000	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-057-000	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	Modesto CA 95354	$26.00
079-008-001-000	BUAYA DAVID TR	620 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-002-000	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-003-000	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	$26.00
079-008-004-000	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-005-000	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-006-000	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-007-000	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-008-000	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-009-000	MOUNDI HARINDER KAUR & GURDIAL SINGH	556 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-010-000	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-011-000	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-012-000	RODRIGUEZ JOHN MIGUEL & NORMA	544 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-013-000	HAFIZ ABDUL HABID ET AL	540 N MC CLURE RD	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-008-014-000	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-015-000	RODRIGUEZ ROBERTA L & GUILLEN OSCAR J	501 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-016-000	SABLOK SATISH KUMAR & RENUKA TRS	505 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-017-000	ORTIZ JAVIER	509 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-018-000	KINCHELOE KAREN TR	513 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-019-000	SHARMA UMA L	517 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-020-000	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-021-000	BATES SEAN & LAURA	525 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-022-000	ZERMENO RAUL R & MARIA LETICIA TRS	529 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-023-000	LAKHANPAL PARMINDER SINGH & KULDEEP	533 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-024-000	MONTGOMERY KENNITHA	601 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-025-000	JEET JERMY S & KUMARI RONITA	605 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-026-000	BROWER PROPERTIES 3 LLC	609 REDFIELD AVE	Modesto CA 95357-1555	$26.00
079-008-027-000	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-028-000	CV RESIDENTIAL LLC	617 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-029-000	CHRISTENSEN KYLER	3516 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-030-000	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-031-000	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	$26.00
079-008-032-000	HARDY RICK L & LYNN P	3528 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-033-000	VEGA DANIEL & MARILYN	3532 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-034-000	CARRILLO OLIVIA ET AL	3536 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-035-000	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-036-000	MENDOZA RAFAEL ROSALES & IRMA	3604 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-037-000	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-038-000	BROWN DALE LEE & VANESSA MARIE	3612 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-039-000	MONIZ HENRY III & KRISTY	3616 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-040-000	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357-1528	$26.00
079-008-041-000	SINGH SHALVIN V & SEN ADREEN JYOTISH	3624 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-042-000	MALLEY KATHERINE TR	3628 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-043-000	RODRIGUEZ-ZAVALETA ENRIQUE & FLORES-SANTOS NEREYDA	3632 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-044-000	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-045-000	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-046-000	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	$26.00
079-008-047-000	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357-1579	$26.00
079-008-048-000	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-049-000	CHIU JOSEPH CHI TSUN & LEE HELEN LAI TRS	3629 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-050-000	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-051-000	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-052-000	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-053-000	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-008-054-000	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-055-000	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-056-000	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-057-000	VELAZQUEZ MANUEL D JR & ELENA	3533 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-058-000	POSLANIEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-059-000	SINGH MOHINDER	3525 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-060-000	MEDINA ROBERTO LEON TRS & MARIA DE LOS ANGELES TR	3521 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-061-000	AVILA ELISEO G ET AL	3517 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-062-000	KAUR NAVDEEP & SINGH DALVIR	3513 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-003-000	MARTINEZ CRYSTAL TR	3629 ARDIA AVE	Modesto CA 95357	$26.00
079-009-004-000	POK NAVEEN & VEULVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	$26.00
079-009-005-000	SANCHEZ BRITTANY & FEDERICO	3621 ARDIA AVE	Modesto CA 95357	$26.00
079-009-006-000	DALMAN NINON M	3617 ARDIA AVE	Modesto CA 95357	$26.00
079-009-007-000	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	$26.00
079-009-008-000	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	Modesto CA 95357	$26.00
079-009-009-000	CICCONE LEANN TR	3605 ARDIA AVE	Modesto CA 95357	$26.00
079-009-010-000	CAMBA JOSEPH	3601 ARDIA AVE	Modesto CA 95357	$26.00
079-009-011-000	NAIRN DENNIS & REBECCA	3533 ARDIA AVE	Modesto CA 95357	$26.00
079-009-012-000	MONDRAGON LUIS JR	3529 ARDIA AVE	Modesto CA 95357	$26.00
079-009-013-000	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	$26.00
079-009-014-000	THANDI H S & S K	3521 ARDIA AVE	Modesto CA 95357	$26.00
079-009-015-000	RAMOS FERNANDO A & MONSELLE TESSA JANINE	3517 ARDIA AVE	Modesto CA 95357-1501	$26.00
079-009-016-000	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	$26.00
079-009-017-000	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	$26.00
079-009-018-000	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	$26.00
079-009-019-000	OGDEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	Modesto CA 95357-1504	$26.00
079-009-020-000	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	$26.00
079-009-021-000	TOBON LAURO I CORTES & CORTES MARY CARMEN	3528 BALFOUR LN	Modesto CA 95357	$26.00
079-009-022-000	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	$26.00
079-009-023-000	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	Modesto CA 95357	$26.00
079-009-024-000	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357-1508	$26.00
079-009-025-000	JOHNSON SOUNITA & MICHAEL	3612 BALFOUR LN	Modesto CA 95354	$26.00
079-009-026-000	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	$26.00
079-009-027-000	LEE DAVID S & HU YANTING	3620 BALFOUR LN	Modesto CA 95357	$26.00
079-009-028-000	GONZALEZ ALFONSO CHAVEZ & RAMPONI-CHAVEZ JUDY	3624 BALFOUR LN	Modesto CA 95357	$26.00
079-009-029-000	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	Modesto CA 95357	$26.00
079-009-030-000	KRUSE JAMES E & BULAWIT JENA M	3632 BALFOUR LN	Modesto CA 95357	$26.00
079-009-031-000	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	$26.00
079-009-032-000	CERVANTES JUAN MANUEL OCEGUERA & CASILLAS ROCIO ME	516 WILMONT LN	Modesto CA 95357	$26.00
079-009-033-000	ORPUT STACY	520 WILMONT LN	Modesto CA 95351	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-009-034-000	KHOKHAR MAHMOOD ET AL	524 WILMONT LN	Modesto CA 95355	$26.00
079-009-035-000	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	$26.00
079-009-036-000	MARTINEZ PEDRO & HERNANDEZ APRIL	3628 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-037-000	RAMIREZ JESUS ET AL	3624 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-038-000	CERDA CENDEJAS GONZALO ET AL	3620 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-039-000	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357-1534	$26.00
079-009-040-000	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-041-000	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-042-000	FERREZ LIDIA E ET AL	3604 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-043-000	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	$26.00
079-009-044-000	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-045-000	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-046-000	ROMERO-CORONEL VICTOR HUGO & ANAYA CRISTINA CONDE	3520 HIGHMORE LN	Modesto CA 95355	$26.00
079-009-047-000	MANI LOGESH & SADHANA	3516 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-048-000	KUMAR KAMIL ET AL	3512 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-049-000	ESQUIVEL DIANA ACEVES DE	3513 BALFOUR LN	Modesto CA 95357	$26.00
079-009-050-000	PRECIADO CINDY	3517 BALFOUR LN	Modesto CA 95357	$26.00
079-009-051-000	KUMAR AMAR	3521 BALFOUR LN	Modesto CA 95357	$26.00
079-009-052-000	PETERSON KAREN TR	3525 BALFOUR LN	Modesto CA 95357	$26.00
079-009-053-000	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	$26.00
079-009-054-000	OSHANA DOONA H	3533 BALFOUR LN	Modesto CA 95357	$26.00
079-009-055-000	VERSOLA KENNETH O ET AL TRS	3601 BALFOUR LN	Modesto CA 95357	$26.00
079-009-056-000	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	$26.00
079-009-057-000	VALADEZ JENISSA	3609 BALFOUR LN	Modesto CA 95357	$26.00
079-009-058-000	CABRAL FREDERICK M & GLORIA VASQUEZ	3613 BALFOUR LN	Modesto CA 95357	$26.00
079-009-059-000	WASPE LAWRENCE E MD	3617 BALFOUR LN	Modesto CA 95357	$26.00
079-009-060-000	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	$26.00
079-009-061-000	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	$26.00
079-009-062-000	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	$26.00
079-010-001-000	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	$26.00
079-010-002-000	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-003-000	WILLALPANDO KAREN	617 WADDELL WAY	Modesto CA 95357	$26.00
079-010-004-000	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	$26.00
079-010-005-000	JOHAL TAJINDER & KAUR GURPREET	625 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-006-000	BROWER PROPERTIES 2 LLC	629 WADDELL WAY	Modesto CA 95351	$26.00
079-010-007-000	SUKHRAM RAAKHEE FELICIA	633 WADDELL WAY	Modesto CA 95357	$26.00
079-010-008-000	OLVERA JOSE A & SILVIA E	637 WADDELL WAY	Modesto CA 95357	$26.00
079-010-009-000	PRASAD BINESARI & SATYA W	3700 CREEDMOOR AVE	Modesto CA 95357-1414	$26.00
079-010-010-000	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-011-000	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-010-012-000	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-013-000	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	Modesto CA 95357-1414	$26.00
079-010-014-000	STOCKAND MIMI MARY TR	3720 CREEDMOOR AVE	Modesto CA 95357-1414	$26.00
079-010-015-000	ANDRADE ALEX V ET AL	3724 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-016-000	GONZALES JOSEPH R	3728 CREEDMOOR AVE	Modesto CA 95357-1417	$26.00
079-010-017-000	NELSON RONALD J	3732 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-018-000	GARIBAY GABRIELA & VICTOR ALVAREZ	3736 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-019-000	TORRES NAILELY RODRIGUEZ	3800 CREEDMOOR AVE	Modesto CA 95357-1418	$26.00
079-010-020-000	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357-1418	$26.00
079-010-021-000	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-022-000	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	$26.00
079-010-023-000	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357-1418	$26.00
079-010-024-000	AYALA JAOQUIN & BARTOLOTTO BENJAMIN	3900 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-025-000	JAMES GLORIA R	3904 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-026-000	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-027-000	KUMAR ABINESH	3912 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-028-000	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-029-000	DYRCZ JEFFREY LEE TR	636 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-030-000	BATTH GURMEET & MANJIT K	632 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-031-000	LYND RICHARD CARROLL	628 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-032-000	DOYLE MICHAEL JOSEPH ET AL	624 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-033-000	OROZCO VINCENT A & SABRINA E	620 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-034-000	KING VERONICA	3925 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-035-000	HALE DENNA MICHAEL ET AL TRS	3921 DILLINGHAM AVE	Modesto CA 95357-1425	$26.00
079-010-036-000	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-037-000	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	Modesto CA 95357-1425	$26.00
079-010-038-000	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-039-000	MARIGMEN VALERIANO M	3905 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-040-000	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-041-000	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-042-000	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-043-000	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-044-000	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-045-000	LUGO ALEJANDRA	3809 DILLINGHAM AVE	Modesto CA 95357-1423	$26.00
079-010-046-000	MAYA JUAN PABLO BEJARANO	3805 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-047-000	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-010-048-000	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-049-000	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-050-000	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-051-000	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-010-052-000	MADRIGAL ROBERT	3709 DILLINGHAM AVE	Modesto CA 95357-1421	$26.00
079-010-053-000	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-054-000	JIAO HUIYING TR	3701 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-001-000	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-011-002-000	VARGAS EDWARD J & RACHELLE DEE TRS	3704 DILLINGHAM AVE	Modesto CA 95357-1420	$26.00
079-011-003-000	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-004-000	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-005-000	BAIJAN GEORGE & YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-006-000	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-007-000	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-008-000	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357-1422	$26.00
079-011-009-000	WONG SHERRE L TR	3804 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-010-000	COLIN JOSE LUIS FLORES & REMIGIO MARTHA MARISOL MA	3808 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-011-000	KINGSLEY AMBER NICOLE	3812 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-012-000	ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	$26.00
079-011-013-000	THOMPSON JAMES ROBERT JR	3820 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-014-000	CABRALES ALEJANDRO	3824 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-015-000	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-016-000	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-017-000	CABRERA MELINDA S	3908 DILLINGHAM AVE	Modesto CA 95357-1424	$26.00
079-011-018-000	VASQUEZ ROSA	3912 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-019-000	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-020-000	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-021-000	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-022-000	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	Modesto CA 95357-1584	$26.00
079-011-023-000	TODD BRIAN EDWARD & TRISHA ANN	612 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-024-000	REGALADO JUAN	608 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-025-000	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-026-000	MORALES STACIE A	600 CODINGTON WAY	Modesto CA 95357-1584	$26.00
079-011-027-000	BAUTISTA IRENE R TR	3925 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-028-000	MUSQUEZ MACARIO F & LISA M	3921 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-029-000	DOMINGUEZ NATALIA M ET AL	3917 ELLENBORO AVE	Modesto CA 95357-1443	$26.00
079-011-030-000	MCKAY JAMES ALLEN & MARY LOU TRS	3913 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-031-000	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	Modesto CA 95351-3528	$26.00
079-011-032-000	FANG SUSAN XIUYA	3905 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-033-000	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-034-000	LOVE JAMES H & BRENDA W TRS	3825 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-035-000	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-036-000	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-037-000	GALLARDO CLAYTON LEON & VICTORIA SUSANNE	3813 ELLENBORO AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-011-038-000	PADILLA ROBERTO	3809 ELLENBORO AVE	Modesto CA 95357-1441	$26.00
079-011-039-000	SPECK HALEY	3805 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-040-000	ZAMORA ROBERTO CARLOS LULE & REZA PATRICIA	3801 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-041-000	BRAZIL JOHN WARREN & MARY	3725 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-042-000	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-043-000	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-044-000	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351-1439	$26.00
079-011-045-000	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-046-000	BURCIU VASILE & TABITA	3705 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-047-000	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-001-000	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	$26.00
079-012-002-000	BETYAGHOUB VILHAM & LINDA	545 WADDELL WAY	Modesto CA 95357	$26.00
079-012-003-000	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	$26.00
079-012-004-000	KUWAMOTO LARRY & BETTY TRS	553 WADDELL WAY	Modesto CA 95357	$26.00
079-012-005-000	CHAND ATISH & REENA TRS	557 WADDELL WAY	Modesto CA 95357	$26.00
079-012-006-000	PEERA ALBERTA	601 WADDELL WAY	Modesto CA 95357	$26.00
079-012-007-000	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-008-000	ROMO YESENIA MARENTES	3704 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-009-000	MOORE MICHAEL	3708 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-010-000	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-011-000	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-012-000	NUNEZ SANDRA SERRANO & JAVIER	3720 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-013-000	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-014-000	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-015-000	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-016-000	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-017-000	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357-1440	$26.00
079-012-018-000	AGAS JANELYN RUIZ & EDGAR AGNE	3816 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-019-000	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-020-000	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357-1440	$26.00
079-012-021-000	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-022-000	BP 4 LLC	3904 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-023-000	SOLOMON JEAN M TR	3908 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-024-000	BLACKWELL ROBERT ERIC & REBECCA	3912 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-025-000	NAVARRETTE DANIEL & MONIQUE MARY	3916 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-026-000	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357-1442	$26.00
079-012-027-000	SOLOMON BREANNA M ET AL	3924 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-028-000	SALINAS ELIZABETH & ALBERT	556 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-029-000	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-030-000	VALLADOLID RAMIRO & DE VALLADOLID MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-012-031-000	CHAIREZ MICHAEL	544 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-032-000	TRICON SFR 2020-2 BORROWER LLC	540 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-033-000	MC CLELLAN BRYCE	3925 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-034-000	WILDEMAN GALEN J TR	3921 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-035-000	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-036-000	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-037-000	ORNELAS GABRIEL M & KATLYN T	3909 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-038-000	TORRES VICTOR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-039-000	OLMOS GUADALUPE	3901 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-040-000	GRAVES LINDA M	3825 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-041-000	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-042-000	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-043-000	AGUIRRE WILIBALDO PLANCARTE	3813 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-044-000	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-045-000	PENA JOSEPH	3805 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-046-000	ODISHO CATHERINE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-047-000	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357-1445	$26.00
079-012-048-000	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-049-000	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-050-000	JENSEN STEVEN H & TONJA R	3713 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-051-000	PATEL JAGUBHAI ET AL	3709 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-052-000	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	Modesto CA 95326	$26.00
079-012-053-000	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-001-000	HERNANDEZ ELI U ET AL	521 WADDELL WAY	Modesto CA 95357	$26.00
079-013-002-000	KING RACHELLE D VARGAS TR	525 WADDELL WAY	Modesto CA 95357	$26.00
079-013-003-000	ROCHA JAMES JOHN TRS ET AL	529 WADDELL WAY	Modesto CA 95354	$26.00
079-013-004-000	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	$26.00
079-013-005-000	CORREA ARMANDO M JR & IRMA A	537 WADDELL WAY	Modesto CA 95356	$26.00
079-013-006-000	RIVERA GRISELDA	3700 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-007-000	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-008-000	BRINKMAN LYNN MARIE & RICKY DALE	3708 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-009-000	REYES RENE ET AL	3712 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-010-000	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357-1444	$26.00
079-013-011-000	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-012-000	MARTINEZ MA MORA	3724 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-013-000	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357-1446	$26.00
079-013-014-000	NEVAREZ JOSE JR	3804 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-015-000	GOLIB VILMA	3808 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-016-000	PARKINSON MARK & DIANNE	3812 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-017-000	BROWN WILLIAM K & SHAMIRAN A	3816 GATESVILLE AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-013-018-000	STELLER BERTHA G ET AL	3820 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-019-000	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-020-000	PHILLIPS AUDREY M	3900 GATESVILLE AVE	Modesto CA 95357-1448	$26.00
079-013-021-000	ELLIOTT CRAIG	3904 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-022-000	WADE THAREN SCOTT II	3908 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-023-000	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-024-000	JOLLIFF GARTH E & COEY-JOLLIFF KATHERINE A TRS	3916 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-025-000	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-026-000	EVANS GALEN	3924 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-027-000	FARIAS ROBERTO F & ELIZABETH	536 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-028-000	MORENO EDUARDO MARTINEZ	532 CODINGTON WAY	Modesto CA 95350-1575	$26.00
079-013-029-000	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357-1412	$26.00
079-013-030-000	OCHOA SANJUANA	524 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-031-000	MIRANDA SERGIO & SANDRA C	520 CODINGTON WAY	Modesto CA 95357-1412	$26.00
079-013-032-000	DELACRUZ JENNIFER ROBYN	3925 LAURENBURG AVE	Modesto CA 95357-1455	$26.00
079-013-033-000	LE NHI UYEN	3921 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-034-000	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-035-000	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357-1455	$26.00
079-013-036-000	MEZA RICARDO ET AL	3909 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-037-000	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-038-000	JOSEPHSON JOSEPH CLAYTON	3901 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-039-000	MELENDEZ MARIA & WALKER DANIEL	3825 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-040-000	TREVINO TONY & GERALDINE	3821 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-041-000	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-042-000	PINAL RAMIRO ET AL	3813 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-043-000	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-044-000	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-045-000	ALVARADO ALFONSO F	3801 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-046-000	DUNN JAY ALAN TR	3725 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-047-000	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-048-000	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-049-000	SABINIANO MARLON N	3713 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-050-000	OSHANA ASNAT	3709 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-051-000	GARDUNO IRINEO ET AL	3705 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-052-000	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-001-000	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	$26.00
079-014-002-000	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	$26.00
079-014-003-000	CRUZ ZANDHER LYN ET AL	505 WADDELL WAY	Modesto CA 95357	$26.00
079-014-004-000	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	$26.00
079-014-005-000	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-014-006-000	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	$26.00
079-014-007-000	BERNS KENNETH	3700 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-008-000	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-009-000	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-010-000	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-011-000	DIXON GARY W TR	3716 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-012-000	AMES ADELE TR	3720 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-013-000	WARNER JO ANNE TR	3724 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-014-000	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-015-000	BERGHORST REBECCA L ET AL	3804 LAURENBURG AVE	Modesto CA 95354	$26.00
079-014-016-000	GLOVER KEITH R & MENDOZA ARACELI CORRAL	3808 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-017-000	DHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-018-000	JIMENEZ LUIS F ET AL	3816 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-019-000	HUYNH NGOCDUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-020-000	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-021-000	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-022-000	SEUGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-023-000	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-024-000	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-025-000	OAKLEY CHRISTOPHER PERRY & JACQUELINE	3916 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-026-000	TRAN TRUYEN THANH & NGUYEN HUNG P	3920 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-027-000	THOMPSON JAMIE ROBERTA	3924 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-028-000	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-029-000	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-030-000	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-031-000	ISHAK MAHER & ESHAK MADLIEN	504 CODINGTON WAY	Modesto CA 95357-1412	$26.00
079-014-032-000	ROCHA ROBERTO T	500 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-033-000	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-034-000	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-035-000	WHITE LAWRENCE	3917 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-036-000	BLACKWELL WILLIAM L JR & EVONI V	3913 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-037-000	VACA ANDRES SERVIN	3909 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-038-000	CHAU VINCENT	3905 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-039-000	ROSAS CLAUDIA L & SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-040-000	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-041-000	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-042-000	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-043-000	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-044-000	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-045-000	HERNANDEZ PEDRO A AGUILAR ET AL	3805 WILKESBORO AVE	Modesto CA 95357-1493	$26.00

Fee Parcel	Owner	Address	City State Zip	2023/24 Ast.
079-014-046-000	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-047-000	BATTAN KRISHAN RAAJ & MARIA TORRES	3725 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-048-000	PAVLACKY TIMOTHY MICHAEL & LEANN SUE	3721 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-049-000	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357-1491	$26.00
079-014-050-000	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-051-000	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357-1491	$26.00
079-014-052-000	WARD JODY LEE & CHEN QIAO	3705 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-053-000	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-001-000	COLLINS TOMMY S	440 WADDELL WAY	Modesto CA 95357	$26.00
079-016-002-000	BIRD BYRON M	3704 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-003-000	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-004-000	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-005-000	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-006-000	GONZALEZ JOSE	3720 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-007-000	GONZALEZ JAIME J & SAUCEDA PERLA R	3800 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-008-000	DINIS JORGE M	3804 WILKESBORO AVE	Modesto CA 95357-1492	$26.00
079-016-009-000	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354-1024	$26.00
079-016-010-000	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357-1492	$26.00
079-016-011-000	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-012-000	CAMERON CHERYLE A	3820 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-013-000	TORRES LUIS BENITEZ	3824 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-014-000	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-015-000	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	$26.00
079-016-016-000	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357-1494	$26.00
079-016-017-000	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-018-000	SANTOS SABINO DE JESUS DE LOS	3916 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-019-000	GUZMAN HORACIO GARNICA & ALICIA BARBOSA	3920 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-020-000	SOLORIO SAMMY	3924 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-021-000	SINGH AJESH & AACHAL	440 CODINGTON WAY	Modesto CA 95357	$26.00
079-016-022-000	JOHNSON ALOMA J & VELTON JR	436 CODINGTON WAY	Modesto CA 95357	$26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2023-162

RESOLUTION ACCEPTING THE FISCAL YEAR 2023-24 ENGINEER'S ANNUAL REPORT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISON, AND YOSEMITE MEADOWS UNITS 1 AND 2; AND SETTING A PUBLIC HEARING ON JUNE 27, 2023 TO CONSIDER THE FISCAL YEAR 2023-24 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

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

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

WHEREAS, said assessment district was formed with annual inflator based on the Building Cost Index (BCI); and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Community Development Manager, the person designated by the 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, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the 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 California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2023-2024 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions Nos. 7-10, Creekwood Meadows subdivision and Yosemite subdivision.

BE IT FURTHER RESOLVED, that the Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2023-2024. The amount of the proposed assessment for 2023-2024 will be equal to the assessment for fiscal year 2022-2023 increased by the annual percentage change in the Building Cost Index (BCI).

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive

   b. Areas adjacent to the access control walls along Creekwood Drive

   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.

4. Said annual report filed with the City Clerk and approved by the Council 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 27th day of June, 2023, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of

Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-163

RESOLUTION APPROVING THE FISCAL YEAR 2023-24 ENGINEER'S ANNUAL REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; AND SETTING A PUBLIC HEARING ON JUNE 27, 2023 TO CONSIDER THE FISCAL YEAR 2023-24 LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus ("County") formed the Shackelford Landscape and Lighting District ("Shackelford LLD") for the purpose of administering the maintenance of seventy-seven (77) 200-watt high-pressure sodium streetlights; and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 494 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north; and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission ("LAFCO") approved the annexation of the Shackelford Area to the City of Modesto ("City"); and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City; and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012; and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report; and

WHEREAS, the Engineer of Work has prepared and filed said annual report with the City Clerk; and

WHEREAS, the Fiscal Year 2023-24 Assessment will be staying the same as the prior fiscal year; and

WHEREAS, Each year levies are based on the current fiscal year expenses including the estimated expenses for the remaining fiscal year, adding $1.50 Administration Charge to the per parcel assessment amount and multiplying the per assessment amount to arrive at the total assessment amount; and

WHEREAS, the Fiscal Year 2023-24 Assessment will be increasing from the prior fiscal year; and

WHEREAS, California Streets and Highways Code Section 22623 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 Shackelford LLD for the fiscal year stated in the annual report.
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.

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 Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

e. Notice of the time, as fixed by the California 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 it hereby accepts the Fiscal Year 2023-24 Engineer's Annual Report for the Shackelford Landscape and Lighting District.

BE IT FURTHER RESOLVED that the City Council hereby finds the following:

1. The City Council intends to levy and collect assessments within the Shackelford LLD during the fiscal year 2023-24.

2. The proposed 2023-24 annual assessment for residential parcels is staying the same as last fiscal year at $61.25 per parcel.

3. There are no proposed new improvements or any substantial changes in the existing improvements in the Shackelford LLD and the existing improvements to be made in the Shackelford LLD are generally described as follows:

   The City shall provide maintenance, operation and servicing, in perpetuity, of streetlights and all improvements required for such maintenance including, but not limited to:

   a. Payment to local utility company for monthly power costs of energizing street lights in the Shackelford LLD.

b. Payment to local utility company for maintenance of street lights in the Shackelford LLD that the utility company owns (usually those lights that are mounted on wooden poles).

c. Maintenance provided by the City of Modesto for street lights in the Shackelford LLD that are owned by the City of Modesto (usually those lights that are mounted on steel poles).

4. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.

5. 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 Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

6. On Tuesday, the 27th day of June, 2023, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

7. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

8. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-164

RESOLUTION APPROVING A REVOLVING LOAN FUND PROGRAM FOR CAPITAL FACILITIES FEES, WATER CONNECTION AND/OR WASTEWATER CAPACITY FEES, AND A DOWNTOWN REVOLVING LOAN FUND PROGRAM FOR CONSTRUCTION COST AND FEES

WHEREAS, on March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) of 2021 into law. The $1.9 trillion package is intended to provide relief to address the impact of COVID-19; and

WHEREAS, the Community and Economic Development Department is driven by a desire to continue to stimulate commercial and industrial development in Modesto, while sustaining a thriving local economy; and

WHEREAS, in May 2021, the City Council approved the Pandemic Recovery Strategy and American Rescue Plan Funding (Resolution No. 2021-194); and

WHEREAS, the Revolving Loan Fund Program and the Downtown Revolving Loan Fund Program were identified in the plan, the Revolving Loan Fund Program will be allocated $1,000,000 and the Downtown Revolving Loan Fund Program allocated $350,000 to support the expansion and retention of business in Modesto with the intention to improve the economic vitality of the community; and

WHEREAS, the Revolving Loan Fund Program would waive up to thirty-five percent (35%) of Capital Facilities, Water Connection and/or Wastewater Capacity Fees (up to $90,000), with an option to defer the remaining fifty-five percent (55%) of the above-mentioned fees, in no more than five annual installments. Ten percent (10%) of these fees would be due at the time of building permit issuance; and

WHEREAS, the Downtown Revolving Loan Fund Program would offer a construction loan of up to twenty percent (20%) of project costs or $90,000, whatever is less; and

WHEREAS, the Director of Community and Economic Development is authorized to approve construction loans and fee waivers of up to $250,000. The Director of Community and Economic Development shall hold a public hearing pursuant to Government Code Section 53083 before approving a loan or fee waiver over $100,000; and

WHEREAS, all deferrals and waivers will require an agreement with the City, along with a promissory note and deed of trust recorded on the property to secured payment of the deferred fees, prior to building permit issuance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Revolving Loan Fund Program for Capital Facilities Fees, Water Connection and/or Wastewater Capacity Fees and Downtown Revolving Loan Fund Program for Construction Costs and Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-165

RESOLUTION APPROVING THE CITY OF MODESTO'S PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM YEAR THREE AWARD, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION AND ACCEPTANCE OF THE PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM, AND TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2 (SB 2), known as the Building Homes and Jobs Act (Act), which established a $75 recording fee on real estate documents to increase the supply of affordable housing and the Act established the Permanent Local Housing Allocation (PLHA) Program administered by the California Department of Housing and Community Development (HCD), and

WHEREAS, the PLHA Program provides a permanent source of funding to cities and counties to help meet the unmet need for affordable housing and increase the supply of affordable housing units, and

WHEREAS, On August 17, 2022 HCD released the third round of funding under the 2022 Formula NOFA, and

WHEREAS, The City is eligible to receive approximately $5,818,482 of PLHA Program funding for fiscal years 2020-2025, and

WHEREAS, funding for the PLHA is generated through a fee on real estate transactions, which may fluctuate from year to year. According to HCD, the City third-year allocation is $1,658,723, and

WHEREAS, on July 14, 2020 by Resolution number 2020-318, the City of Modesto adopted the five-year PLHA Plan, and

WHEREAS, based on the approved plan the third-year allocation of $1,658,723 will be allocated as noted in **Attachment 1** - PLHA 302(c)(4) Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Three Award.

BE IT FURTHER RESOLVED that the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of this resolution and acceptance of the Permanent Local Housing Allocation (PLHA) Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PLHA Requirements

Eligible Applicant Type	*Entitlement*
Local Government Recipient of PLHA Formula Allocation	*City of Modesto*
Approximate 5-year Allocation	*$5,818,482*
Year Two Allocation	*$2,477,034*

Over the next 5 years, the City of Modesto will use the PLHA funds to expand and enhance the access to and number of affordable housing units within the City of Modesto through the following eligible activities. The funding will be used as gap financing for the development of new affordable housing projects and permanent supportive Housing Units within the City limits of Modesto.

- $1,504,306 - 301(a)(1) - The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households.
- $972,998 - 301(a)(6) - Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing new construction, rehabilitation, and preservation of permanent and transitional housing.

§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households.

Requirements

- Affordable Housing that serves up to 60% to 120% AMI
  - Affordable" means a housing unit that satisfies at least one of the following criteria:
    - If the unit is being rented to low-income, Very low-income or Extremely low-income households, it complies with the Multifamily Housing Program guidelines Section 7312 and the Section 7301 definition of "Affordable Rent"; or
    - If the unit is being sold, it is offered at an "Affordable housing cost", as published in the Fannie Mae Selling Guide, Part B, Debt to Income Ratios, as updated annually (https://www.fanniemae.com/content/guide/selling/b3/6/02.html#DTI.20Ratios), and it complies with the income limits stated in the definitions of Moderate-Income and Lower-Income in this section.
    - If the unit is being rented to Moderate-Income (120%) households, it is available at a gross rent, including a utility allowance, that does not exceed 30 percent of the applicable income eligibility level, and complies with the definition of Moderate-Income in these guidelines
- 55 Year Affordability requirement
- Must be issued in the form of an interest-bearing loan

§301(a)(6) Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent.

Requirements

- Development of Permanent Supportive housing units
- Serves 30% to 60% AMI
- Permanent supportive housing" has the same meaning as in HSC Section 50675.14, that is, housing with no limit on the length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

PLHA Requirements

Permanent supportive housing may include associated facilities if used to provide services to housing residents.

- Permanent supportive housing does not include “health facility” as defined by HSC Section 1250 or any “alcoholism or drug abuse recovery or treatment facility” as defined by HSC Section 11834.02 or “Community care facility” as defined in HSC Section 1502, “Mental health rehabilitation centers” as defined in Section 5675 of the Welfare and Institutions Code (WIC), or other residential treatment programs.
- Must participate with CoC
- Must participate with Coordinated Entry unless designated population has housing management plan with a substantial waitlist.
- 55 Year Affordability requirement
- Must be issued in the form of an interest-bearing loan

State of California Income Limits **effective 05/13/2022**

State Income Methodology

	Number of Persons in Household:	1	2	3	4	5	6	7	8
Stanislaus County Area Median Income: $80,300	Acutely Low	8450	9650	10850	12050	13000	14000	14950	15900
	Extremely Low	16750	19150	23030	27750	32470	37190	41910	46630
	Very Low Income	27900	31900	35900	39850	43050	46250	49450	52650
	Low Income	44650	51000	57400	63750	68850	73950	79050	84150
	Median Income	56200	64250	72250	**80300**	86700	93150	99550	106000
	Moderate Income	67450	77100	86700	96350	104050	111750	119450	127200

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-166

RESOLUTION AMENDING THE FISCAL YEAR 2022-2023 MULTI-YEAR FUND BUDGET TO A PROJECT FOR THE FISCAL YEAR 2022-2023 PLHA PROGRAM TO BE FUNDED WITH PERMANENT LOCAL HOUSING ALLOCATION PROGRAM GRANT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto applied to receive entitlement funding from the State of California Housing and Community Development Department (HCD) based on its entitlement status of the U.S. Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, the fiscal year 2022-2023 Multi-Year budget must be amended as outlined in **Exhibit A**, and

WHEREAS, the Program will be funded approximately $5,818,482 over the next five years, including $1,658,723 for the current fiscal year for eligible PLHA Program Activities and Administration, and

WHEREAS, these funds are allocated through the 302(C)(4) Plan which is approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto Resolution amending the fiscal year 2022-2023 multi-year fund budget to a project for the fiscal year 2022-2023 PLHA Program to be funded with Permanent Local Housing Allocation Program Grant.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

BUDGET ADJUSTMENT FISCAL YEAR 2022-2023

City of Modesto	**Funds Reimbursed with Entitlement Federal Funds**	
Community & Economic Development Department	Permanent Local Housing Allocation (PLHA)	
Community Development Division	FUND 1120	
	COST CENTER 14060	
		TOTAL
Direct Grant		$ 1,575,787
301(b) Admin Exp AUC		$ 82,936
TOTAL Expenses		$ 1,658,723
Intergov - State Housing and Community Development		$ 1,658,723
TOTAL Revenues		$ 1,658,723
Total		$ -

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-167

RESOLUTION APPROVING THE ENCAMPMENT RESOLUTION FUNDING PROGRAM APPLICATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE ENCAMPMENT RESOLUTION FUNDING (ERF) APPLICATION, AND APPLICABLE DOCUMENTATION AS REQUIRED BY CALIFORNIA INTERAGENCY COUNCIL ON HOMELESSNESS (CAL-ICH), AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, in 2021, Assembly Bill 140 allocated $50 million for local proposals to resolve the experience of unsheltered homelessness for people residing in encampments in a first round of funding, and

WHEREAS, Senate Bill 197 amended the program and Assembly Bill 178 allocated an additional $300 million for round two of funding, and

WHEREAS, the current Notice of Funding Availability (NOFA) is accepting applications through the California Interagency Council on Homelessness (Cal-ICH) for the remaining $237,307,738 of ERF-2 funds until June 30, 2023 or until funds are exhausted, and

WHEREAS, if approved, the City's proposal for ERF funding will support the City's Camp2Home initiative through Street Outreach, Shelter, and Housing in a grant amount estimated not to exceed $7.5 million, and

WHEREAS, ERF funds for Street Outreach will support the Modesto Police Department's Community Health and Assistance Team (CHAT) with the hiring of two additional team members for case management, referral support to shelters and other supportive services, and

WHEREAS, ERF funds for Shelter will support existing shelter operations by providing outreach specialists with the ability to direct individuals experiencing homelessness to set-aside beds in congregate and non-congregate facilities, and

WHEREAS, ERF funds will support Housing by acquiring and renovating a multifamily property with at least six units through a partnership with Stanislaus Affordable Housing Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Encampment Resolution Funding Program Application.

BE IT FURTHER RESOLVED that the City Manager, or his designee, to submit the Encampment Resolution Funding (ERF) Program application, and applicable documentation, as required by California Interagency Council on Homelessness (Cal-ICH) and to make the necessary steps to implement the provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-168

RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO NEGOTIATE AND ENTER INTO AGREEMENTS WITH VARIOUS PUBLIC UTILITY COMPANIES, INCLUDING UNION PACIFIC RAILROAD, AT&T, STATE LANDS COMMISSION, AND OTHER PUBLIC AGENCIES AS NECESSARY TO FACILITATE THE CONSTRUCTION OF THE NEW 7TH STREET BRIDGE OVER THE TUOLUMNE RIVER

WHEREAS, the Stanislaus County Department of Public Works (County), in cooperation with the City of Modesto (City), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) have undertaken a project to replace the historic 7th Street Bridge over the Tuolumne River in order to correct structural and hydraulic deficiencies, increase the capacity of the 7th Street corridor, and improve safety for vehicles, bicycles, and pedestrians; and

WHEREAS, the historic 7th Street Bridge over the Tuolumne River was built in 1916 by Stanislaus County and consists of a series of "canticrete" type trusses supported on reinforced concrete piers and abutments all founded on concrete or timber piling; and

WHEREAS, the bridge is listed as Structurally Deficient and has been weight restricted to four tons gross load since 1979 and restricted from legal truck load weights since 1937; and

WHEREAS, the Project is partially funded with Federal Highway Bridge Program (HBP) funds and will include replacement of the existing bridge, safety improvements for motorists, pedestrians, and bicyclists, curb ramps, raised center median/refuge, street lighting, and incidental roadway resurfacing; and

WHEREAS, the Project will also include modifications at the intersections of 7th and B Streets at Tuolumne Boulevard and Crows Landing Road at 7th Street; and

WHEREAS, County and the City entered into a Memorandum of Agreement (MOA) for Preliminary Engineering was approved by the City Council on April 5, 2011, by Resolution No. 2011-113, and by the County on March 15, 2011, by Resolution 2011-167; and

WHEREAS, an Amended and Restated MOA to add Final Design was approved by the City Council on May 7, 2019, by Resolution No. 2019-206, and by the County on May 21, 2019, by Resolution No. 2019-305; and

WHEREAS, the Amended and Restated MOA was approved by the City Council on August 23, 2022, by Resolution No. 2022-351 to include revised design costs between the agencies; and

WHEREAS, the project design is nearly complete with 95% plan review completed by all the interested parties and all the impacted utilities are now identified in the final location for construction of the project; and

WHEREAS, to relocate these utilities, agreements are required between effected utility companies and the City of Modesto and/or Stanislaus County; and

WHEREAS, new water infrastructure for the project includes a 12-inch water line crossing beneath the Union Pacific railroad tracks requires encroachment agreement must be executed between the City and the Union Pacific railroad (UPRR) with a $23,065 license fee; and

WHEREAS, the proposed improvements for the intersection of 7th Street and B Street also impact existing AT&T facilities and are required to be relocated under the terms of the Joint Use Agreement (JUA) to locate the AT&T facilities under the new sidewalk in the project; and

WHEREAS, an agreement is required by the State Lands Commission for the proposed water transmission line in the bridge structure that will cross the area controlled by the State Lands Commission to allow the City facilities to occupy, operate, and maintain the transmission line within the State Lands jurisdiction; and

WHEREAS, the Central Valley Flood Protection Board has indicated the need for a permit and/or agreement will be required prior to project construction; and

WHEREAS, the project is partially funded with Federal Highway Bridge Program (HBP) funds administered by Caltrans and requires all of the agreements for utility relocations be completed prior to the project proceeding to the bid and construction phase; and

WHEREAS, construction is tentatively scheduled for 2024 and the timing of execution of these last agreements becomes the critical path for project delivery.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to negotiate and enter into agreements to relocate utilities with various public utility companies, such as Union Pacific Railroad, AT&T, State lands Commission, and other public agencies as necessary to facilitate the construction of the new 7th Street bridge over the Tuolumne River, in such form as approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Manager, or designee, is hereby authorized and directed to take such other actions as are necessary to carry out the purpose and intent of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-169

RESOLUTION ADOPTING THE BYLAWS FOR THE MEASURE L CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, on October 4, 2016, Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission (Commission); and

WHEREAS, In November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L; and

WHEREAS, on August 2, 2017, by Resolution 2017-291, Council appointed the initial nine members to the Commission. On September 5, 2017, by Resolution 2017-331, Council appointed the remaining two members to constitute the full Commission pursuant to Ordinance No. 3656-C.S; and

WHEREAS, the Bylaws are intended to clarify and provide more specific detail than what was included in Ordinance No. 3656-C.S.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, hereby approves the Bylaws for the Citizens' Transportation Sales Tax Commission, a copy of which is **attached as Exhibit A**,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

CITIZENS' TRANSPORTATION SALES TAX COMMISSION

BYLAWS

(Approved by City Council: Date, Resolution No. 2023-XXX)

Article I. Definitions

Section 1.01 The City Council established a Commission known and designed as the Citizens' Transportation Sales Tax Commission.

Section 1.02 As used in these Bylaws, unless a different meaning clearly appears from the context:

(a) "Member" shall mean a member of the Citizens' Transportation Sales Tax Commission.

(b) "Commission" shall mean the Citizens' Transportation Sales Tax Commission.

Article II. Duties

Section 2.01 Pursuant to MMC 8-10.101(a):

> "A Citizen's Transportation Sales Tax Commission, hereinafter "Commission," is hereby established for the purpose of providing oversight of the collection and spending of tax revenue from any local transportation sales tax. For purposes of this chapter, a "local transportation sales tax" is defined as a sales tax imposed on City residents for purposes of generating funds to specifically fund the City's transportation plan; any local tax used to fund general services in the City is not a "local transportation sales tax." The first such Commission shall be appointed by the Council no later than ninety (90) days from the effective date of the passage of any local dedicated tax imposed for transportation purposes. The Commission shall regularly meet and make recommendations to the Council to provide oversight of any transportation tax then in effect."

Section 2.02 Pursuant to MMC 8-10.101 (b):

> "The duties of the Commission shall include, but not be limited to, the following:
>
> (1) Reviewing the annual work plan and priorities for revenue derived from any transportation sales tax then in effect;

(2) Analyzing and commenting on any proposed items in the City budget that would lessen the City's its commitment to road and street funding from sources of revenue other than any transportation sales tax then in effect;

(3) Reviewing any policies, standards or similar measures that the City uses to set priorities for where revenues from any transportation sales tax then in effect are to be spent;

(4) Reviewing any proposals for the City to use bond or similar financing secured by revenues from any transportation sales tax then in effect;

(5) Reviewing any policies, standards or similar measures that the City uses to determine whether work funded by the tax shall be done "in-house" or through outside contracts; and,

(6) Reviewing any other matter the Council deems appropriate related to any local transportation sales tax. The Council shall appropriate adequate funds for the work of the Commission."

Article III. Membership of Commission

Section 3.01 Pursuant to MMC 8-10.102:

"The Commission shall consist of eleven (11) qualified electors residing within the City and shall be appointed by the City Council by resolution pursuant to the provisions below:

(a) Strong consideration shall be given to composing the Commission of:

(1) Two (2) members from any bona fide local taxpayer's association with tax-exempt status under the relevant provisions of the Internal Revenue Code;

(2) One (1) member from any bona fide local nonpartisan political organization, with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, dedicated to encouraging informed and active participation in government;

(3) Two (2) members from bona fide Modesto Neighborhood Associations or organizations with similar purposes with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code;

(4) One (1) member from any bona fide association representing business such as a chamber of commerce;

(5) One (1) member from a large business located in the City;

(6) One (1) member from a small business located in the City;

(7) Two (2) members from a bona fide labor union with members residing in the City; and,

(8) One (1) member from a former Stanislaus County Civil Grand Jury who has served in that role within the previous five (5) years of his or her appointment."

(b) No member of the Commission shall be a relative by blood or marriage within the second degree of the Mayor, a member of the Council, any Charter officer, or any department head or deputy department head.

(c) No member of the Commission shall be an employee of the City nor any bargaining unit for employees of the City, nor be a person who receives compensation from the City or from bargaining units of the City in any manner, including retirement benefits.

(d) No member of the Commission shall be a lobbyist or other person with business before the City that represents an economic interest in excess of the limit for material financial effect as established by state law.

(e) Members of the Commission shall serve without compensation.

(f) One-half of the Commissioners for the Commission in 2017 shall be appointed to two year terms and one-half shall be appointed to four year terms. Thereafter, each Commissioner shall be appointed to a four year term unless the appointment is to fill a vacancy.

Section 3.02 All Members must complete a Statement of Economic Interest (Form 700) and AB 1234 ethics training by April 1 of each year and when assuming or leaving Commission membership.

Article IV. Terms of Office

No Commissioner shall serve more than two consecutive four year terms on the Commission.

Article V. Attendance at Meetings

Section 5.01 Timely attendance at meetings is expected and necessary to carry out the mission of the Commission. It shall be the responsibility of each Member to know the dates and times of all Commission meetings. 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 notice the Commission Secretary at least forty-eight (48) hours in advance of the meeting, in order for the absence to be recorded as an excused absence.

Section 5.02 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 6.01 The Commission shall elect from among its membership a Chairperson, and a Vice Chairperson. The term of office shall be one year.

Section 6.02 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 6.03 The Chairperson shall preside at all meetings, shall appoint, with the consent of the Commission, all ad-hoc Commissions, and shall ensure that the bylaws, rules and regulations as adopted by the Commission are properly enforced.

Section 6.04 The Vice Chairperson shall assist the Chairperson in his/her duties and in the absence of the Chairperson shall perform all duties usually performed by the Chairperson.

Section 6.05 The Commission Secretary shall be a City staff member, appointed by the Community & Economic Development Department, to serve as secretary to the Commission. The Commission Secretary shall keep a record of the minutes of all Commission meetings and such other duties as are usually performed by a secretary. An audio recording shall be made at all meetings, retained pursuant to the City's record retention policies, and shall be made available to all Commissioners by request.

Article VII. Meetings

Section 7.01 Regular meetings of the Commission shall be held not less than at least quarterly, at Tenth Street Place, 1010 Tenth Street Modesto, California.

Section 7.02 Special meetings shall be called by the Chairperson as necessary, in consultation and coordination with the Commission Secretary.

Section 7.03 Meetings may be cancelled by agreement of the Chairperson and Vice Chairperson in coordination with the Commission Secretary.

Section 7.04 Notices of all meetings, including agendas, shall be given to all Members of the Commission, to the City Clerk, to the City Manager, and to all others as provided by law.

Section 7.05 All meeting agendas will be posted at Tenth Street Place.

Section 7.06 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 7.07 A quorum is necessary for the Commission to transact any business. A quorum is six (6) members.

Section 7.08 All meetings of the Commission 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 8.01 The Standard Code of Parliamentary Procedure shall be the guide for the parliamentary procedures in the conduct of Commission meetings.

Section 8.02 The order of proceedings of all meetings shall be as follows, subject to majority vote of the members present:

(a) Roll Call

(b) Declaration of Conflict of Interest

(c) Public Comment Period

(d) Consent Items

(e) Old Business

(f) New Business

(g) Commission Comments & Reports

(h) Matters Too Late For the Agenda

(i) Adjournment

Article IX. Amendments

Section 9.01 The Bylaws and any future amendments shall be subject to the approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Commission by the City Council nor contradict MMC 8-10.

2981909.4

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-170

RESOLUTION APPROVING AN AGREEMENT WITH ELAVON, INC., ATLANTA, GA, BY UTILIZING THE STATE OF CALIFORNIA'S MERCHANT SERVICE AGREEMENT, FOR MERCHANT SERVICES FOR A FOUR-YEAR AGREEMENT WITH TWO (2) TWO-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $141,965 AND A TOTAL AMOUNT NOT TO EXCEED $1,135,720 OVER EIGHT (8) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto currently uses a merchant services provider, Elavon, Inc., to process credit and debit card payments for various services and purchases; such as, utilities, building permits, parking citations, taxes, parking passes and Parks and Recreation classes, and

WHEREAS, the term of the current agreement is due to expire May 31, 2023, and

WHEREAS, the City of Modesto continues to have a need for a payment gateway for merchant services for credit card, debit card, and e-check payments for services and purchases such as parking, taxes, permits, event rentals, and utility payments, and

WHEREAS, on May 25, 2022, the State of California, Department of General Service (DGS) executed a new Merchant Service Agreement (MSA) with Elavon, Inc, the term of the new agreement has an initial expiration date of June 1, 2027, with the option of two (2) two (2) year extensions, and

WHEREAS, this agreement, if approved, will allow the City to contract with Elavon, Inc. to be the payment gateway for merchant services while allowing the City to benefit from the volume pricing, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, however, exceptions to the formal bidding process are granted in MMC 8-

3.204(d) "where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality" and in addition, MMC 8-3.202(d) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; therefore, the purchase of merchant services, by "accessing the terms" of the State of California, Department of General Services contract with Elavon, Inc., Atlanta, GA will conform to MMC Section 8-3.204(d), and

WHEREAS, the City of Modesto, if approved, will exercise the use of the favorable terms of the new MSA by executing a new cooperative agreement with Elavon Inc., to become effective June 1, 2023, through the initial expiration date of May 31, 2027, with the option of two (2) two (2) year extensions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Elavon, Inc., Atlanta, GA for Merchant Services for a four-year Agreement with two (2) two-year extension options, for an annual estimated amount of $141,965 and a total amount not to exceed $1,135,720 over eight (8) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-171

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TECHNOLOGY AND CRAYON SOFTWARE EXPERTS, LLC OF DALLAS, TX, BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE CALIFORNIA DEPARTMENT OF TECHNOLOGY AND RIVERSIDE COUNTY, (GOVERNMENT AGENCIES WHO COMPLETED THE BID) FOR A TOTAL AMOUNT NOT TO EXCEED $2,640,392, OVER THIRTY-FIVE MONTHS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto has standardized on Microsoft products to conduct city business, and

WHEREAS, Microsoft licenses are required for users and devices that access Microsoft systems and resources, and

WHEREAS, the Microsoft Enterprise Agreement is a compressive volume licensing program that offers substantial cost savings over standard license pricing, and

WHEREAS, on April 28th, 2020, by resolution 2020-198 the Council approved a three-year Microsoft Enterprise Agreement with Dell Technologies Inc. through the County of Riverside cooperative agreement, and

WHEREAS, the current Microsoft Enterprise Agreement expires April 30th 2023 and requires renewal, and

WHEREAS, the State of California and County of Riverside completed formal Request for Quotations for Microsoft Enterprise Agreement licensing, and

WHEREAS, the State of California Agreement and County of Riverside Cooperative Agreement is intended to be available and leveraged by government agencies throughout the State of California as a cooperative agreement, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, MMC 8-3.202(h) states that "With the approval of Council, join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served thereby", and

WHEREAS, this purchase conforms to the Modesto Municipal Codes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approved a purchase agreement with the California Department of Technology and Crayon Software Experts, LLC of Dallas, TX, by utilizing the Competitive Bid Process with the California Department of Technology and Riverside County, (government agencies who completed the bid) for a total amount not to exceed $2,640,392, over thirty-five months.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-172

RESOLUTION APPROVING A FIRST AMENDMENT TO THE ANNUAL AGREEMENT WITH WEST COAST ARBORISTS, INC., OF ANAHEIM, CA FOR THE FURNISHING OF ON-CALL VEGETATION MANAGEMENT SERVICES FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FOR A ONE-TIME INCREASE OF $350,000 TO YEAR TWO OF THE AGREEMENT, FOR A YEAR TWO TOTAL OF $600,000, AND FOR A TOTAL REVISED AMOUNT NOT TO EXCEED $1,600,000 OVER THE TERM OF THE AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in 2020, the Parks, Recreation and Neighborhoods Department, working in conjunction with other departments, identified a citywide need to establish a comprehensive on-call vegetation management agreement with a professional service provider; and

WHEREAS, on September 28, 2021, by Resolution 2021-379, Council approved the award of bid to West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for an estimated annual amount of $250,000, a total amount not to exceed $1,250,000 over five-years; and

WHEREAS, since the approval of the agreement, two key factors have changed that have resulted in an increase in available funding for on-call vegetation management; and

WHEREAS, on February 12, 2023, per Council Resolution 2023-62, Council approved an initial spending plan related to Measure H for fiscal year 2022-2023, including $70,000 allocated for tree trimming at various parks throughout the City; and

WHEREAS, on February 8, 2023, the Tuolumne River Regional Park (TRRP) Joint Powers Authority Commission approved the TRRP Project Funding Plan, including approximately $280,000 for vegetation management in TRRP; and

WHEREAS, as a result, staff requests a one-time increase of $350,000 to year two of the current agreement with West Coast Arborists, Inc. for On-Call Vegetation Management Services.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a first amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of on-call vegetation management services for the Parks, Recreation and Neighborhoods Department for a one-time increase of $350,000 to year two of the agreement for a year two total of $600,000, and for a total revised amount not to exceed $1,600,000 over the term of the Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the amended Agreement, in a form approved by the City Attorney

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-173

RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUNDS FISCAL YEAR 2022-2023 CLAIM FOR NON-MOTORIZED AND OTHER PURPOSES (BIKE LANES AND PEDESTRIAN PATHWAYS) IN THE AMOUNT OF $297,316 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City; and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized and other purposes during the current fiscal year; and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects; and

WHEREAS, when preparing the Fiscal Year 2022-2023 claim, it was noted that $369,066 in funding, accumulated in prior Fiscal Years, had not been budgeted to projects and the proposed budget adjustment will align the project budgets with the funding held in deferred revenue; and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2022-23 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code; and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be

released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of the City's Local Transportation Funds Fiscal Year 2022-23 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $297,316 to the Stanislaus Council of Governments (StanCOG).

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-174

RESOLUTION AMENDING THE FISCAL YEAR 2022-2023 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #100813 (VIRGINIA CORRIDOR PHASE VII) IN AN AMOUNT NOT TO EXCEED $666,382 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized and other projects (bicycle and pedestrian pathways and local streets and roads interest), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, on February 15, 2023, StanCOG apportioned $297,316 for non-motorized purposes for Fiscal Year 2022-2023, and

WHEREAS, when preparing the Fiscal Year 2022-2023 claim, it was noted that $369,066 in funding, accumulated in prior Fiscal Years, had not been budgeted to projects. The proposed budget adjustment will align the project budgets with the funding held in deferred revenue, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2022-23 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the

rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City, and

WHEREAS, $666,382 is available to be budgeted into the Fiscal Year 2022-2023 Capital Improvement Program Budget, and

WHEREAS, staff identified one project to receive funding this fiscal year: #100813 – Virginia Corridor Phase VII, and

WHEREAS, the Fiscal Year 2022-2023 Capital Improvement Budget must be amended to increase Project 100813 – Virginia Corridor Phase VII in a total amount of $666,382 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund project 100813 (Virginia Corridor Phase VII) in an amount not to exceed $666,382 in transfers, revenue and to budget expenditures to fund the projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-175

RESOLUTION APPROVING A LIST OF PROJECTS TO BE FUNDED WITH ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN FISCAL YEAR 2023-24 IN AN AMOUNT UP TO $5,834,851

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statues of 2017) was passed by the Legislature and Signed into law by the Governor on April 28, 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of Modesto are aware of the projects proposed for funding in the community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt, by resolution, a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1, which must include description and the location of each proposed project, a proposed schedule for projects completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive funding in an estimated amount of $5,414,350 in RMRA funding in Fiscal Year 2023-24 from SB1; and

WHEREAS, this is the seventh year in which the City is receiving SB1 funding which will enable the City to continue essential road maintenance, safety improvements in traffic signal and street light maintenance, and traffic sign and striping maintenance that would not have otherwise been possible without SB1; and

WHEREAS, the City has undergone a robust public process to ensure public input regarding the community's transportation priorities are incorporated into the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate over one-hundred lane miles of residential streets throughout the City this year and multiple similar projects in the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a "poor" condition, and this revenue will help the City increase the overall quality of its road system and over the next decade will bring its streets and roads into a "good" condition; and

WHEREAS, the SB1 project list and overall investment in the City's local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, the projects listed are anticipated to result in the following life-cycle benefits: The slurry seal project (program) that includes crack seal and asphalt repairs will result in a five to seven-year expected life extension to existing pavement (**Attachment B & C**); the proposed repaving projects will add 10-20 years to the life of the selected streets (**Attachment D**); the proposed traffic signal (**Attachment E)** and street light maintenance (**Attachment F**) will result in a ten-year life extension due to

energy efficient Light Emitting Diode (LED) lighting; the traffic sign and striping maintenance (**Attachment L**) will result in a two to five-year life extension for the asphalt striping and a five year life extension for signs; radar detection cameras will result in a ten to fifteen year life extension versus the City's current vehicle detections loops (**Attachment K**); and the proposed High Voltage Conversion (HVC) projects will result in an estimated 10 year life extension of the City's outdated street lighting system in these areas (**Attachments G, H, I, & J**).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approve a list of projects (**Attachment A**) for Fiscal Year 2023-24 and funding by SB1: Road Repair and Accountability Act of 2017 in an amount up to $5,834,851.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

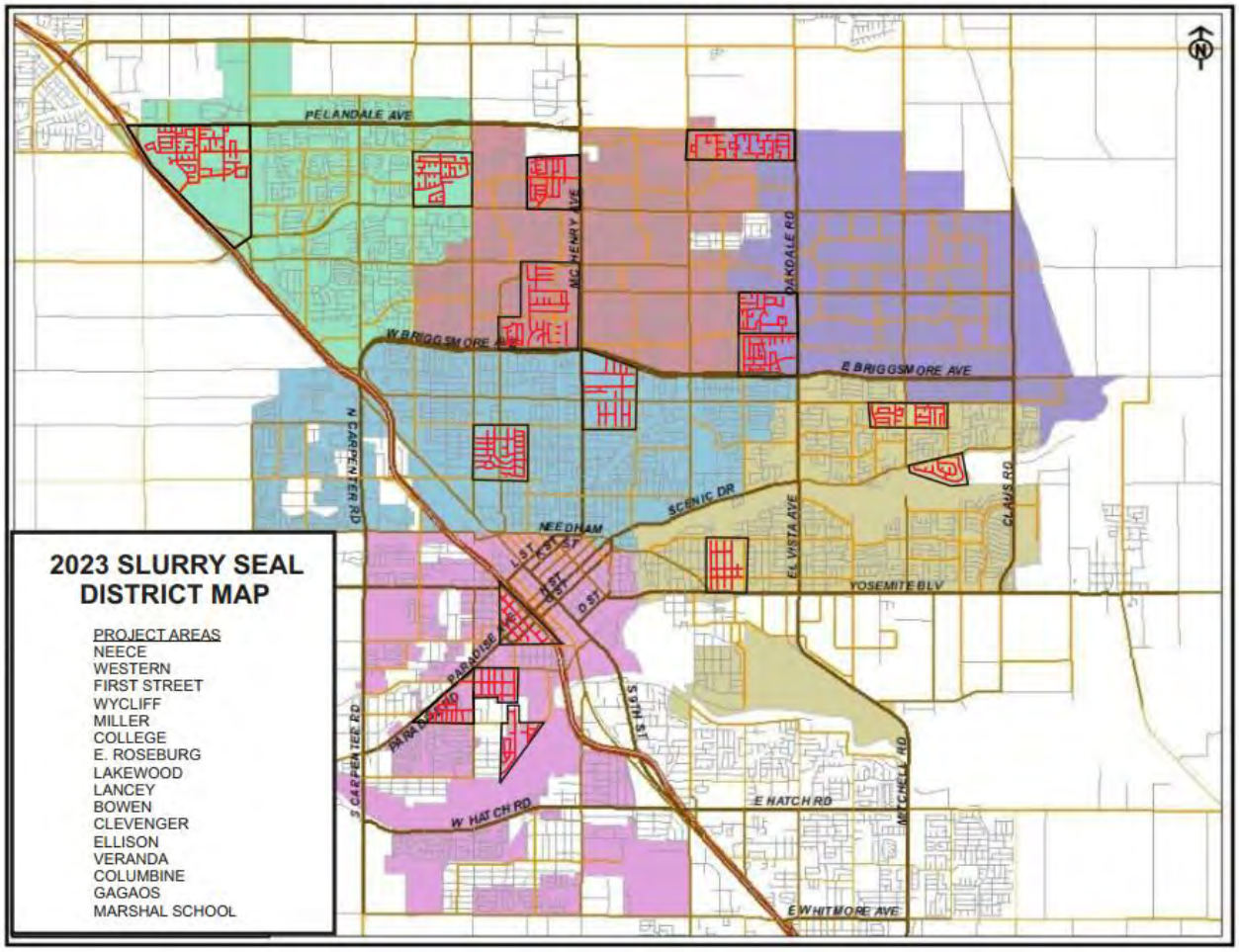
BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A – FY23/24 SB1 Project List

Project Type	Project Name	Total Project Cost	Estimated Project Start Date	Estimated Project Completion Date	Useful Life	Locations	Community Benefit Summary
Slurry Seal (type 2 Surry, Crack Seal, Asphalt repairs)	Slurry Seal	$2,226,100	July 1, 2023	June 30.2024	5 to 7 years	Various (map provided)	This project will include: Pavement Improvement (existing), Striping Installation (existing Safety)
Street Rehabilitaion	Road Maintenance and Rehabilition	$1,063,751	July 1, 2023	June 30.2024	10 to 20 years	Various (map provided)	This project will include: Pavement Improvement (Existing), Sidewalk and/or Crosswalk Rehab/Repair (Existing), Paving and ADA Curb Ramp Rehab/Repair (Existing)
Traffic Signal & Street Lighting Maintenance	Traffic Signal & Street Lighting Maintenance	$800,000	July 1, 2023	June 30, 2024	10 Years	Various Locations	Public Safety; Signal and Street lighting maintenance within City limits
Street Lighting Maintenance (HVC)	High Voltage Conversion	$645,000	July 1, 2023	June 30, 2024	10 Years	Various Locations	Public Safety; Street lighting maintenance within City limits
Traffic Signal Maintenance	Repalcement of Vehicle Detection in various locations	$600,000	July 1, 2023	June 30, 2024	10-15 years	24 Signals in various locations	Public Safety; Signal Maintenance
Traffic Sign & Striping Maintenance	FY 23-24 Traffic Sign & Striping Maintenance	$500,000	July 1, 2023	June 30, 2024	5 Year	Various Locations	Public Safety; Striping and Sign maintenance within City limits
	Total FY 23-24	$5,834,851					

Attachment B – FY23/24 Slurry Seal Map

2023 SLURRY SEAL PROJECT AREAS



Attachment C – FY23/24 Slurry Seal Street Names

City of Modesto, Streets Division Slurry Seal Program 2023/24 Street Segment list		
Street Name	**From**	**To**
1St	Washington St	Sierra Dr
2nd St	Washington St	Sierra Dr
3rd St	Washington St	Sierra Dr
4th St	Washington St	Sierra Dr
5th	Est	Sierra Dr
Aaron Ct	Clevenger Dr	End
Abilene Ct	Clevenger Dr	End
Ahwahnee Ct	Smokehouse Ave	End
Akeby Dr	Hennings Dr	Ashfield Wy
Albert Dr	Orangeburg Ave	Kathy Ave
Alder Creek Ct	Alder Creek Dr	End
Alder Creek Dr	Rimrock Wy	Lakewood Ave
Alisa Ct	Hennings Dr	End
Aloha Way	Bowen Ave	W Briggsmore Ave
Althoff Ct	Celeste Dr	End
Althoff Wy	Celeste Ave	Wolcott Wy
Alturas Ave	Tuolumne Blvd	South Ave
Amber St	Columbine Dr	Poinsettia Dr
Ambrosia Ln	Rosebay Ln	Cottonwood Dr
Americana Ct	Masterpiece Dr	End
Amhearst Ave	Princeton Ave	Roseburg Ave
Amigo Dr	Buccaneer Ct	Silverado Dr
Andover Ln	Stafford Ln	Sherwood Ave
Anna Lee Ct	Clevenger Dr	End
Annilane	Rouse Ave	Tonilane
Anson Wy	Milford Ln	Wolcott Wy
Aralia Ct	Crocus Dr	End
Ararat Ave	George Ave	Melgren Ave
Artistry Dr	Snowfire Dr	Spring Oak Dr
Arundel Ci	Carlisle Ave	End
Ashfield Wy	Akeby Dr	Felton Wy
Belbrook Pl	Silverado Dr	End
Belvedere Ct	Veranda Wy	End
Beyer Park Dr	Mable Ave	Inspiration Dr
Birch St	Amber St	Violet St
Bitlis Ct	Melgren Ave	End
Black Bird Wy	Nightingale Dr	Swallow Dr
Blackhawk Ct	Gagos Dr	End
Bloxham St	Serena Ave	Ellison Dr
Blue Bird Dr	Vintage Dr	Pelandale Ave

Boynton Way	Lancey Dr	Hagstrom Ct
Bradford Ct	Rose Ave	End
Brewer Wy	Rose Ave	Preston Ln
Bridal Veil Ct	Smokehouse Ave	End
Brimingham Dr	Meadowood Dr	Foxcroft Ln
Brixton Ln	Carver Rd	Longbridge Dr
Brixton Pl	Brixton Ln	End
Buccaneer Ct	Amigo Dr	End
Burlton Ct	Woolston Ct	End
Butternut Ct	Fairfax Ave	End
Cache Creek Wy	Rimrock Wy	Riverton Wy
Call Way	Lancey Dr	Hagstrom Ct
Cambria Ct	Brixton Ln	End
Camella Wy	Encina Ave	Yosemite Blvd
Cameo Wy	Granger	Briggsmore
Canary Dr	Quail Hallow Dr	End
Cardinal Ct	Nightingale Dr	End
Carla Ln	Mills	Columbia Wy
Carlisle Ave	Carver Rd	End
Carlisle Ct	Carlisle Ave	End
Carma Way	Felkirk Way	Thornbury Way
Cecil Wy	Tully Rd	College Ave
Cecil Wy	College Ave	Mills Ave
Celeste Ct	Celeste Dr	End
Celeste Dr	Rose Ave	Oakdale Rd
Centennial Ct	Masterpiece Dr	End
Chartwell Pl	Lancey Dr	Tunstead Ln
Cheatham Ct	Roselawn	End
Chicago Ave	Sutter Ave	Paradise Rd
Circa Dr	Beyer Park Dr	Tapestry Dr
Classic Ct	Beyer Park Dr	End
Clevenger Dr	Carver Rd	Tully Rd
Cliff Dr.	Fairway Dr.	End
Collier Ave	Orangeburg	Roseburg Ave
Colorado Ave	Tuolumne Blvd	County Line
Columbia Wy	Helms Ln	Harvard Ave
Columbine Dr	Staniford Ave	W. Union Ave
Coolidge	McHenry	Sunrise Ave
Cornfield Ct	Synder Ave	End
Corrine Ln	Timahoe Dr	Sybil Ln
Cottonwood Ct	Crocus Dr	End
Cottonwood Dr	Cougar Pl	Crocus Dr
Cougar Ct	W Union Ave	End
Cougar Pl	W Union Ave	Cottonwood Dr
Counts Ct	Flyod Ave	End
Covena Ave	Encina Ave	Yosemite Blvd
Creamery Wy	Synder Ave	Smokehouse Ave
Crocus Dr	W Union Ave	End

Cromwell Ct	Weston Wy	End
Damask Ct	Ellison Dr	End
Darlene Ln	Satariano Ln	Kara Ln
Dartmouth Ave	Wildwood Dr	Elmhurst Dr
Dartmouth Ct	Dartmouth Ave	End
Dawn Dr	Collier Ave	Nelson Ave
Devin Dr	Bloxham St	Fairfax Ave
Dixe Ln	Granger	Briggsmore
Don St	Sunset Ave	Neece Dr
Dorrington Ct	Northgate Dr	End
Drake Ave	McHenry	End
E St	5th St	4th St
Eastridge Dr	Laramie Dr	Orangburg Ave
Eastwick Ct	Lancey Dr	End
Elise Ct	Sherwood Ave	End
Ellison Ct.	Ellison Dr	End
Ellison Dr	Celeste Dr	Lancey Dr
Ellison Dr	Celeste Ave	Flyod Ave
Elmhurst Dr	Whittier Ave	W Briggsmore Ave
Elmo Loop	Synder Ave	Synder Ave
Elsie St	Hudson Ln	Sutter Ave
Encina Ave	Covena Ave	N.Conejo Ave
Encore Ct	Encore Ln	End
Encore Ln	Inspiration Dr	Encore Ct
Enfield Wy	Milford Ln	Wolcott Wy
Enslen Ave	Bowen Ave	W Briggsmore Ave
Exter Ave	College Ave	Wellesly Ave
F st	5th St	4th St
F st	3rd St	Sierra Dr
Fairfax Ave	Rose Ave	Ellison Dr
Fairway Dr.	Neece Dr.	Cliff Dr.
Felkirk Way	Clevenger Dr	Silverado Dr
Felton Wy	Wareham Wy	Ashfield Wy
Ferguson Ave	Miller	End
Fern Ct	Fern St	End
Fern St	Columbine Dr	Birch St
Fleetwood Dr	Fremont Ave	Kirkwood Ave
Fordham	Tully Rd	Amhearst Ave
Fori Ave	Orangeburg	Roseburg Ave
Founders Wy	History Wy	Legend Dr
Foxcroft Ln	Brimingham Dr	Kings Point Dr
Fremont Ave	Leveland Ln	Joaquin St
Fuchsia Ln	Grace Ave	W. Union Ave
Gagos Dr	Vintage Dr	Pelandale Ave
Gagosian Ct	Gagos Dr	End
Gainsboro Pl	Ellison Dr	End
Gardena Rd	Granger	Briggsmore
Gareth Ln	Quail Hallow Dr	Nightingale Dr

Garnet Dr	Sapphire Dr	Laramie Dr
George Ave	Gagos Dr	Ararat Ave
Gil Ct	Quail Hallow Dr	End
Ginger Wy	Crocus Dr	Lindenwood Ct
Glacier Point Ct	Smokehouse Ave	End
Glendower Ct	Carlisle Ave	End
Gold Ct	Vicksburg St	End
Golden Eagle Ln	Honey Creek Rd	Pheasant Ln
Grace Ave	Columbine Dr	Fuchsia Ln
Grafton Wy	Preston Ln	Ellison Dr
Granger	McHenry	Sunrise Ave
Gwyn Ct	Devin Dr	End
Habor Town Ln	Mount Pleasant Dr	Mount Airy Ln
Haddon Ave	Covena Ave	N.Conejo Ave
Hagstrom Ct	Boynton Way	End
Hamden Ln	Stafford Ln	Sherwood Ave
Harcourt Ave	Northgate Dr	Fleetwood Dr
Hartman ct	Wycliff Dr	End
Harvard Ave	College Ave	Columbia Wy
Hawthorne	College Ave	Elmhurst Dr
Heirloom Ct	Veranda Wy	End
Helms Ln	Mills	Columbia Wy
Hennings Dr	Setrok Dr	Janeen Wy
History Wy	Preservation Dr	Snowfire Dr
Holcombe Wy	Vicksburg St	Luck Dr
Honey Bee Ct	Honey Creek Rd	End
Honey Creek Rd	Pelendale Ave	End
Honeysuckle Dr	Granger	Briggsmore
Hudson Ln	Rouse Ave	End
Hummingbird Ct	Honey Creek Rd	End
Hummingbird Ln	Black Bird Wy	Honey Creek Rd
Ichord Wy	Jill Ln	Laramie Dr
Ila Wy	Coolidge Ave	Drake Ave
Inspiration Ct	Beyer Park Dr	End
Inspiration Dr	Mount Pleasant Dr	Beyer Park Dr
J st	5th St	Washington St
Jackellen Ln	Jane Way	Shawntele Way
Jane Way	Clevenger Dr	Jackellen Ln
Janeen Wy	Madeline Wy	Hennings Dr
Jean St	Sunset Ave	Neece Dr
Jill Ln	Ichord Wy	Lillian Dr
Joaquin St	W Briggsmore Ave	Enslen Ave
Jonquil Ct	Crocus Dr	End
Josilane	Rouse Ave	Tonilane
K st	5th St	Washington St
Kara Ln	Kathy Ave	Laramie Dr
Kathy Ave	Satariano Ln	Lillian Dr
Kenmor Ct	Northgate Dr	End

Kings Point Ct	Kings Point Dr	End
Kings Point Dr	Meadowood Dr	Foxcroft Ln
Kingsland Ln	Thistlewood Way	Longbridge Dr
Kirkland Ct	Longbridge Dr	End
Kirkwood Ave	Fleetwood Dr	Northwood Dr
Krishawn Way	Ramar Way	End
La Villa Rose Ct	Sherwood Ave	Sherwood Ave
Lancey Ci	Lancey Dr	End
Lancey Dr	Rose Ave	Oakdale Rd
Landing Ct	Landing Dr	End
Landing Dr	History Wy	Landing Ct
Legend Ct	Rose Parade	End
Legend Dr	Rose Parade	Founders Wy
Lema Ave	Colorado Ave	Snead Dr
Leon Ave	Tuolumne Blvd	South Ave
Leona Ct	Hennings Dr	End
Lifetime Dr	Rose Ave	Ellison Dr
Lilian Dr	Orangeburg Ave	Laramie Dr
Lindenwood Ct	Ginger Wy	End
Liongate Ct	Gagos Dr	End
Lionudakis Ct	Lifetime Dr	End
Longbridge Dr	Standiford Ave	End/Canal
Lorene Ct	Clevenger Dr	End
Lotus Ln	Aloha Way	End(s)
Luck Dr	Rouse Ave	Holcombe Wy
Madeline Wy	Merrifield Ave	Janeen Wy
Mamilane	Rouse Ave	Tonilane
Manzanita Dr	Bloxham St	Lancey Dr
Marble Dr	Topaz Wy	Mica Wy
Marcus Dr	Rose Ave	Pridmore Ave
Marigold Ln	Grace Ave	Cottonwood Dr
Marymar Dr	Kathy Ave	Laramie Dr
Masterpiece Dr	History Wy	Mable Ave
Mayflower St	Columbine Dr	Birch St
Meadowood Dr	Scencic Dr	Kings Point Dr
Medicine Bow Dr	Eastridge Dr	Rimrock Wy
Melgren Ave	Ararat Ave	Gagos Dr
Melinda Ln	Mills	Columbia Wy
Melissa Ln	Satariano Ln	Kara Ln
Melrose Ave	Granger	Roseburg Ave
Merifield Ave	Timahoe Dr	Hennings Dr
Mesrob Ct	Setrok Dr	End
Mica Wy	Marble Dr	Medicine Bow Dr
Middlecolff Ave	Lema Ave	Snead Dr
Milestone Cl	Veranda Wy	Veranda Wy
Milford Ln	Anson Wy	Enfield Wy
Miller Ave	Covena Ave	N.Conejo Ave
Mills Ave	Roseburg Ave	Harvard Ave

Mount Airy Ln	Harbor Town Dr	Myrtle Beach Wy
Mount Pleasant Dr	Mable Ave	Inspiration Dr
Myrtle Ave	Harvard Ave	Coldwell Ave
Myrtle Beach Wy	Mount Airy Ln	Mount Pleasant Dr
Neece Dr	Sunset Ave	Tuolumne Blvd
Nelson Ave	Orangeburg	Roseburg Ave
New Castle Ct	Kings Point Dr	End
New Castle Wy	Kings Point Dr	Wycliff Dr
Nightingale Ct	Nightingale Dr	End
Nightingale Dr	Blue Bird Dr	Dale Rd
Northgate Dr	Fremont Ave	End
Northwood Dr	Fremont Ave	Kirkwood Ave
Nostalgia Ln	Mable Ave	Legend Dr
Notre Dame	Princeton Ave	Trinity Ave
Notre Dame	Princeton Ave	End
Notre Dame	Trinity Ave	Yale Ave
Oriole Dr	Nightingale Dr	End
Paioni Ct	Honey Creek Rd	End
Peacock Ln	Nightingale Dr	Golden Eagle Ln
Pelton Ave	Colorado Ave	Roselawn Ave
Penridge Ct	Kingsland Ln	End
Penrose Ci	Brixton Ln	End
Pheasant Ln	Golden Eagle Ln	Synder Ave
Phelps Ave	College Ave	Bowen Ave
Pinewood Ct	Kathy Ave	End
Placid Ln	Rouse Ave	Elsie St
Poinsettia Dr	Amber St	W. Union Ave
Preservation Dr	Veranda Wy	History Wy
Preston Ln	Brewer Wy	Grafton Wy
Presvervation Ct	History Wy	End
Pridmore Ave	Flyod Ave	Lifetime Dr
Princeton Ave	Tully Rd	College Ave
Princeton Ave	College Ave	Virgnia Ave
Pristine Ct	Veranda Wy	End
Pumphouse Ct	Blue Bird Dr	End
Purdue Ave	Tully Rd	Amhearst Ave
Quail Hallow Dr	Nightingale Dr	Gareth Ln
Quarry Dr	Eastridge Dr	Garnet Dr
Ralston Ct	La Villa Rose Ct	End
Ramar Way	Clevenger Dr	Krishawn Way
Regent Ct	Joaquin St	End
Ridgewood Ct	Northgate Dr	End
Rimrock Ct	Rimrock Wy	End
Rimrock Wy	Orangeburg Ave	Laramie Dr
Riverton Wy	Alder Creek Dr	Cache Creek Wy
Roble Ave	Covena Ave	Rosina Ave
Rosalina Ct	Starlight Dr	End
Rosalina Dr	Splendor Wy	Starlight Dr

Rosanne Ln	Timahoe Dr	Sybil Ln
Rose Ave	E Briggsmore Ave	Celeste Dr
Rose Parade	Veranda Wy	Legend Dr
Rose Walk Ct	Rose Walk Ln	End
Rose Walk Ln	Woodbury Dr	Rose Walk Ct
Rosebay Ln	Merigold Ln	Ambrosia Ln
Rosedale Ave	Tuolumne Blvd	South Ave
Roselawn Ave	Rouse Ave	Colorado Ave
Roselawn Ave	Tuolumne Blvd	South Ave
Roselawn Ct	Roselawn	End
Roselawn Ct	Roselawn Ave	End
Rosewood Ct	Sherwood Ave	End
Rosina Ave	Encina Ave	Yosemite Blvd
Roxbury Ln	Yukon Dr	Sherwood Ave
Sage Ct	Celeste Dr	End
Sanctuary Ct	Veranda Wy	End
Sandgate Dr	Gainsboro Pl	Sharilyn Dr
Sandpiper Ct	Hummingbird Ln	End
Sansome Ct	Wildwood Dr	End
Sapphire Dr	Eastridge Dr	Garnet Dr
Sarah Jane Ct	Akeby Dr	End
Satariano Ln	Orangeburg Ave	Laramie Dr
Serena Ave	Fairfax Ave	Celeste Dr
Setrok Ct	Setrok Dr	End
Setrok Dr	Blue Bird Dr	End
Severin Ave	Encina Ave	Yosemite Blvd
Sharilyn Dr	Sandgate Dr	Ellison Dr
Shawntele Way	Jackellen Ln	Clevenger Dr
Sheridan St	Paradise Rd	Vicksburg St
Sherwood Ct	Sherwood Ave	End
Sierra Dr.	Rosedale Ave	5th
Signature Ct	Sunset Ave	End
Silver Ct	Vicksburg St	End
Silverado Dr	Longbridge Dr	Amigo Dr
Smokehouse Ave	Blue Bird Dr	Honey Creek Rd
Snead Dr	Lema Ave	ColoradoAve
Snowfire Dr	Artistry Dr	Splendor Wy
Somerset Dr	Whittier Ave	Dartmouth Ave
South Ave	Sutter Ave	Roselawn Ave
Sparrow Ct	Synder Ave	End
Splendor Wy	Snowfire Dr	Rosalina Wy
Spring Oak Dr	Artistry Dr	Mable Ave
Stafford Ln	W Rumble Rd	Leveland Ln
Stanford Ave	College Ave	Columbia Wy
Starlight Dr	Snowfire Dr	Rosalina Wy
Sterling Ct	Sterling Dr	End
Sterling Dr	Masterpiece Dr	Sterling Ct
Sugar Bear Ct	Honey Creek Rd	End

Sullivan Ct	Sisk Rd	End
Sunset Ave	Rouse Ave	Neece Dr
Swallow Dr	Blue Bird Dr	Black Bird Wy
Sybil Ln	Rosanne Ln	Merrifield Ave
Synder Ave	Blue Bird Dr	Dale Rd
Taos Ct	Luck Dr	End
Tapestry Dr	Mable Ave	Circa Dr
Tenby Way	Krishawn Way	Brixton Ln
Thistlewood Way	Wakebridge Dr	Kingsland Ln
Thornbury Way	Carma Way	Silverado Dr
Timahoe Dr	Akeby Dr	Merrifield Ave
Titon Pl	Milford Ln	End
Tonilane	Vicksburg St	Hudson Ln
Topaz Wy	Medicine Bow Dr	Marble Dr
Topiary Ct	Veranda Wy	End
Tradewinds Ct	Celeste Dr	End
Trellis Ct	Rose Parade	End
Tribute Ct	Beyer Park Dr	End
Trillium Ave	Zinnia Wy	Crocus Dr
Trinity Ave	Tully Rd	Yale Ave
Trombetta Ave	Orangeburg	Roseburg Ave
Tunstead Ln	Chartwell Pl	Woolston Way
Valerie Ln	Mills	Columbia Wy
Veranda Ct	Preservation Dr	End
Veranda Wy	Mable Ave	Preservation Dr
Vicksburg St	Rouse Ave	Hudson Ln
Vintage Cove	Synder Ave	End
Vintage Dr	Sisk Rd	Blue Bird Dr
Violet St	Columbine Dr	Poinsettia Dr
W Union Ave	Mchenry Ave	R/R Crossing
Wakebridge Dr	Longbridge Dr	Thistlewood Way
Wareham Wy	Weston Wy	Felton Wy
Wellesly Ave	Roseburg Ave	Stanford Ave
Western Wy	Sutter Ave	Roselawn Ave
Weston Wy	Ashfield Wy	Wareham Wy
Whitfield Way	Brixton Ln	Carlisle Ave
Whittier Ave	Phelps Ave	Elmhurst Dr
Wildwood Dr	Phelps Ave	Dartmouth Ave
Windmill Dr	Blue Bird Dr	End
Windom Ct	Woodglen Dr	End
Windrose Ct	Woodglen Dr	End
Winslow Ct	Brewer Wy	End
Wolcott Wy	Ellison Dr	Enfield Wy
Woodbury Dr	Brewer Wy	Lifetime Dr
Woodglen Dr	Windom Ct	End
Woodwind Ct	Woodglen Dr	End
Woolston Ct	Lancey Dr	End
Woolston Way	Tunstead Ln	Lancey Dr

Wycliff Ct	Wycliff Dr	End
Wycliff Dr	Scencic Dr	Scencic dr
Yale Ave	Tully Rd	College Ave
Yale Ave	College Ave	Columbia Wy
Yosemite Ave	Tuolumne Blvd	South Ave
Yukon Dr	W Rumble Rd	Roxbury Ln
Zakessian Ct	Setrok Dr	End
Zinnia Wy	Crocus Dr	Trillium Ave

Attachment D – FY23/24 SB1 Paving List

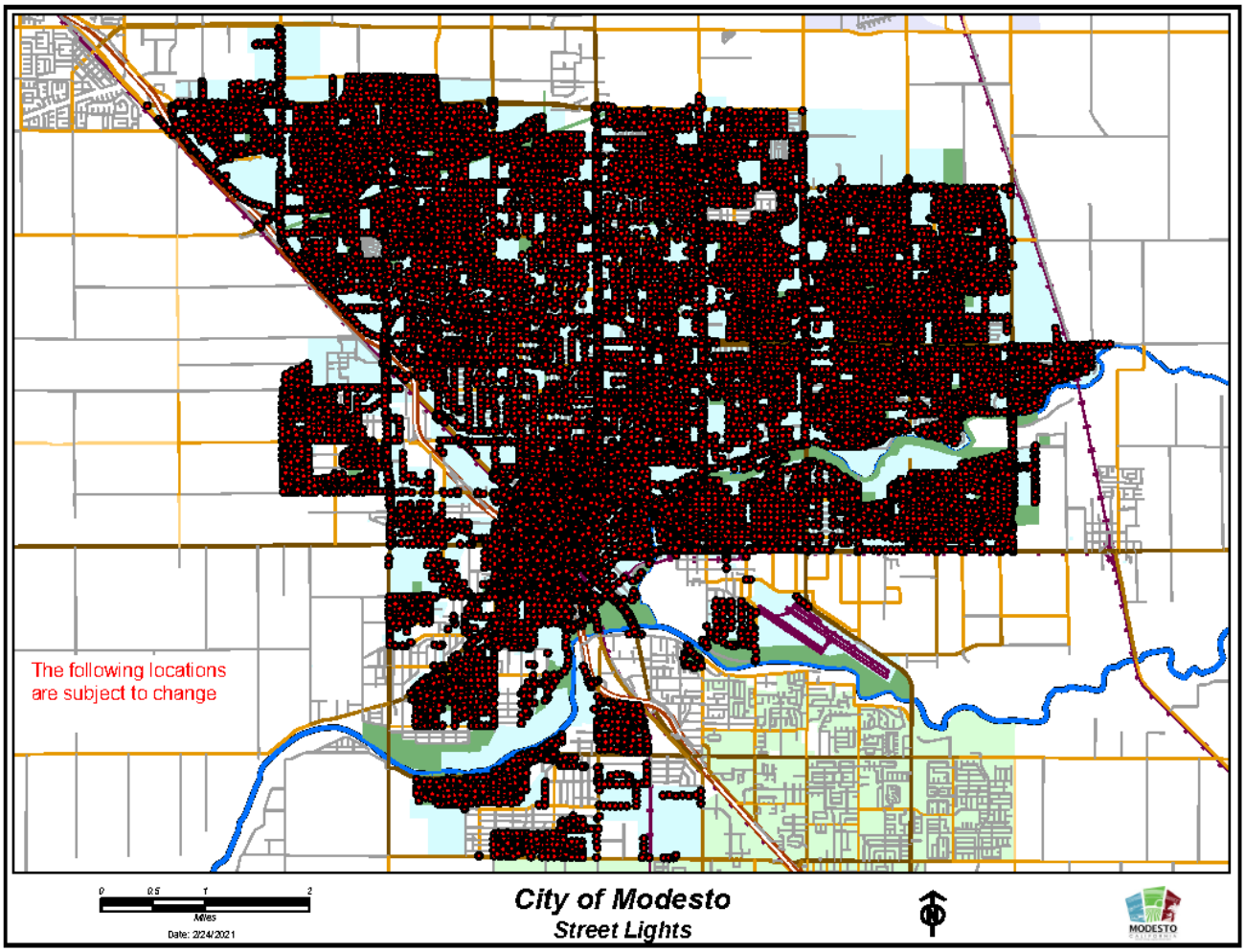
City of Modesto, Streets Division 2023-2024 SB1Paving List					
PCI	**Street Name**	**Begin**	**End Location**	**SQFT**	**ADA Ramps**
26.00	Coralwood	Mc Henry	Towery Ave	47,027	1
14.00	Reno	Kansas	Doker	31,080	5
10.00	Houser	Raymond	Panama	33,208	4
10.00	RimRock	E Orangeburg	Laramie	37,290	2

Attachment E – FY23/24 Traffic Signal Locations

Figure 1 – Traffic Signals

The following locations are subject to change

Attachment F – FY23/24 Street Lights Map



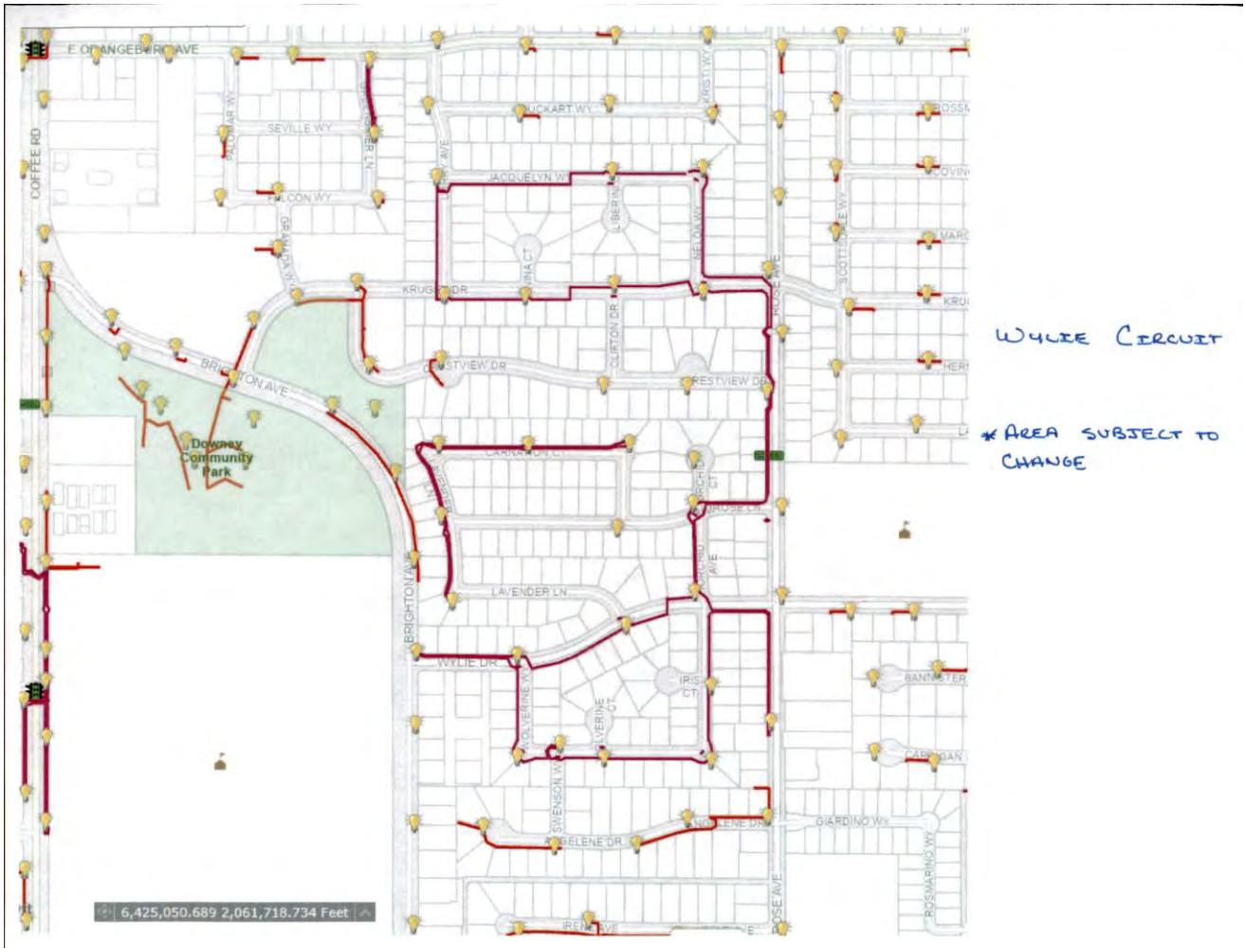
Attachment G – FY23/24 Kearney & W. Roseburg High Voltage Conversion (HVC)

Attachment H – FY23/24 Glenwood & Kearney (HVC)

GLENWOOD / KEARNEY CIRCUIT

* AREAS SUBJECT TO CHANGE

Attachment I – FY23/24 Wylie (HVC)

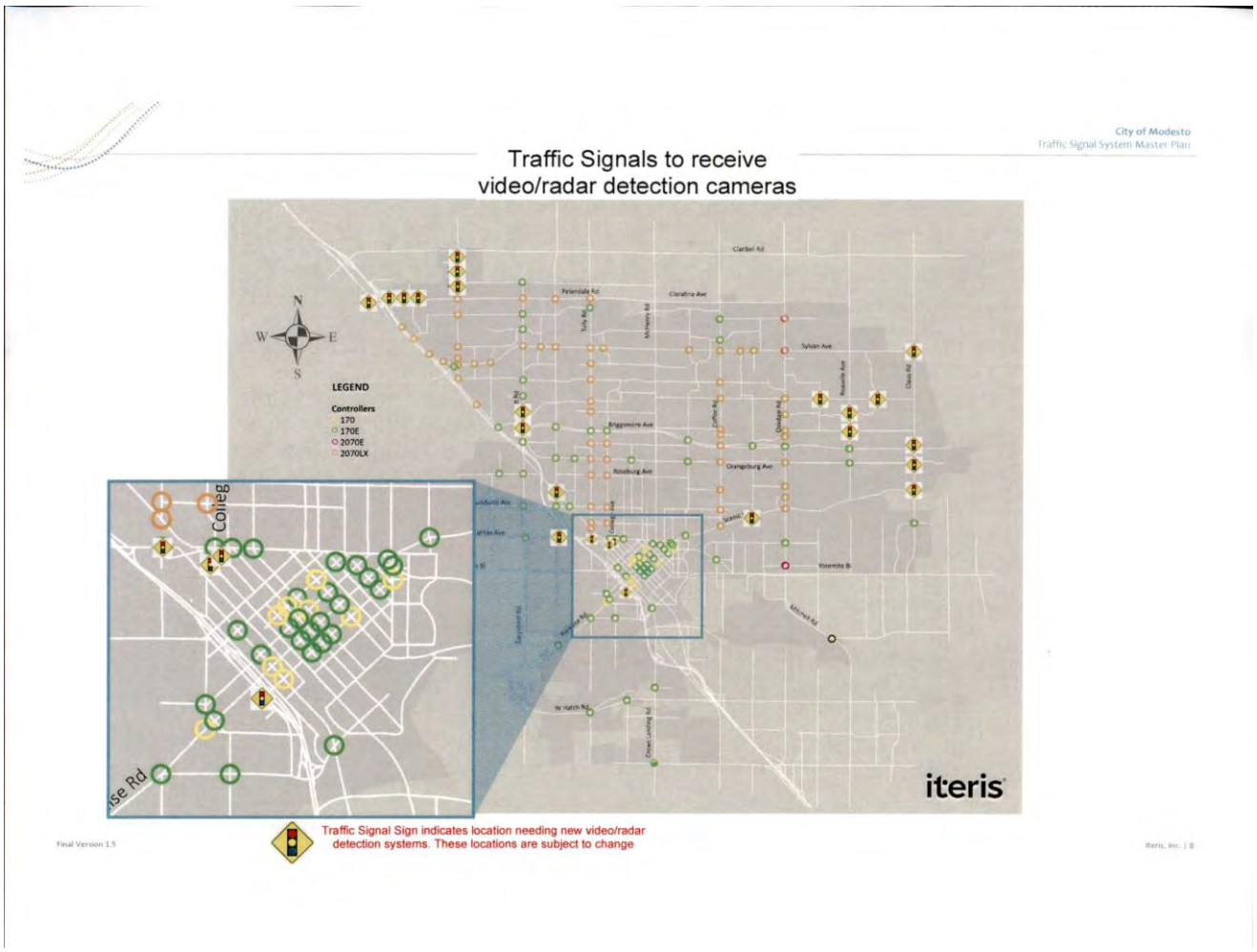


Attachment J – FY23/24 Strathmore (HVC)

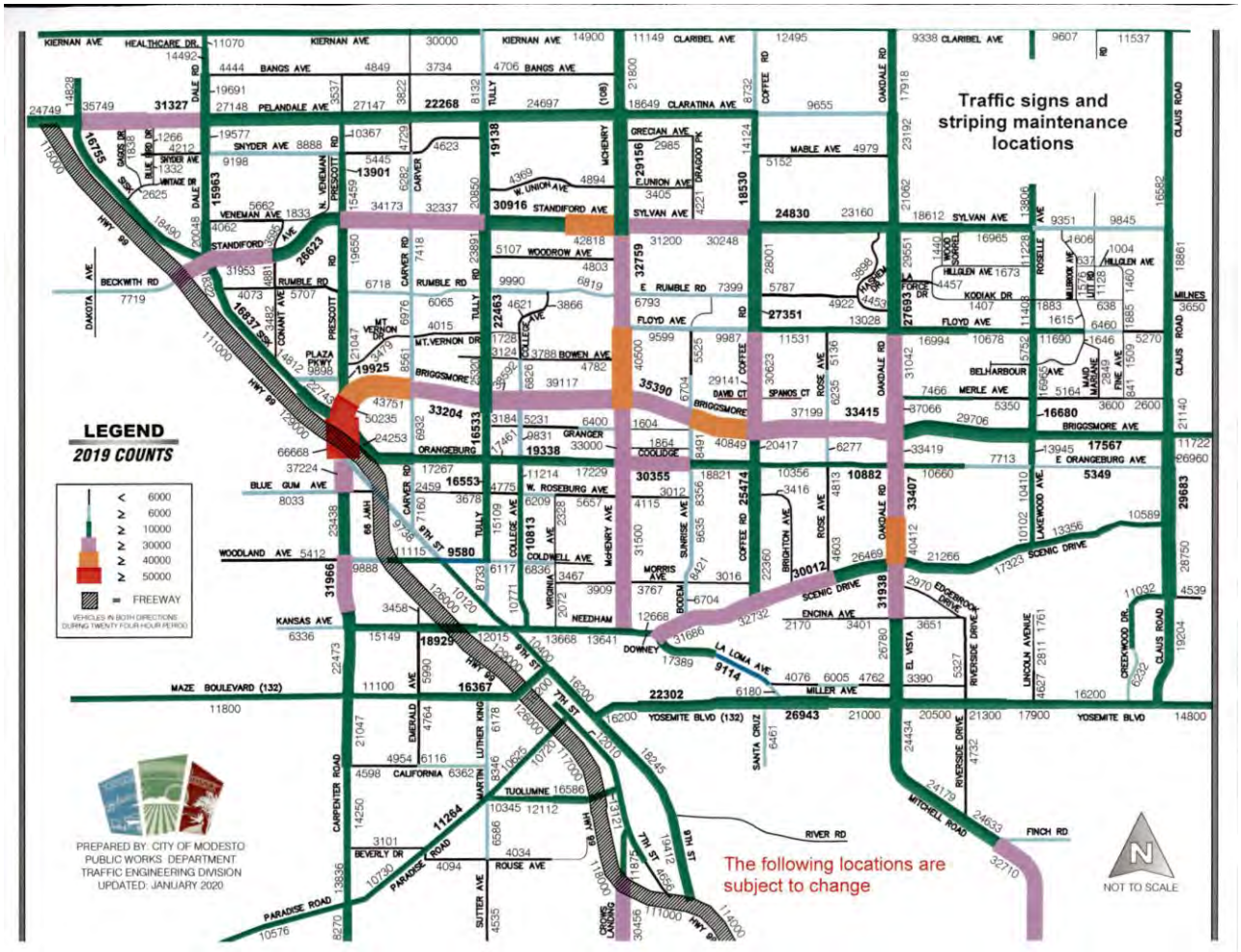
STRATHMORE CIRCUIT

* AREAS SUBJECT TO CHANGE

Attachment K – FY23/24 Radar Detection Locations



Attachment L – FY23/24 Traffic Signs and Striping Map



MODESTO CITY COUNCIL
RESOLUTION NO. 2023-176

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE CALRECYCLE ORGANICS GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, CalRecycle is offering this Organics Grant Program as part of California's Climate Investment to reduce greenhouse gas emissions and improve public health and the environment; and

WHEREAS, California's Senate Bill (SB) 1383 mandates the diversion of organics out of landfills and into recovery and recycling programs to reduce methane gas emissions into the atmosphere; and

WHEREAS, the City of Modesto Solid Waste Staff and HDR Engineering Inc., will evaluate and recommend new infrastructure, technologies, and material processing methods to comply with SB1383; and

WHERAS diverting organics out of landfills and increasing organics composting results in the reduction of greenhouse gas emissions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to apply for all CalRecycle Organic Grants available.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-177

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE ENVIRONMENTAL PROTECTION AGENCY CLIMATE POLLUTION REDUCTION GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the Environmental Protection Agency (EPA) is providing grant opportunities to develop and implement plans for reducing greenhouse gas emissions; and

WHEREAS, Senate Bill (SB 1383)- Climate Pollution Reduction Act, established emission reduction targets statewide to reduce organic waste to landfill by seventy-five percent (75%) and recovering twenty percent (20%) of edible food waste for human consumption by 2025; and

WHEREAS, The City of Modesto Compost Facility has hired HDR Engineering, Inc. to conduct a feasibility study to help navigate and strategize new material processing infrastructure and technologies to comply with the permitting regulations and emission reductions mandates of SB1383; and

WHEREAS, the City of Modesto benefits from EPA grant programs by receiving funding for the purchase of equipment and materials related to infrastructure, direct operating expenses, and various other expenses related to increasing organic recycling and composting those materials thus decreasing greenhouse gas emissions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to apply for all EPA Climate Pollution Reduction Grants available.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is

authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-178

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE GRAYSON COMMUNITY STRENGTHEN & REPLACE WATER MAINS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH D.A. WOOD CONSTRUCTION INC., OF OAKDALE, CA, IN THE AMOUNT OF $2,696,561, PLUS $269,656 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $2,966,217 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the Grayson Community is one of many prioritized areas in the City's water service area that requires replacement of current, aging water infrastructure, and

WHEREAS, the Grayson Community Strengthen and Replace Water Mains Project will replace and upgrade approximately 9,428 linear feet of deficient water mains, associated valves, services, and fire hydrants to improve system reliability, flows, and pressures, and

WHEREAS, the Project was advertised for bids on January 11, 2023, and

WHEREAS, February 14, 2023, bids were publicly opened, pursuant to City Charter Section 1307; Nine bids were received and D.A. Wood Construction Inc., of Oakdale, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of Contract for the construction of the Grayson Community Strengthen & Replace Water Mains Project to D.A. Wood Construction Inc., of Oakdale, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, Staff recommends awarding the Contract to D.A. Wood Construction Inc., of Oakdale, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Grayson Community Strengthen & Replace Water Mains Project; accepting the bid and awarding a Construction Contract to D.A. Wood Construction Inc., of Oakdale, CA, for a total of $2,696,561 plus $269,656 in contingency (if needed) for a total amount not to exceed $2,966,217.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-179

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE GRAYSON COMMUNITY STRENGTHEN & REPLACE WATER MAINS PROJECT FROM 8% ($215,725) TO 10% ($269,656) OF THE CONSTRUCTION CONTRACT AMOUNT OF $2,696,561 WITH D.A. WOOD CONSTRUCTION INC., OF OAKDALE, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for construction contracts of this dollar value, and

WHEREAS, given the nature of rehabilitation projects where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed the Director's Authority of 8% ($215,725) of the contract amount of $2,696,561, and

WHEREAS, Staff is requesting an increase in the Director's Authority to issue change orders to 10% ($269,656).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Utilities authority to issue change orders for the Grayson Community Strength & Replace Water Mains Project from 8% ($215,725) to 10% ($269,656) of the construction contract price of $2,696,561 with D.A. Wood Construction Inc., of Oakdale, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-180

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,163,000 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE GRAYSON COMMUNITY STRENGTHEN & REPLACE WATER MAINS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $1,163,000, in order to fund the Grayson Community Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,163,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-181

RESOLUTION ACCEPTING THE DEPARTMENT OF WATER RESOURCES 2021 URBAN AND MULTIBENEFIT DROUGHT RELIEF GRANT PROGRAM AWARD OF $1,000,000 FOR THE WELL 312 TREATMENT SYSTEM AND FLUSH LINE PROJECT; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LOCAL PROJECT SPONSOR AGREEMENT WITH CONTRA COSTA WATER DISTRICT AND TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AUTHORIZING THE DIRECTOR OF FINANCE TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS

WHEREAS, the Budget Act of 2021 allocated $300 million to the State of California Department of Water Resources (DWR) to deliver grants for interim and immediate drought relief to urban communities and for multibenefit projects, and

WHEREAS, the grants are intended to provide water to communities that face the loss or contamination of their water supplies to address immediate impacts on human health, safety, and to protect fish and wildlife resources, and

WHEREAS, per DWR, the Well 312 Treatment System and Flush Line Project is located in a Severely Disadvantaged Community (SDC), and

WHEREAS, by Resolution No. 2022-172, Council authorized the submittal of a grant application to the DWR Urban and Multibenefit Drought Relief Grant Program for the Well 312 Treatment System & Flush Line Project, and

WHEREAS, the Contra Costa Water District (CCWD), together with participating agencies in the San Joaquin River Funding Area, submitted a funding proposal to DWR for the Disadvantaged Community Involvement Grant Program with projects that support the program's objectives, and

WHEREAS, CCWD, as the grantee is responsible to disburse State Grant Funds as required by the grant, and

WHEREAS, on March 28, 2022 CCWD was notified that the Well 312 Treatment System and Flush Line Project had been awarded $1,000,000 by DWR, and

WHEREAS, grant reimbursements from the State to the City are to be made within 90 days following quarterly requests for reimbursements, and

WHEREAS, the City will coordinate with CCWD, the Local Project Sponsor for the DWR, for these reimbursements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of a 2021 Urban and Multibenefit Drought Relief Grant Program award of $1,000,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents and any amendment or changes thereto, and that the Director of Finance is authorized to act as the signatory of grant invoice forms during requests for reimbursement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-182

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,306,000 IN ORDER TO ACCEPT A GRANT AWARD FROM THE DEPARTMENT OF WATER RESOURCES AND FUND THE WELL 312 TREATMENT SYSTEM AND FLUSH LINE PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $1,306,000, in order to accept a grant award from the Department of Water Resources and fund the Well 312 Treatment System and Flush Line Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $1,306,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-183

RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH KRAZEN & ASSOCIATES FOR MATERIALS TESTING AND SPECIAL INSPECTION SERVICES, FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL AMOUNT NOT TO EXCEED $74,500, AND A TOTAL AMOUNT NOT TO EXCEED $223,500 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, during the course of construction, on-call firms for materials testing and special inspections will be needed to meet the City's quality assurance requirements, and

WHEREAS, On-Call services are performed by outside consultants because the City does not own and operate a certified facility capable of providing materials testing services, nor does staff have the required certifications to provide special inspection services, and

WHEREAS, retaining On-Call Agreements with consultants allows the Utilities Department to have timely access to certified material testers, labs, and special inspectors, and

WHEREAS, the current On-Call Materials Testing and Special Inspection Agreements are set to expire in April 2023, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirement, and

WHEREAS, furthermore, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals

(RFQ/RFP) was formally advertised through Planet Bids on February 8, 2023 for On-Call Special Inspection and Materials Testing Services, and six firms submitted responses to the RFQ-RFP, and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that Krazan & Associates, Inc., was one of three most qualified firms, and

WHEREAS, staff recommends that the City enter into On-Call Agreements with Krazan and Associates, Inc. for a one-year agreement with two one-year extension options, for an annual amount not to exceed $74,500 per consultant, and a total amount not to exceed $223,500 over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with Krazan & Associates, Inc., for Materials Testing and Special Inspection Services, for a one-year agreement with two one-year extension options, for an annual cost not to exceed $74,500, and a total not to exceed amount of $223,500 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-184

RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH BSK ASSOCIATES, FOR MATERIALS TESTING AND SPECIAL INSPECTION SERVICES, FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL AMOUNT NOT TO EXCEED $74,500, AND A TOTAL AMOUNT NOT TO EXCEED $223,500 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, during the course of construction, on-call firms for materials testing and special inspections will be needed to meet the City's quality assurance requirements, and

WHEREAS, On-Call services are performed by outside consultants because the City does not own and operate a certified facility capable of providing materials testing services, nor does staff have the required certifications to provide special inspection services, and

WHEREAS, retaining On-Call Agreements with consultants allows the Utilities Department to have timely access to certified material testers, labs, and special inspectors, and

WHEREAS, the current On-Call Materials Testing and Special Inspection agreements are set to expire in April 2023, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirement, and

WHEREAS, furthermore, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals

(RFQ/RFP) was formally advertised through Planet Bids on February 8, 2023 for On-Call Special Inspection and Materials Testing Services, and six firms submitted responses to the RFQ-RFP, and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that was one of three most qualified firms, and

WHEREAS, staff recommends that the City enter into On-Call Agreements with BSK Associates for a one-year agreement with two one-year extension options, for an annual amount not to exceed $74,500, and a total amount not to exceed $223,500 per consultant over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with BSK Associates for Materials Testing and Special Inspection Services, for a one-year agreement with two one-year extension options, for an annual cost not to exceed $74,500, and a total not to exceed amount of $223,500 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-185

RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH TERRACON CONSULTANTS INC., FOR MATERIALS TESTING AND SPECIAL INSPECTION SERVICES, FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL AMOUNT NOT TO EXCEED $74,500, AND A TOTAL AMOUNT NOT TO EXCEED $223,500 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, during the course of construction, on-call firms for materials testing and special inspections will be needed to meet the City's quality assurance requirements, and

WHEREAS, On-Call services are performed by outside consultants because the City does not own and operate a certified facility capable of providing materials testing services, nor does staff have the required certifications to provide special inspection services, and

WHEREAS, retaining on-call agreements with consultants allows the Utilities Department to have timely access to certified material testers, labs, and special inspectors, and

WHEREAS, the current On-Call Materials Testing and Special Inspection agreements are set to expire in April 2023, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirement, and

WHEREAS, furthermore, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals

(RFQ/RFP) was formally advertised through Planet Bids on February 8, 2023 for On-Call Special Inspection and Materials Testing Services, and six firms submitted responses to the RFQ-RFP, and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that was one of three most qualified firms, and

WHEREAS, staff recommends that the City enter into On-Call Agreements with Terracon Consultants, Inc. for a one-year agreement with two one-year extension options, for an annual amount not to exceed $74,500 per consultant, and a total amount not to exceed $223,500 over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement with Terracon Consultants, Inc. for Materials Testing and Special Inspection Services, for a one-year agreement with two one-year extension options, for an annual cost not to exceed $74,500, and a total not to exceed amount of $223,500 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-186

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH NATIONAL PLANT SERVICES, INC., OF HAYWARD, CA, FOR PIPE INSPECTION AND ASSESSMENT SERVICES FOR THE RIVER TRUNK INSPECTION AND ASSESSMENT PROJECT IN THE AMOUNT OF $331,000, FOR AN AGREEMENT TOTAL NOT TO EXCEED $510,300; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on June 7, 2022, per Resolution No. 2022-258, Council approved an agreement with National Plant Services, Inc. for Inspection and Assessment Services for the River Trunk Inspection and Assessment Project, in an amount not to exceed $179,300, and

WHEREAS, Staff is proposing that this original agreement be amended to include an integrity and condition assessment of the two parallel outfall pipeline siphons that convey primary treated domestic and industrial wastewater from the Sutter Wastewater Treatment Plant to the Jennings Wastewater Treatment Plant for further processing, and

WHEREAS, the siphons cross under the Tuolumne river between the Sutter Wastewater Treatment Plant and Hatch Road, and

WHEREAS, the City has entered into a lease for the land under the Tuolumne River with the California State Lands Commission (State) for a term of 20 years where the pipeline siphons reside, and

WHEREAS, as part of the provisions of the new lease, the City is required to conduct an initial integrity and condition assessment due to the State in the Fall of 2023, and

WHEREAS, staff is recommending a first amendment to the agreement with National Plant Services, Inc., in the amount of $331,000, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.2504(a) Exceptions to Formal Bidding Requirements, this amendment to the agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with National Plant Services, Inc., for Inspection and Assessment Services in an amount not to exceed $331,000 for the identified scope of services, for a revised maximum total amount of $510,300.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-187

RESOLUTION AMENDING THE FISCAL YEAR 2022/23 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $331,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FUND THE RIVER TRUNK INSPECTION AND ASSESSMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $331,000, in order to fund the River Trunk Inspection and Assessment Project, and

WHEREAS, the Fiscal Year 2022/23 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022/23 Multi-Year Program Budget in the amount of $331,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-188

RESOLUTION APPROVING THE PURCHASE AND AGREEMENTS FOR THE CYBERSECURITY ATTACK RESPONSES FOR AN AMOUNT OF $548,266 PLUS 7% CONTINGENCY IN THE AMOUNT OF $38,379 FOR A TOTAL AMOUNT NOT TO EXCEED $586,645; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AGREEMENTS

WHEREAS the City of Modesto experienced a ransomware attack on February 3, 2023, and

WHEREAS cybersecurity attack response vendors were assigned to the City of Modesto by its insurance company, and

WHEREAS the response vendors crafted and adhered to statements of work (SOW) in their respective areas of expertise to forensically analyze, clean, and restore information technology systems that were impacted by the attack, and

WHEREAS many of the response vendors along with their associated agreements will not be identified in order to protect their specific area of expertise as allowed by California Government Code Section 7929.210a[1] which states "Nothing in this division requires the disclosure of an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency," and

WHEREAS the City of Modesto agreement with its insurance company requires the response vendors to be paid by the City of Modesto, and

[1] 2021 California Government Code – GOV, Title 1 – General, Division 10 – Access to Public Records, Part 5 – Specific types of Public Records, Chapter 17 – Security Measures and Related Matters, Section 7929.210.

WHEREAS the City of Modesto will submit all payments made to the response vendors to the insurance company for a policy compliance review and anticipated reimbursement less the policy's $100,000 deductible, and

WHEREAS Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS the approval for professional services rendered by the response vendors should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(c) where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS the circumstances involving the ransomware attack required an immediate response, and

WHEREAS, the service fees for these response vendors will be $548,266, and

WHEREAS, there will be a 7% contingency in an amount of $38,379 to account for unanticipated vendor response services, and

WHEREAS, the total for these response vendor agreements will be $586,645.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase and Agreements for the Cybersecurity Attack Responses for an amount of $548,266 plus 7% contingency in the amount of $38,379 for a total amount not to exceed $586,645.

BE IT FURTHER RESOLVED that the City Manager or his designee are hereby authorized to execute the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-189

RESOLUTION APPROVING THE AGREEMENTS WITH SECURITY TOOL VENDORS IN AN AMOUNT OF $462,210 PLUS 7% CONTINGENCY IN THE AMOUNT OF $34,790 FOR A TOTAL AMOUNT NOT TO EXCEED $497,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AGREEMENTS

WHEREAS the City of Modesto experienced a ransomware attack on February 3, 2023, and

WHEREAS cybersecurity attack response vendors were assigned to the City of Modesto by its insurance company, and

WHEREAS the response vendors installed multiple cybersecurity detection, protection and attack management/recovery tools and recommended other specific tools for an improved cybersecurity defense, and

WHEREAS the City of Modesto Information Technology Department was already in the process of bringing several of the recommended tools along with other tools designed to improve cybersecurity defense capabilities to City Council for approval prior to the ransomware attack occurring, and

WHEREAS the security tools being purchased along with their specific agreements will not be identified in order to protect their specific security function as allowed by California Government Code Section 7929.210a[1] which states "Nothing in this division requires the disclosure of an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities

[1] 2021 California Government Code – GOV, Title 1 – General, Division 10 – Access to Public Records, Part 5 – Specific types of Public Records, Chapter 17 – Security Measures and Related Matters, Section 7929.210.

to, or otherwise increase the potential for an attack on, an information technology system of a public agency.", and

WHEREAS Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS the approval for the security tools should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(c) where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, the circumstances involving the ransomware attack required an immediate response where several of the security tools were implemented on the City's network by the response vendors to assist and speed up the City's recovery process, and

WHEREAS, the subscription fee for all security tools associated with this resolution will be $462,210 annually, and

WHEREAS, there will be a 7% contingency in an amount of $34,790 in year 1 to account for implementation, upgrades and maintenance of the security tools, and

WHEREAS, the annual agreements total for these security tools will be $497,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreements with security tool vendors in an amount of $462,210 plus 7% contingency in the amount of $34,790 for a total amount not to exceed $497,000.

BE IT FURTHER RESOLVED that the City Manager or his designee are hereby authorized to execute the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-190

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO RELATING TO MODESTO PUBLIC FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS SERIES 2008; APPROVING AMENDMENT NO. 1 TO REIMBURSEMENT AGREEMENT AMONG BMO HARRIS BANK N.A., CITY OF MODESTO AND MODESTO PUBLIC FINANCING AUTHORITY; AMENDMENT NO. 1 TO FEE LETTER AGREEMENT; AND A SUPPLEMENT TO OFFICIAL STATEMENT; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City"), and

WHEREAS, the Modesto Public Financing Authority (the "Authority") is authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4, Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government Code, as amended (the "Act"), to lease and/or purchase real property and to issue bonds for the financing and refinancing of public capital improvements whenever there are significant public benefits, and

WHEREAS, the Authority previously issued its $65,170,000 original aggregate principal amount of Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008 (the "2008 Bonds"), and

WHEREAS, Bank of America, N.A., as Credit Facility Provider, issued its Irrevocable Transferable Letter of Credit dated August 28, 2008 (the "Initial Credit Facility") to provide credit support for the 2008 Bonds, and

WHEREAS, on June 13, 2019, the City replaced the Initial Credit Facility with a replacement letter of credit (the "Current Credit Facility") by BMO Harris Bank N.A.

(successor in interest to Bank of the West) (the "Bank"); and

WHEREAS, in connection with the issuance of the Current Credit Facility, the City, the Authority and the Bank entered into a Reimbursement Agreement and related Fee Letter Agreement; and

WHEREAS, the Current Credit Facility has a stated expiration date of June 13, 2023; and

WHEREAS, prior to the expiration date thereof, the City wishes to extend the Current Credit Facility; and

WHEREAS, in connection with the extension of the Current Credit Facility, the City, the Authority and the Bank will enter into an Amendment No. 1 to Reimbursement Agreement (the "Reimbursement Agreement Amendment") and related Amendment No. 1 to Fee Letter Agreement (the "Fee Letter Amendment"), and

WHEREAS, staff recommends TD Securities (USA) LLC replace Raymond James & Associates, Inc. as the remarketing agent for the 2008 Bonds, and

WHEREAS, in connection with the extension of the Current Credit Facility, the City and the Authority will prepare a supplement to the Official Statement for the 2008 Bonds describing certain material information regarding the Bank, the Current Credit Facility and the Reimbursement Agreement (as amended by the Reimbursement Agreement Amendment) (the "Supplement to Official Statement"), and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required

by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

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

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

Section 2. Approval of the Reimbursement Agreement Amendment and Fee Letter Amendment. The City Council hereby approves the extension of the Stated Expiration Date of the Current Credit Facility. The Reimbursement Agreement Amendment and related Fee Letter Amendment proposed to be executed and entered into by the City, in the forms presented at this meeting and on file with the City Clerk, are hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Reimbursement Agreement Amendment and Fee Letter Amendment in substantially said forms, with such changes therein as such officer executing the Reimbursement Agreement Amendment and Fee Letter Amendment may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of the Supplement to Official Statement. The Supplement to Official Statement proposed to be executed and delivered by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Supplement to Official Statement in substantially said form, with such changes therein as such officer executing the Supplement to Official Statement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

Section 5. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Reimbursement Agreement Amendment, the Fee Letter Amendment and the Supplement to Official Statement; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. 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 11th day of April, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-191

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO RELATING TO WATER REFUNDING REVENUE CERTIFICATES OF PARTICIPATION, 2008 SERIES A; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A STANDBY CERTIFICATE PURCHASE AGREEMENT AND A FEE LETTER WITH BMO HARRIS BANK N.A. (SUCCESSOR IN INTEREST TO BANK OF THE WEST); APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A REMARKETING MEMORANDUM IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City"); and

WHEREAS, the City has caused to be executed and delivered the $47,625,000 City of Modesto, California Water Refunding Revenue Certificates of Participation, 2008 Series A (the "2008 Certificates"); and

WHEREAS, in connection with the issuance of the 2008 Certificates, Bank of America, N.A., as liquidity facility provider, the City, and the Modesto Public Financing Authority (the "Authority") previously entered into a Standby Certificate Purchase Agreement, dated as of May 1, 2008 (the "Original Standby Certificate Purchase Agreement"), relating to the performance of certain duties with respect to the remarketing of the 2008 Certificates; and

WHEREAS, the Original Standby Certificate Purchase Agreement was later replaced with an irrevocable direct-pay letter of credit (the "Letter of Credit") issued by JPMorgan Chase Bank, N.A. ("JPMorgan") pursuant to the terms of a Reimbursement Agreement, dated as of July 1, 2011, as amended, by and between the City and JPMorgan; and

WHEREAS, the City has determined to be in its best interest to replace the Letter of Credit with a liquidity facility provided by BMO Harris Bank N.A. (the "Liquidity Provider"), under a Standby Certificate Purchase Agreement (the "Standby Certificate Purchase Agreement"), among the Liquidity Provider, the City, and the Authority; and

WHEREAS, in connection with the Standby Certificate Purchase Agreement, the City, the Authority and the Liquidity Provider will enter into a Fee Letter Agreement (the "Fee Letter"); and

WHEREAS, staff recommends PNC Capital Markets LLC replace J.P. Morgan Securities LLC as the remarketing agent for the 2008 Certificates, and

WHEREAS, the City proposes to execute a Remarketing Memorandum (the "Remarketing Memorandum"), relating to the 2008 Certificates, and to authorize the distribution of the Remarketing Memorandum to prospective and actual purchasers of the 2008 Certificates; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

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

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

Section 2. Approval of the Standby Certificate Purchase Agreement and Fee Letter. The Standby Certificate Purchase Agreement and the Fee Letter proposed to be executed and entered into by the City, in the forms presented at this meeting and on file with the City Clerk, are hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Standby Certificate Purchase Agreement and the Fee Letter in substantially said forms, with such changes therein as such officer executing the Standby Certificate Purchase Agreement and the Fee Letter may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of Remarketing Memorandum. The Remarketing Memorandum, in the form presented at this meeting and on file with the City Clerk, is hereby approved. Each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute the Remarketing Memorandum in substantially said form, with such changes therein as such officer executing the Remarketing Memorandum may require or approve, such approval to be conclusively evidenced by the execution thereof. Each of the City

Manager and the Finance Director, acting singly, is hereby authorized and directed to cause the Remarketing Memorandum, in substantially said form, with such changes therein as such officer may require or approve, to be distributed to potential and actual purchasers of the 2008 Certificates.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

Section 5. Other Actions. The City Manager and the Finance Director, or their designees, of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents (including without limitation a custodian agreement) which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Standby Certificate Purchase Agreement, the Fee Letter and the Remarketing Memorandum; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. 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 11th day of April, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-192

RESOLUTION APPROVING THE PURCHASE OF MODESTO POLICE DEPARTMENT PATROL VEHICLES AND MODESTO FIRE DEPARTMENT BOAT WITH TRAILER REPLACEMENTS UNDER EXHIBIT A AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ISSUE THE PURCHASE ORDERS.

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs; and

WHEREAS, the Finance Department Purchasing Division and Public Works Fleet Division continue to explore opportunities to facilitate the purchase of City-wide vehicle additions and replacements utilizing the formal bidding process or cooperative agreements; and

WHEREAS, the demand for vehicles is a nationwide challenge and government agencies are competing to secure similar types of vehicles; and

WHEREAS, with these challenges, there are significant concerns of being able to have enough Modesto patrol vehicles in the field for the Modesto Police Department (MPD); and

WHEREAS, the MPD has 19 vehicles on the pending replacement list with 15 more slated for upcoming Fiscal Year 2023-24 once the budget is approved which brings the total needed patrol replacement vehicles at 34; however; of the 19 already approved for replacement, none have production or delivery dates, and several have already been pushed to the 2024 model year for the Ford Interceptors; and

WHEREAS, obtaining vehicles directly from the dealership ready for delivery is very limited and when available, quick action must be taken to secure and procure them as nearly all law enforcement agencies in the United States urgently need vehicles; and

WHEREAS, on Saturday, March 25, 2023, the only water rescue boat owned by the Modesto Fire Department (MFD) was involved in an accident on the way to a call, which resulted in a total loss of the boat as well as its trailer; and

WHEREAS, the department is seeking approval to purchase a new boat and trailer once a purchase becomes available to ensure we can respond to calls for service during what is anticipated to be record flows on the Tuolumne River. Until the current boat and trailer are replaced, MFD will need to rely heavily on the MST (Modesto Fire Department, Stanislaus Consolidated Fire Protection District, Turlock Fire Department) partnership for assistance; and

WHEREAS, the Finance Department Purchasing Division is requesting approval to authorize the City Manager to issue a Purchase Order for the MPD patrol vehicles and MFD boat with trailer identified under **Exhibit A** once a vehicle is available to purchase; and

WHEREAS, the estimated amount of a MPD patrol vehicle will range to approximately $57,500 to $63,250, and the estimated amount of the MFD Boat with trailer is approximately $50,000. The exact amounts of these vehicles will be established by the Purchase Order, and may exceed the estimates; and

WHEREAS, these vehicles will be vetted for pricing by Purchasing and by Fleet to ensure they meet the vehicle specifications for these types of vehicles; and

WHEREAS, under certain circumstances, some vehicle specifications could be modified based on the supply demand availability but all specifications will be reviewed by MPD, MFD and Fleet to ensure they provide for the service and safety needs; and

WHEREAS, once the Purchase Order has been issued to the vendor, the Finance Department will return to City Council with the background on the Purchasing vetting process for these Purchase Orders and provide transparency on the amount of the Purchase Order and vendor name; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; However, exceptions to the formal bidding process are granted in MMC 8-3.204(c) "Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances"; and

WHEREAS, this action item falls under this exception due to the supply demand challenges nationwide, the need to purchase critical vehicles for the safety of the community and ensuring the City maintains the necessary vehicle inventory for the MPD patrol staff and MFD.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the purchase of Modesto Police Department Patrol Vehicles and Modesto Fire Department Boat with Trailer replacements under **Exhibit A**.

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizing the City Manager, or his designee, to issue the Purchase Orders.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A - Modesto Police Department - Patrol Vehicles and Modesto Fire Boat/Trailer

Replacement Year	Line #	Vehicle Description	Old Unit	Fund	Cost Center	Cost Center Description	Year of Vehicle	Meter	Repair Cost	Estimated Replacement Cost
FY 21-22	1	TRK 1/2 TON RESPONDER	11108	0100	19320	MPD - Police Field Ops.	2011	108,875	$ 59,194	$63,250
FY 21-22	2	TRK 1/2 TON RESPONDER	11192	0100	19320	MPD - Police Field Ops.	2011	72,787	$ 43,499	$63,250
FY 21-22	3	TRK 1/2 TON RESPONDER	31434	0100	19320	MPD - Police Field Ops.	2014	89,287	$ 69,516	$63,250
FY 21-22	4	SUV PATROL	31522	0100	19320	MPD - Police Field Ops.	2015	114,880	$ 63,746	$63,250
FY 21-22	5	SUV PATROL	31524	0100	19320	MPD - Police Field Ops.	2015	114,880	$ 54,499	$63,250
FY 21-22	6	SUV PATROL	31725	0100	19320	MPD - Police Field Ops.	2017	108,914	$ 69,731	$63,250
FY 21-22	7	SUV PATROL	31729	0100	19320	MPD - Police Field Ops.	2017	109,271	$ 55,822	$63,250
FY 21-22	8	SUV PATROL	31620	0100	19320	MPD - Police Field Ops.	2016	98,778	$ 61,629	$63,250
FY 21-22	9	SUV PATROL	31645	0100	19320	MPD - Police Field Ops.	2016	112,976	$ 61,629	$63,250
FY 22-23	10	SEDAN PATROL/SUV Patrol	32106	0100	19320	MPD - Police Field Ops.	2021	10,973	$ 11,941	$57,500
FY 22-23	11	SUV PATROL	32102	0100	19320	MPD - Police Field Ops.	2021	18,297	$ 11,942	$57,500
FY 22-23	12	SUV PATROL	31842	0100	19320	MPD - Police Field Ops.	2018	55,647	$ 37,045	$57,500
FY 22-23	13	SUV PATROL	31727	0100	19320	MPD - Police Field Ops.	2017	120,041	$ 68,830	$57,500
FY 22-23	14	SUV PATROL	31434	0100	19320	MPD - Police Field Ops.	2014	118,003	$ 86,493	$57,500
FY 22-23	15	SUV PATROL	31809	0100	19320	MPD - Police Field Ops.	2018	109,900	$ 54,620	$57,500
FY 22-23	16	SUV PATROL	31750	0100	19320	MPD - Police Field Ops.	2017	105,430	$ 61,603	$57,500
FY 22-23	17	SUV PATROL	31713	0100	19320	MPD - Police Field Ops.	2017	103,409	$ 58,648	$57,500
FY 22-23	18	SUV PATROL	11192	0100	19320	MPD - Police Field Ops.	2011	82,626	$ 47,688	$57,500
FY 22-23	19	FIRE BOAT	60202	0100	18210	MFD - Surpression	2002	N/A	N/A	
FY 22-23	20	FIRE TRAILER	89701	0100	18210	MFD - Surpression	1997	N/A	N/A	$50,000
FY 22-23	21	FIRE MOTOR	70299	0100	18210	MFD - Surpression	2002	N/A	N/A	
FY 23-24	22	SUV PATROL SGT UAV	31407	0100	19320	MPD - Police Field Ops	2014	85,118	$ 79,311	$62,330
FY 23-24	23	SUV PATROL	31544	0100	19320	MPD - Police Field Ops	2015	119,200	$ 121,632	$57,500
FY 23-24	24	SUV PATROL SGT	31549	0100	19320	MPD - Police Field Ops	2015	114,467	$ 62,229	$57,500
FY 23-24	25	SUV PATROL LP READER	31519	0100	19320	MPD - Police Field Ops	2015	112,906	$ 83,411	$57,500
FY 23-24	26	SUV PATROL	31664	0100	19320	MPD - Police Field Ops	2016	124,113	$ 86,066	$57,500
FY 23-24	27	SUV PATROL	31760	0100	19320	MPD - Police Field Ops	2017	116,347	$ 61,226	$57,500
FY 23-24	28	SUV PATROL	31721	0100	19320	MPD - Police Field Ops	2017	105,076	$ 84,225	$57,500
FY 23-24	29	SUV PATROL	31718	0100	19320	MPD - Police Field Ops	2017	90,908	$ 47,513	$57,500
FY 23-24	30	SUV PATROL	31762	0100	19320	MPD - Police Field Ops	2017	83,650	$ 81,626	$57,500
FY 23-24	31	SUV PATROL	31727	0100	19320	MPD - Police Field Ops	2017	120,041	$ 68,830	$57,500
FY 23-24	32	SUV PATROL	31713	0100	19320	MPD - Police Field Ops	2017	103,409	$ 58,648	$57,500
FY 23-24	33	SUV PATROL	31750	0100	19320	MPD - Police Field Ops	2017	105,430	$ 61,603	$57,500
FY 23-24	34	SUV PATROL	31857	0100	19320	MPD - Police Field Ops	2018	86,887	$ 55,567	$57,500
FY 23-24	35	SUV PATROL	31809	0100	19320	MPD - Police Field Ops	2018	109,900	$ 54,620	$57,500
FY 23-24	36	SUV PATROL	31840	0100	19320	MPD - Police Field Ops	2018	84,867	$ 48,011	$57,500
									Total	**$2,004,080**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-193

RESOLUTION ACCEPTING THE RESIGNATION OF GABRIELLA FIERRO FROM THE CITY OF MODESTO EQUITY COMMISSION

WHEREAS, the Equity Commission was established to advise the City Manager and City Council on matters relating to diversity, equity, inclusion, and disability, and

WHEREAS, on August 9, 2022, by Resolution No. 2022-332, Gabriella Fierro was appointed to serve as a member of the Equity Commission, and

WHEREAS, Gabriella Fierro has tendered her resignation from the Equity Commission effective March 20, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Gabriella Fierro from the Equity Commission, with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST:

DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-194

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment is necessary to increase the expense and revenue budgets for project 101343 – HOME FY2021-22 Allocation by $175,000. This project is funded by HUD HOME Investment Partnership Grant, and this allocation is from prior program years that have not yet been utilized. There is no impact to the General Fund.

- A budget adjustment is needed to budget a transfer in the amount of $125,000 from Fund 1155 – Revolving Loan Fund (RLF) to Fund 1130 – Community Development Block Grants (CDBG) to fund expenses funded by RLF. This amount varies each year based on the amount of revenue that is receipted to the RLF fund.

- A budget adjustment in the amount of $350,000 is necessary to increase the expense budget for the Go-Biz Cannabis Equity project (101328) and recognize the total grant revenue of $425,000 of which $75,000 was previously received to complete the cannabis equity assessment and develop the cannabis equity program. The revenue was received, but not recognized on the revenue budget for the project. The new grant funding in the amount of $350,000 is an award from the Governor's Office of Business and Economic Development (Go-Biz) to provide assistance to local cannabis equity applicants and licensees. This item was approved by Council on 3/14/2022 via resolution 2023-110, however the approval did not include a fiscal resolution to amend the budget.

- A budget adjustment in the amount of $2,000,000 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101269 – Pelandale Ave. Pavement Rehabilitation. The project recently received an updated E-76 for construction grant funds from the Department of Transportation (CalTrans) on March 3, 2023. The adjustment will recognize the grant revenue and increase the projects discretionary expenditure accounts.

FINANCE DEPARTMENT

- A budget adjustment in the amount of $692,867 is necessary in the Inventory Purchase Fund (5110) to recognize revenues received from sales of inventory for the Litt Stores Location, and increase the budget for cost of goods sold due to an increase in Water register replacements. Failure rates of the registers are occurring quickly due to their ending life span.

- A budget adjustment of $779,440 is necessary to reduce the revenue and expense budget of 5110 Inventory Purchase Fund for the Jefferson Store location (12540). The budget estimates original calculated for the Jefferson Stores location included an overestimation of Wastewater parts due to projects anticipated during this fiscal year.

POLICE DEPARTMENT

- A budget adjustment in the amount of $127,779 is needed in the Police – Grants Fund (1342) for Project 101483 – 2023 Board State and Community Corrections Officer Wellness to recognize revenue received from the State of California in relation to AB 178 and allocated to the project discretionary expense budget.

PUBLIC WORKS

- A budget adjustment in the amount of $81,000 is needed in the Grants - Operation Grants Reimbursed Fund (1341) for project 101357 – CoM Rideshare Program. This project utilizes multiple California Department of Transportation Rideshare Program grants that were retained by the City after the Transit division broke off to form the Stanislaus Regional Transit Authority (StanRTA). This budget adjustment will accommodate new funding received under Rideshare Program grant CMLNI-5059(256). Under resolution 2021-360. City Council approved the Amendment to Grant Management Services with StanRTA that allows the City to pass through these grant funds for eligible expenses incurred by StanRTA and this adjustment will ensure the budget appropriation is in place to expend these funds.

*Amended for Clerical Error

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-195

RESOLUTION APPROVING A DESIGN SERVICES AGREEMENT WITH *AECOM TECHNICAL SERVICES, INC. FOR THE BRIGGSMORE AVENUE AT STATE ROUTE 99 INTERCHANGE IMPROVEMENT PROJECT IN THE AMOUNT OF $6,380,010, PLUS $638,001 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $7,018,011, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Briggsmore Avenue at State Route 99 (SR99) Interchange was constructed incrementally in response to changing demands and available funding over time; and

WHEREAS, at this time, deficiencies are such that a complete overhaul is necessary to maintain flows into the future; and

WHEREAS, an analysis must be performed to understand the Traffic Engineering first and then look for ways to make improvements; and

WHEREAS, Staff anticipates that this could result in radical changes to local roadways, with the end result being a net increase in safety and efficiency for movement of goods and services throughout the vicinity of Briggsmore Avenue and SR99; and

WHEREAS, the initial direction to staff is that the SR99 overcrossing needs to be reconstructed to accommodate 8 lanes of traffic on the SR99 mainline; and

WHEREAS, this work is complicated by the presence of traffic signals at less than ideal spacing in the immediate vicinity of the interchange; and

WHEREAS, interchange reconstruction and roadway realignment will be further frustrated by the presence of several big box retail stores North and East of the existing interchange; and

WHEREAS, this interchange also serves as a grade separated crossing of the Union Pacific Railroad and future expansion of the Altamont Corridor Express (ACE) Rail system; and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the Briggsmore Avenue at SR99 Interchange through reconstruction; and

WHEREAS, on May 20, 2022, Staff solicited proposals to consultants for the Project in compliance with Modesto Municipal Code section 8-3.204(a); and

WHEREAS, on August 12, 2022, five consulting firms submitted proposals; and

WHEREAS, the five submittals were reviewed by a multi-jurisdictional panel comprised of representatives from the City, Stanislaus County, and Caltrans; and

WHEREAS, on September 23, 2022, the three top-ranked firms were interviewed with ranking as shown below:

1) WMH Corporation, San Jose
2) *AECOM Technical Services, Inc.
3) Kimley-Horn, Sacramento

WHEREAS, the first ranked firm, WMH Corporation, is scheduled for consideration by the City Council on April 4, 2023, for design of the Standiford Avenue at SR99 Interchange Improvement Project; and

WHEREAS, AECOM is the second ranked firm in the procurement process and recommended to design the Briggsmore Avenue at SR99 Interchange Improvement Project; and

WHEREAS, an additional allocation of funding is required from Stanislaus Council of Governments (StanCOG) to fully fund this project; and

WHEREAS, Staff recommends approval of the agreement with AECOM for the Briggsmore Avenue at SR99 Interchange Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Design Services Agreement with *AECOM Technical Services, Inc. for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011.

BE IT FURTHER RESOLVED, separate City Council approval and issuance of a separate notice to proceed is required before initiation of any work or payment for work items covered in Task item 4 in Appendix H.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Agreement in a form approved by the City Attorney.

*Amended for Clerical Error

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-196

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND LPC KIERNAN, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1224 KIERNAN ROAD IN MODESTO (APN: 046-001-001) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, LPC Kiernan, LLC, a California limited liability, owns property located at 1224 Kiernan Road; and

WHEREAS, a representative of the property owner has requested water service connection; and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001; and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas; and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001; and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval; and

WHEREAS, the property located at 1224 Kiernan Avenue, is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection; and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development; and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction; and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 1224 Kiernan Avenue in Modesto (APN: 046-001-001).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve Letter and execute the Outside Service Agreement for Water Service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-197

RESOLUTION APPROVING COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH CATERPILLAR INC, UNDER THE AUTHORIZED DEALER HOLT OF CALIFORNIA, CA FOR A TYPE II DOZER FOR A TOTAL AMOUNT NOT TO EXCEED $307,189; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, after researching and reviewing a number of options to enhance the Fuel Reduction Program, the Modesto Fire Department is seeking authorization for the purchase of a CAT D1 mulcher/Dozer; and

WHEREAS, the Fuel Reduction Program reduces fire hazards and risks by creating a break in fuel continuity that can modify future wildfire behavior and improve protection efforts. This program is also managed by agencies such as CalFire, Sonoma County, Los Angeles County, Ventura County and Kern County with similar success as MFD.; and

WHEREAS, the requested CAT D1 Mulcher is a dedicated mulching machine which gives us a needed balance between mulching, fire break construction and fire suppression; and

WHEREAS, the CAT D1 Mulcher is also a CalFire specification and would be recognized as a Type II Dozer in the State system (Interagency Resource Ordering Capability - IROC). The CAT D1 Mulcher is outfitted with full screens, guards, belly pans, hydraulic winch, fire suppression system and fire curtains. The CAT D1 Mulcher is delivered with an HM518 mulching head, which is an FAE head rebranded with CAT (we currently run FAE), as well as a 104” blade; and

WHEREAS, this equipment will assist with the ongoing efforts of vegetation management, which ultimately reduces the risk of wildfires; and

WHEREAS, since the implementation of the Fuel Reduction Program, the City's vegetation management during the off-season has reduced time spent on calls related to vegetation fires, especially in the Tuolumne River Regional Park and surrounding areas. The Department has utilized its Kubota SVL95 Skidsteer, and a Primetech PT175, rented from Parks, with roughly 300 hours of management; and

WHEREAS, in addition to reducing the risk of wildfires, our efforts with vegetation management will help protect homes and other structures against wildfires, as well as reduce the risk of air pollution by utilizing equipment such as a Type II Dozer rather than conducting controlled burns. Currently, the City of Modesto does not have a piece of equipment with the same capabilities as what is being requested; and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. It has been determined that Holt of California would be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since Holt of California is able to fully meet department specifications and be recognized by the State as a Type II Dozer. Therefore, this purchase qualifies for exemption from the formal bidding procedures; and

WHEREAS, the anticipated cost of $307,189 will be split between the Fire Department and Parks, Recreation, and Neighborhoods (PRN) Department. This is fully budgeted within the current 2022-2023 Fiscal Year General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Type II Dozer with Holt of California, CA for a total amount not to exceed $307,189.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-198

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2023-2024 CAL FIRE VOLUNTEER FIRE CAPACITY (VFC) PROGRAM GRANT, IN A TOTAL AMOUNT NOT TO EXCEED $40,000, WHICH INCLUDES A 50% LOCAL MATCH, FOR THE PROCUREMENT OF WILDLAND FIREFIGHTING EQUIPMENT

WHEREAS, the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program is a federally funded grant program that provides local and rural fire departments with funding for minor firefighting, training, communications, and safety equipment; and

WHEREAS, the VFC Grant Program provides financial assistance directly to eligible fire departments for critical training and equipment; and

WHEREAS, the Modesto Fire Department is seeking authorization to submit a grant application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity Program Grant in an amount that will not exceed $40,000, which includes a 50% local match of funds; and

WHEREAS, if the department's application is accepted, the intention would be to purchase new wildland firefighting equipment in order to replace aging and outdated wildland equipment that is no longer in service or does not meet current standards; and

WHEREAS, there is a 50% required local match for the Cal Fire VFC Program Grant. The grant application maximum amount is $40,000 which would require a $20,000 local match; and

WHEREAS, due to the need of replacing critical firefighting equipment, the department would prioritize funding within existing budget for the match; and

WHEREAS, without this grant the Fire Department would bear the cost of the full $40,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of an application for the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of wildland firefighting equipment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-199

RESOLUTION APPROVING AN AGREEMENT WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE INC. TO PREPARE CONSTRUCTION DOCUMENTATION FOR THE DR. MARTIN LUTHER KING JR. PARK RENOVATION PROJECT FOR A TOTAL AMOUNT OF $684,927, PLUS $68,492 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED $753,419, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2019, through a series of public meetings, the community aided in the development of a new Concept Master Plan for the Dr. Martin Luther King Jr. Park; and

WHEREAS, on December 9, 2021, the Concept Master Plan was awarded $8,500,000 of Proposition 68 – California Statewide Park Program, Round 4 Funding for professional design consultant activities and construction; and

WHEREAS, the Dr. Martin Luther King Jr. Park Renovation Project is a complete re-design of the existing park site and will include: a gymnasium addition, with an indoor basketball court, adjacent to the existing community center, outdoor fitness stations, splash pad, game board tables, ping pong table, outdoor stage with a events plaza, lighted baseball field, lighted soccer field, basketball court, accessible exercise walking path, benches, prefabricated restroom building, water efficient irrigation system, native and drought tolerant landscaping, storm water control methods, overall improved park lighting & security cameras, and new accessible parking lots for use during community events; and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for

Capital Projects", staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, on December 21, 2022, the City's Parks Planning and Development Division issued a Request for Proposals (RFP) #PRN-22-01 for professional design consulting services for the Dr. Martin Luther King Jr. Park Renovation Project; and

WHEREAS, on January 24, 2023, staff received four (4) consultant proposals and a consultant selection committee was formed; and

WHEREAS, after a thorough review of the RFP responses, the committee invited all four of the respondents to attend a formal interview on February 28, 2023; and

WHEREAS, following the interviews, the committee determined that Callander Associates Landscape Architecture Inc., is the most qualified to design the Dr. Martin Luther King Jr. Park Renovation Project; and

WHEREAS, staff recommends Council approve an agreement with Callander Associates Landscape Architecture Inc, in the amount of $684,927 to design the Dr. Martin Luther King Jr. Park Renovation Project; and

WHEREAS, staff recommends Council approve a 10% additional services budget in the amount of $68,492 to allow for additional services that may be required due to unforeseen conditions, delays or expenses for an agreement total not to exceed $753,419; and

WHEREAS, this additional services budget does not commit the city to spend the additional funding, but allows the Department Director to approve change orders up to the additional services limit, without further council action; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement; however, staff proceeded with the RFP process pursuant to Administrative Directive 3.1.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Callander Associates Landscape Architecture Inc. to prepare construction documentation for the Dr. Martin Luther King Jr. Park Renovation Project for a total amount of $684,927, plus $68,492 for additional services, if needed, for an Agreement total not to exceed $753,419.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-200

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CARPENTER ROAD AREA SOCCER COMPLEX, PHASE 2 PROJECT, ACCEPTING THE BID AND APPROVING A CONSTRUCTION CONTRACT WITH MACHADO & SONS CONSTRUCTION, INC. OF TURLOCK, CA IN THE AMOUNT OF $1,321,611, PLUS $132,161 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $1,453,772 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, there is a need for additional soccer fields in this underserved community and the Stanislaus Youth Soccer League has been working with the TRRP JPA and City of Modesto to fund and construct soccer fields; and

WHEREAS, the City was awarded $1,000,000 in grant funding by CA State Parks through the Youth Soccer and Recreation Development Grant Program; and

WHEREAS, the project will construct three new soccer fields, site furnishings and an asphalt parking lot with landscaping & security lighting; and

WHEREAS, the project was advertised for bids on January 25, 2023, bids were publicly opened on March 14, 2023, pursuant to City Charter Section 1307, and seven bids were received; and

WHEREAS, bidder competition and participation were evident as the City received seven bids and the three lowest bids were very close in value; and

WHEREAS, Machado & Sons Construction, Inc., of Turlock, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Carpenter Road

Soccer Complex, Phase 2 Project to Machado and Sons Construction, Inc, of Turlock, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the Contract to Machado & Sons Construction, Inc., of Turlock, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Carpenter Road Area Soccer Complex, Phase 2 Project; accepting the bid and approving a Construction Contract with Machado & Sons Construction, Inc., of Turlock, CA, for a total of $1,321,611 plus $132,161 in contingency (if needed) for a total amount not to exceed $1,453,772.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-201

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE CARPENTER ROAD AREA SOCCER COMPLEX, PHASE 2 PROJECT FROM 8% ($105,729) TO 10% ($132,161) OF THE CONSTRUCTION CONTRACT AMOUNT OF $1,321,611 WITH MACHADO & SONS CONSTRUCTION, INC. OF TURLOCK, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of 8% for construction contracts of this dollar value; and

WHEREAS, since the project is in the lower end of this range and after reviewing the plans and specifications it appears there is a reasonable possibility of unforeseen issues arising during construction, it is likely that this project could exceed the Director's Authority of 8% ($105,729) of the contract amount of $1,321,610; and

WHEREAS, Staff is requesting an increase in the Director's Authority to issue change orders to 10% ($132,161).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Utilities authority to issue change orders for the Carpenter Road Area Soccer Complex, Phase 2 project from 8% ($105,729) to 10% ($132,161) of the construction contract price of $1,321,611 with Machado & Sons Construction, Inc., of Turlock, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-202

RESOLUTION AMENDING THE FISCAL YEAR 2022-2023 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101061 (CARPENTER ROAD AREA SOCCER) IN AN AMOUNT NOT TO EXCEED $640,000 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, TRRP CIP funding of $500,000 must be allocated to fund a portion of the project; and

WHEREAS, Parks CFF funding of $140,000 must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2022-2023 Capital Improvement Budget must be amended to increase Project 101061 – Carpenter Road Area Soccer in a total amount of $640,000 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2022-2023 Capital Improvement Program Budget to fund project 101061 (Carpenter Road Area Soccer) in an amount not to exceed $640,000 in transfers, revenue and to budget expenditures to fund the projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-203

RESOLUTION APPROVING THE SALE OF 3.948 ACRES OF REAL PROPERTY AT 1500 ROBERTSON ROAD JOINTLY OWNED BY THE CITY OF MODESTO, THE CITY OF CERES AND THE COUNTY OF STANISLAUS AS PART OF THE TUOLUMNE RIVER REGIONAL PARK FOR $470,000, TO THE STANISLAUS REGIONAL HOUSING AUTHORITY TO BE USED FOR CONSTRUCTION OF PARQUE RIO, A 92-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT, AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION AND CLOSE OF ESCROW

WHEREAS, the availability of affordable housing is extremely limited in Modesto and to assist with this shortage, local jurisdictions partner with affordable housing developers to acquire, renovate, and/or develop affordable housing units, using a variety of funding sources including, but not limited to local, State, and Federal funds with the goal of supplementing the affordable housing inventory within the community; and

WHEREAS, the Stanislaus Regional Housing Authority (Housing Authority) is a local affordable housing developer with vast experience in the development and management of affordable housing units and is the largest landlord of multifamily and senior housing for low- and moderate-income populations within Stanislaus County and other areas in the region; and

WHEREAS, over the years, the Housing Authority has had a successful track record of working with local jurisdictions within Stanislaus County in the development of affordable housing projects providing safe and decent housing for low-and-moderate income individuals and families within the region; and

WHEREAS, the Stanislaus Regional Housing Authority is requesting approval of a purchase and sale agreement to acquire 3.948 acres of land of the subject property for the construction of 92 affordable housing units; and

WHEREAS, the subject property is located at 1500 Robertson Road and is owned by the members of the Tuolumne River Regional Park (TRRP) Joint Powers Authority (JPA), which is comprised of the County of Stanislaus, City of Ceres, and the City of Modesto; and

WHEREAS, on March 17, 2021, the TRRP Citizens Advisory Committee conceptually recommended approval of the sale of a portion of the parcel located at 1500 Robertson Road to the Housing Authority; and

WHEREAS, on May 5, 2021, the Tuolumne River Regional Park JPA Commission also conceptually recommended approval, to move forward with an appraisal, and return for review and approval of the potential land acquisition; and

WHEREAS, an appraisal was prepared by Mann & Associates on March 16, 2022, and the property was appraised at $470,000, and staff believes the appraised value is within fair market range for the property; and

WHEREAS, the sale of the property to another public agency for that agency's use is exempt from compliance with the Surplus Land Act, because the property is "exempt surplus property" pursuant to Government Code Section 54221 (f)(1)(D); and

WHEREAS, Pursuant to the Subdivision Map Act, Government Code Section 66428 (a)(2), the creation of parcels of land conveyed to or from a public agency is exempt from the requirement of obtaining a parcel map and therefore, the creation of the

3.948-acre parcel is allowed to be created by legal description and then transferred between the parties by grant deed; and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee, on January 25, 2023, by a vote of 6-1, recommended the sale of this land; and

WHEREAS, the Tuolumne River Regional Park JPA Commission on February 8, 2023, by a vote of 3-0, recommended the sale of this land and forwarded to the legislative bodies of the members of the JPA for approval; and

WHEREAS, the item was reviewed by the Safety and Communities Committee on April 10, 2023, and the Committee recommended the item be forwarded to Council for approval; and

WHEREAS, proceeds of the sale in the amount of approximately $470,000 will be disbursed to the TRRP Operating Fund (Fund 6700) at the City of Modesto and will be allocated in accordance with the requirements of the TRRP JPA agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sale of 3.948 Acres of real property at 1500 Robertson Road, jointly owned by the City of Modesto, the City of Ceres, and the County of Stanislaus as part of the Tuolumne River Regional Park, for $470,000 to the Stanislaus Regional Housing Authority to be used for construction of Parque Rio, a 92-unit multi-family affordable housing development.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized on behalf of the City to execute the Purchase and Sale Agreement, in a form approved by the City Attorney, and all related documents required to complete the transaction and close of escrow.

BE IT FURTHER RESOLVED that sale of the property to the Stanislaus Regional Housing Authority is exempt from compliance with the Surplus Land Act, because the property is "exempt surplus property" pursuant to Government Code Section 54221 (f)(1)(D).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-204

RESOLUTION ACCEPTING THE SS4A GRANT FUNDS OF $1,000,000 AND USING MEASURE L FUNDS AS THE CITY'S 20% $200,000 MATCH PORTION OF THE GRANT FUNDS RECEIVED FOR A PROJECT TOTAL OF $1,200,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED GRANT DOCUMENTS

WHEREAS, the Bipartisan Infrastructure Law1 (BIL) established a new Safe Streets and Roads for All (SS4A) Grant program with $5 billion in appropriated funds over the next five years; and

WHEREAS, the primary goal of the SS4A grants is to improve roadway safety by supporting communities in developing comprehensive safety action plans based on a "Safe System Approach", and implementing projects and strategies that significantly reduce or eliminate transportation-related fatalities and serious injuries involving pedestrians, bicyclists, public transportation, commercial vehicle operators, and motorists; and

WHEREAS, in fiscal year 2022 (FY22), up to $1 billion is available; and

WHEREAS, public sector project leaders can build internal buy-in and partnerships with public, private, academic, nonprofit, and community organizations and community networks to refine and prototype their concepts as well as report on results; and

WHEREAS, the City of Modesto was awarded a SS4A grant of $1,000,000 with a 20% match from the City of $200,000 from Measure L funds for a project total of $1,200,000 to update an existing Local Road Safety Plan into a comprehensive action plan to address Modesto's ongoing roadway safety issues; and

[1] https://www.fhwa.dot.gov/bipartisan-infrastructure-law/

WHEREAS, the action plan will provide a detailed data driven approach to safety analysis by using crash-based data analysis and mapping where a fatality or serious injury has occurred or where the data indicates one could occur in the future; and

WHEREAS, staff will incorporate review of current standards and policies, particularly those around neighborhood traffic calming, speed reduction, enforcement technology, and signalization technology to improve transportation safety; and

WHEREAS, the plan intends to use Safety Analytics information to inform more comprehensive project planning in preparation for an implementation grant in the future, and

WHEREAS, Stage 2 will provide funding for projects that are designed to result in a scaled-up demonstration of the concept, integrating it with the existing transportation system, and refining the concept such that it could be replicated by others; and

WHEREAS, the United States Department of Transportation (USDOT) expects that only recipients of Stage 1: Planning and Prototyping Grants will be eligible for Stage 2: Implementation Grants in the following fiscal year; and

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accept the Safe Streets and Roads for All Grant of $1,000,000 and using Measure L funds as the City's 20%, $200,000 match portion of the grant funds received for a project total of $1,200,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute all related grant documents.

BE IT FURTHER RESOLVED, that staff is authorized to apply for any future related Grants to implement the safety action plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-205

RESOLUTION ACCEPTING THE INSTALL TRAFFIC SIGNAL VIDEO DETECTION CAMERAS PROJECT AS COMPLETE

WHEREAS, in May of 2020, the City of Modesto applied for Congestion Mitigation and Air Quality (CMAQ) funds to install video detection cameras; and

WHEREAS, on September 4, 2018, the City of Modesto approved a Measure L project for "Traffic Signal Analysis Study System Wide" which was to complete the "Modesto Traffic Signal System Master Plan" which details a roadmap for the City over the next 12 years to improve its existing traffic signal system infrastructure; and

WHEREAS, on January 28, 2020, by Resolution 2020-056, Council approved the Modesto Traffic Signal System Master Plan and staff coordinated with the California Department of Transportation (Caltrans) to adjust the scope of work for the project to be in line with elements of the master plan; and

WHEREAS, one of the Intelligent Transportation System (ITS) elements the report recommended was the move to IP addressable video detection cameras; and

WHEREAS, this project procured 84 cameras at 23 signalized intersections throughout the City while City staff provided the installation; and

WHEREAS, the City currently has Iteris cameras at approximately 80 intersections already invested in this technology; and

WHEREAS, this project is Phase 2 of a multi-phase approach, and staff will continue to apply for CMAQ or other funds until all traffic signals have video detection.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Install Video Detection Cameras Project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-206

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH PACIFIC GAS AND ELECTRIC FOR SMARTMETER INSTALLATION BY REQUIRING A METERED SERVICE FOR ANY FUTURE INSTALLATIONS ON UNMETERED STREET LIGHT STANDARDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 1, 2008, by Resolution No. 2008-401, Council approved a 20-year license agreement with Pacific Gas and Electric for the installation of Gas Smartmeter on City of Modesto owned streetlights; and

WHEREAS, in June of 2021, the City of Modesto received a request from PG&E to add a Gas SmartMeter location at 4776 Parker Road; and

WHEREAS, Modesto Irrigation District (MID) now requires any additional item that requires power to be installed on a metered service; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-115, Council approved Pacific Gas and Electric to install a Gas SmartMeter on City of Modesto owned streetlight at 4776 Parker Road to the PG&E SmartMeter Agreement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Pacific Gas and Electric now requiring a metered service for their equipment if installed on an unmetered street light standard.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-207

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ANALYTICAL LABORATORY TESTING SERVICES TO ALPHA ANALYTICAL LABORATORIES, LIVERMORE, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $322,625 WITH AN ESTIMATED 6% CPI INCREASE APPLIED FOR YEARS THREE THROUGH FIVE AND FOR THE FIFTH UNREGULATED CONTAMINANT MONITORING RULE (UCMR5) ONE-TIME PROJECT (101481) AMOUNT OF $103,600 FOR A TOTAL AMOUNT NOT TO EXCEED $1,837,587 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Water Services Division is required by the State of California Water Resources Control Board (SWRCB) and the USEPA to test and monitor for prescribed regulations that limit the amount of certain contaminants in water provided by public water systems, ensuring that the water is safe to drink, and

WHEREAS, in 1996 the Safe Drinking Water Act amendments require that once every five years the EPA issues a list of no more than 30 unregulated contaminants to be monitored by public water systems, and this monitoring study provides a basis for future regulatory actions to protect public health, and

WHEREAS, the Water Services Division must schedule and sample for specific contaminants issued by the EPA and report those results by to the EPA by the deadline of the study, and samples will be taken on a quarterly basis for one year from 53 different sampling sites, and

WHEREAS, on September 13, 2022, the City Manager authorized the Purchasing Manager to solicit procurement for analytical laboratory testing services and on November 17, 2022, the Purchasing Division issued Invitation for Bid (IFB) 2223-13 for analytical laboratory testing services, and

WHEREAS, on December 20, 2022 bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases more than fifty thousand dollars to follow formal bidding procedures. However, MMC Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, based on being the lowest responsive and responsible bid, City staff recommended to award the analytical laboratory testing services to Alpha Analytical Laboratories, Livermore, CA for a two (2) year agreement with three (3) one-year extension options.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement for Laboratory Testing Services to Alpha Analytical Laboratories, Livermore, CA, for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of $322,625 with an estimated 6% CPI increase applied for years three through five and for the Fifth Unregulated Contaminant Monitoring Rule (UCMR5) one-time project (101481) amount of $103,600 for a total amount not to exceed $1,837,587 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement or a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-208

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH LABWORKS LLC, LEHI, UTAH FOR THE ANNUAL MAINTENANCE AND SUPPORT OF LABWORKS LIMS SOFTWARE, FOR A FIVE (5) YEAR AGREEMENT, FOR AN ESTIMATED ANNUAL AMOUNT OF $18,048, TO INCLUDE AN ANNUAL INCREASE OF 4%, AND A TOTAL AMOUNT NOT TO EXCEED $96,864 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Wastewater Division is responsible for maintaining compliance with various State and Federal regulations and permits; and

WHEREAS, in order to remain in compliance with the various permits and regulations, required samples must be analyzed by a State certified laboratory. Environmental Laboratory Accreditation Program (ELAP) is the California laboratory accrediting body; and

WHEREAS, the City of Modesto's Water Quality Control (WQC) laboratory is ELAP certified; and

WHEREAS, ELAP standards require certified laboratories to maintain a data management system; and

WHEREAS, in order to maintain compliance with ELAP standards, the WQC laboratory utilizes Labworks Laboratory Information Management System (LIMS) software to meet ELAP's data management system requirements; and

WHEREAS, the WQC Laboratory has relied on Labworks LIMS for the management of samples and results since 2014. The City's current permit requires a minimum of ten (10) years of historical data be available upon request; and

WHEREAS, the WQC Laboratory utilizes Labworks LIMS software for the management and monitoring of all water quality samples and results; and

WHEREAS, this data is stored within the Labworks LIMS software, making the annual maintenance and service of the database imperative to maintaining regulatory compliance; and

WHEREAS, Labworks, LLC is the developer and sole distributor of Labworks LIMS software as well as the sole source for the maintenance and support services; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, Additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality. Here, Labworks, LLC should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since they are the original manufacturer and the only vendor that is able to provide this software. Additionally, Labworks LIMS should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d), since it is only sold as a direct transaction between Labworks, LLC and end clients. Therefore, this purchase qualifies for exemption from the formal bidding procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sole Source Agreement with Labworks LLC, Lehi, Utah for the annual maintenance and support of Labworks LIMS Software, for a five (5) year Agreement, for an estimated annual amount of $18,048, to include an annual increase of 4%, and a total amount not to exceed $96,864 over five (5) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-209

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ANALYTICAL LABORATORY TESTING SERVICES TO ALPHA ANALYTICAL LABORATORIES, LIVERMORE, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $310,950, WITH A 6.3% CPI INCREASE INCLUDED IN YEARS THREE THROUGH FIVE, AND A TOTAL AMOUNT NOT TO EXCEED $1,677,304 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's wastewater and stormwater systems are regulated under National Pollutant Discharge Elimination System (NPDES) permits; and

WHEREAS, these permits require the City to regularly monitor the ambient receiving and effluent waters through the sampling and testing of various sites within the system; and

WHEREAS, all samples required by the NPDES permits or additional regulatory orders must be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP); and

WHEREAS, the City of Modesto owns and operates an ELAP certified laboratory, which is able to perform a wide range of sample analytics, but is limited to testing more common analytes; and

WHEREAS, a portion of the required samples are outside of the performed testing and analysis capabilities of the City's laboratory; and

WHEREAS, Modesto Municipal Code (MMC) 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow the formal bid procedures. An award of bid and agreement for analytical laboratory testing services for Utilities Department – Wastewater Division use to Alpha Analytical Laboratories, Dublin, CA, conforms to the Modesto Municipal Code because

the City complied with the formal bid procedures and Alpha Analytical Laboratories was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for analytical laboratory testing services to Alpha Analytical Laboratories, Livermore, CA, for a two (2) years agreement with three (3) one-year extension options, for an annual estimated amount of $310,950, with a 6.3% CPI increase included in years three through five, and a total amount not to exceed $1,677,304 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-210

RESOUTION APPROVING THE CITY OF MODESTO'S HOMEKEY 3 PROJECT APPLICATION FOR THE PROJECT LOCATED AT 710 N. 9TH STREET, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE APPLICATION, APPLICABLE DOCUMENTATION, WITH ALTERATIONS AS REQUIRED BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD), AND NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS OR DOCUMENTS REQUIRED FOR THE IMPLEMENTATION AND ACCEPTANCE OF HOMEKEY 3 PROGRAM GRANT

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP), and

WHEREAS, the City also qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA), each designated to fund components of the development of affordable housing, and

WHEREAS, the City of Modesto released an Affordable Housing Request for Proposals (RFP) on December 14, 2022, to solicit projects that could qualify for the various funding sources that the City receives that can be used for the development of affordable housing, and

WHEREAS, the RFP was aligned with the timeline for a potential Homekey project that the City can leverage with a partner organizations and the Notice of Funding Availability (NOFA) for the Homekey program opened on March 29, 2023, and

WHEREAS, the Round 3 NOFA in the amount of approximately $736 million was announced with approximately $43 million allocated for the San Joaquin Valley, and

WHEREAS, applications are available to be submitted beginning in late April and are being accepted on a rolling basis through July 28, 2023, or until funds are exhausted, and

WHEREAS, the mission of Homekey 3 is to prevent homelessness by rapidly re-housing individuals through the provision of coordinated, compassionate, and high-quality services; Homekey 3 funds must be used to provide housing for individuals and families experiencing homelessness or who are at risk of homelessness, and

WHEREAS, under Homekey, local entities in partnership with a co-applicant (City of Modesto) will acquire and rehabilitate a variety of housing types, including but not limited to hotels, motels, hostels, single-family homes, multifamily apartments, adult residential facilities, manufactured housing, and/or to convert commercial properties and other existing buildings to Permanent or Interim Housing for the Target Population, and

WHEREAS, the proposed project is in partnership with RH Community Builders (RHCB) for the rehabilitation of Traveler's Motel located at 710 N. 9th Street to serve as a 54-unit permanent supportive housing project that devotes 38 units to serve youth experiencing homelessness,15 units to the general population experiencing homelessness, and includes 1 onsite manager unit, and

WHEREAS, the project will consist of tenant improvements on the existing Traveler's Motel that will modernize the motel, create a sustainable source of permanent supportive housing in the City of Modesto. The project will beautify the site, and provide

those in need with a housing service that is designed with each person's unique needs in mind, and

WHEREAS, on site, there will be supportive services that will help clients reach their housing goals. Supportive services will include case management, peer support activities, housing skill development, and linkage to outside community services providers, including physical and dental health care, and

WHEREAS, this location currently has short to long-term arrangements with several individuals that are precariously housed – and if this project is approved for State funding, the project will require that these individuals be relocated to another permanent housing opportunity, and

WHEREAS, The City, in partnership with RHCB, submitted a $2.15 million request to Cal-AIM providers for funding to cover the cost of permanently relocating these individual to new stable housing, including the cost of that housing through December 31, 2023. To-date, the City has received a preliminary approval from the local Cal-AIM providers in the amount of $2,150,000 to support the relocation of current residents, and

WHEREAS, the total project cost is $23,200,000 and staff is seeking approval to apply for a grant application in partnership with RHCB to the Homekey 3 program, for a total funding request of up to $17,000,000 in acquisition/ rehabilitation expenses and operating subsidies, and

WHEREAS, to assist with the gap, the City is recommending the approval of a letter of commitment to allocate $2,274,923. The City has received approval from the Community System of Care (CSOC) for an allocation of $1,775,077; together, both

allocations fill the gap to support the development of the project. If the grant is awarded, which is expected to be announced in summer 2023, staff will bring agreements and associated requirements from HCD back for Council approval to formally accept the award, and

WHEREAS, the total ask for Project Homekey funds is $17,000,000 and the State required Resolution specifies an amount of $34,000,000 or double the total ask in case additional funding becomes available through the scoring process by HCD as outlined in the State Resolution's Notice and Instructions, and

WHEREAS, the total estimated cost of the project is approximately $23,200,000 which includes all associated expenses including acquisition, relocation, rehabilitation, and operation expenses, as shown in the table below, and

Funding Source	Amount
Homekey 3 Funding	$17,000,000
City Allocation (NSP Loan Conversion)	$2,274,923
Health Plan Allocation	$2,150,000
Community System of Care (CSOC) Allocation	$1,775,077
TOTAL	**$23,200,000**

WHEREAS, should the City be successful in securing the grant from the State of California's Department of Housing and Community Development a new fund will be created and there will be no impact to the General Fund, and

WHEREAS, additionally, the City will include an allocation of $200,000 in activity delivery expenses, and

WHEREAS, this item was presented to the Citizens Housing and Community Development Committee on April 20, 2023 and was approved to forward to the City Council for approval, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's Homekey 3 Project Application for the project located at 710 N. 9th Street, authorizing the City Manager, or his designee, to submit the application, applicable documentation, with alterations as required by the California Department of Housing and Community Development (HCD) and negotiate and execute any related program agreements or documents required for the implementation and acceptance of Homekey 3 Program Grant, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute any documents necessary to carry out the provisions of the 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, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

AUTHORIZING RESOLUTION

RESOLUTION NO. 2023-211

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MODESTO AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE HOMEKEY PROGRAM

WHEREAS:

A. The Department of Housing and Community Development ("**Department**") has issued a Notice of Funding Availability, dated March 29, 2023 ("**NOFA**"), for the Homekey Program ("**Homekey**" or "**Program**"). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.).

B. **City of Modesto** ("**Co-Applicant**") desires to jointly apply for Homekey grant funds with RHCB Development LP ("**Corporation**"). Therefore, Co-Applicant is joining Corporation in the submittal of an application for Homekey funds ("**Application**") to the Department for review and consideration.

C. The Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement ("**Standard Agreement**"), and all other legal requirements of the Homekey Program.

THEREFORE, IT IS RESOLVED THAT:

1. Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed **$34,000,000**.

2. If the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed **$34,000,000**, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the "**Homekey Documents**").

3. Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

4. **City Manager,** or his designee, is authorized to execute the Application and the Homekey Documents on behalf of Co-Applicant for participation in the Homekey Program.

PASSED AND ADOPTED this 2nd day of May 2023, by the following vote:

AYES: [6] NAYES: [0] ABSTAIN: [0] ABSENT: [1]

The undersigned, **Diane Nayares-Perez** of Co-Applicant, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: _____ DATE: 5/3/2023

NAME: Diane Nayares-Perez TITLE: City Clerk

[NOTICE AND INSTRUCTIONS APPEAR ON THE FOLLOWING PAGE]

NOTICE AND INSTRUCTIONS

1. **Notice.** The Department is providing this template Authorizing Resolution as informational guidance only. The Department encourages each Co-Applicant to consult with professional legal counsel during the development of its own formal, legally binding statement that it is authorized to apply to and participate in the Homekey Program.
    a. Please note, however, that any limitations or conditions on the authority of the signatory or signatories to execute the Application or the Homekey Documents may result in the Department rejecting the Authorizing Resolution.

2. **Accuracy, Verification.** The Department will verify that this Authorizing Resolution comports with the legal authority and composition of Co-Applicant's governing body. Co-Applicant must timely notify the Department, in writing, of any factors that limit its ability to provide an Authorizing Resolution which is materially in line with this template.

3. **Dollar Amounts of Grant Awards.** The Department recommends identifying an authorized dollar amount that is at least double the anticipated award (based on current formula calculations). Award amounts are subject to change. If Co-Applicant is ultimately awarded an amount in excess of the amount identified in the Authorizing Resolution, the Department will require a new Authorizing Resolution from Co-Applicant before execution of a Standard Agreement.

4. **Authorized Signatory or Signatories, Designee.** Co-Applicant, as a state, regional, or local public entity, may designate an authorized signatory by title only. In addition, Co-Applicant may authorize multiple signatories, so long as there is clarifying language as to whether the signatories are authorized to execute the Homekey Documents individually or collectively. In addition, Co-Applicant may authorize a designee of the authorized signatory to execute the Homekey Documents. In such case, Co-Applicant must append a supporting document (e.g., memorandum, meeting notes of official action), which indicates the name and title of the designee who is authorized to legally bind the governing body.

5. **Vote Count.** Please fill out the field by every voting category (i.e., Ayes, Nayes, Abstain, Absent). If none, please indicate zero (0) for that field. The vote count must comport with the legal authority and membership of the Co-Applicant's governing body.

6. **Certification of Authorizing Resolution.** The individual who certifies the Authorizing Resolution cannot also be authorized to execute the Homekey Documents on behalf of Co-Applicant.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-212

RESOLUTION APPROVING A LETTER OF COMMITMENT TO LOAN TO RH COMMUNITY BUILDERS IN AN AMOUNT UP TO $2,274,923 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ASSIST WITH THE ACQUISITION AND REHABILITATION OF 710 N. 9TH STREET, AND $200,000 FOR STAFF ACTIVITY DELIVERY COSTS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto is an entitlement community as designated by the Department of Housing and Urban Development (HUD) within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and American Rescue Plan HOME Investment Partnerships (HOME-ARP), and

WHEREAS, the City additionally qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA), each designated to fund components of the development of affordable housing, and

WHEREAS, the City of Modesto released an Affordable Housing Request for Proposal (RFP) on December 14, 2022, to solicit projects that could qualify for the various funding sources that the City receives that can be used for the development of affordable housing, and

WHEREAS, Round 3 NOFA in the amount of approximately $736 million was announced with approximately $43 million allocated for the San Joaquin Valley with Applications available to be submitted beginning in late April and are being accepted on a rolling basis through July 28, 2023, or until funds are exhausted, and

WHEREAS, the mission of Homekey 3 is to prevent homelessness by rapidly re-housing individuals through the provision of coordinated, compassionate, and high-quality services, and

WHEREAS, Homekey 3 funds must be used to provide housing for individuals and families experiencing homelessness or who are at risk of homelessness, and

WHEREAS, under Homekey, local entities in partnership with a co-applicant (City of Modesto) will acquire and rehabilitate a variety of housing types, including but not limited to hotels, motels, hostels, single-family homes, multifamily apartments, adult residential facilities, manufactured housing, and/or to convert commercial properties and other existing buildings to Permanent or Interim Housing for the Target Population, and

WHEREAS, the City will coordinate with the local Community System of Care (CSOC) to obtain the following information, for; Financial Contribution, Racial Disparities Analysis, Coordinated Entry System (CES), Homekey Project information on CSOC Website, Operating Subsidy, Letter of support for need for an operating subsidy-rental subsidies sought for project but not available for this use, Community Engagement, Engaging with population to assist with design of the project, and

WHEREAS, RH Community Builders (RHCB) submitted their proposal for the rehabilitation of Traveler's Motel located at 710 N. 9th Street to serve as a 54-unit permanent supportive housing project that devotes 38 units to serve youth experiencing homelessness, 15 units to the general population experiencing homelessness, and includes 1 onsite manager unit, and

WHEREAS, the project will consist of Tenant Improvements on the existing Traveler's Motel that will modernize the motel, create a sustainable source of permanent

supportive housing in the City of Modesto and will bring the site to City standards and provide those in need with a housing service designed with each person's unique needs, and

WHEREAS, there will be on-site supportive services that will help clients reach their housing goals, such as case management, peer support activities, housing skill development, and linkage to outside community services providers, including physical and dental health care, and the service team will be trained in assessing mental health and substance use disorders so that clients can be linked to the appropriate services, and

WHEREAS, the location currently has short to long-term arrangements with several individuals that are precariously housed – and if this project is approved for State funding the project will require that these individuals be relocated to another permanent housing opportunity, and

WHEREAS, the City, in partnership with RHCB, submitted a $2,150,000 request to the local Managed Care Plans (local Medi-Cal providers) for funding to cover the cost of permanently relocating these individuals to stable housing, which includes financial support for housing expenses for a period of time based on the client's eligibility, and

WHEREAS, to-date, the City has received a preliminary approval from the local Managed Care Plans in the amount of $2,150,000 to support the relocation of current tenants, and

WHEREAS, the total project cost is $23,200,000 and staff is seeking approval to apply for a grant application in partnership with RHCB to the Homekey 3 program, for a total funding request of up to $17,000,000 in acquisition/ rehabilitation expenses and operating subsidies, and

WHEREAS, to assist with the funding gap, the City is recommending the approval of a letter of commitment to loan $2,274,923 in CDBG Funds, and the City has received approval from the Community System of Care (CSOC) for an allocation of $1,775,077; together, both allocations fill the gap to support the development of the project, and

WHEREAS, should the City be successful in securing the grant from the State of California's Department of Housing and Community Development a new project will be created and staff will bring agreements and associated requirements from HCD back for Council approval to formally accept the award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a letter of commitment to loan to RH Community Builders in an amount up to $2,274,923 in Community Development Block Grant Funds to assist with the acquisition and rehabilitation of 710 N. 9th Street, and $200,000 for staff activity delivery costs.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the letter of commitment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-213

RESOLUTION AMENDING THE FISCAL YEAR 2022-2023 MULTI-YEAR FUND BUDGET IN THE AMOUNT OF $19,474,923 TO ESTABLISH A PROJECT FOR THE HOMEKEY 3 PROGRAM TO BE FUNDED WITH HOMEKEY 3 AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) GRANTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto is applying to receive funding from the State of California Housing and Community Development Department (HCD) in partnership with RH Community Builders (RHCB) for the Homekey 3 program, and

WHEREAS, if approved the fiscal year 2022-2023 Multi-Year budget must be amended, and

WHEREAS, the project will be funded with approximately $17,000,000 in Homekey 3 Program funds and $2,274,923 in CDBG funds for property acquisition and capital improvements and $200,000 in CDBG funds for administration, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the fiscal year 2022-2023 multi-year fund budget in the amount of $19,474,923 to establish a project for the Homekey 3 Program to be funded with HCD Homekey 3 Grant funds and CDBG Grant funds.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to take the necessary steps to implement the provisions of this resolution.

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2024-31

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-214

RESOLUTION APPROVING THE GENERAL PLAN VISION STATEMENT AND GUIDING PRINCIPLES

WHEREAS, City of Modesto's current General Plan was adopted in 1995 and amended in subsequent years; and

WHEREAS, city leadership has recognized the need for a comprehensive update to the General Plan; and

WHEREAS, on August 11, 2020, by Resolution No. 2020-335, City Council authorized staff to issue a formal Request for Proposals (RFP) for the furnishing of a GPU and Environmental Impact Report (EIR) for the City; and

WHEREAS, on July 6, 2021, by Resolution No. 2021-271, the City Council approved a Professional Services Agreement with PlaceWorks to prepare the Comprehensive General Plan Update; and

WHEREAS, the first task of the General Plan is to establish the Vision Statement and Guiding Principles; and

WHEREAS, community engagement was conducted during the visioning outreach phase from February through October 2022; and

WHEREAS, a total of thirty-five engagements were held during this time including: two (2) community workshops (one virtual and one in-person) held in March 2022; two (2) Popups (Love Modesto & Meet the Mayor); twenty-six (26) Listening Sessions and five (5) Small Group Forums which were held by Debrief; and

WHEREAS, staff and the Placeworks team distributed a draft of the Vision Statement to participants from the community workshops, listening sessions, small group forums, and to the community at-large to ensure the Vision Statement was consistent with

the feedback from community members during the public outreach for the visioning process; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the General Plan Vision Statement and Guiding Principles.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-215

RESOLUTION APPROVING THE CONSULTANT SERVICES AGREEMENTS WITH PRECISION CIVIL ENGINEERING, INC., HARRIS & ASSOCIATES, INC., AND ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR MUNICIPAL PLANNING SERVICES, FOR A TOTAL AMOUNT NOT TO EXCEED $300,000 PER CONSULTANT FOR AN OVERALL TOTAL NOT TO EXCEED $900,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONSULTANT SERVICES AGREEMENTS

WHEREAS, the City of Modesto's Planning Division has experienced significant staff turnover since 2022, and is having to deal with ongoing vacancies for critical planning positions; and

WHEREAS, in Fiscal Year 2008-2009, the Planning Division was comprised of nineteen (19) staff members, including a Planning Division Manager, two Principal Planners, four Senior Planners, four Assistant/Associate Planners, two Planning Assistants, and six administrative support staff; and

WHEREAS, there are currently twelve (12) vacancies, including a Planning Division Manager, one Principal Planner, two Senior Planners, two Assistant/Associate Planners, two Planning Assistants, and five administrative support staff; and

WHEREAS, the Planning Division continues to be impacted by unanticipated staffing shortages despite ongoing recruitment for several positions. To continue providing uninterrupted planning services, the Community and Economic Development determined the need to contract with private firms to assist in Municipal Planning Services; and

WHEREAS, through an informal Request for Qualifications (RFQ) process, staff received six (6) Statement of Qualifications (SOQs) for consideration; and

WHEREAS, a qualified committee of five (5) staff members from the Community

and Economic Development Department reviewed the proposals and selected the top three (3) consultant firms, Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA); and

WHEREAS, this On-Call Consultant List will be active for three years from the date of Council approval, at which time the City may extend the list for two additional one-year extensions with the written approval of the City Manager; and

WHEREAS, the City will assign projects to firms from the consultant list as projects are submitted and as determined by the City to be the best firm to work on the submitted project; and

WHERAS, in accordance with Modesto Municipal Code 8-3.204 (a), "Exceptions to Formal Bidding Requirements", the agreement is for professional services and, therefore, exempt from the bidding requirement; and

WHEREAS, the approval for this consultant service conforms to Modesto Municipal Code 8-3.204, subsection (a) as Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) are providing professional services for on-call consultant support services, including the review of development applications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Professional Services Agreements with Precision Civil Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA) for Municipal Planning Services, for a total amount not to exceed $300,000 per consultant for an overall total not to exceed $900,000 for a period of three years.

BE IT FURTHER RESOLVED that the City Manager, of his designee, is hereby authorized to execute the Professional Services Agreement with Precision Civil

Engineering, Inc., Harris & Associates, Inc., and Environmental Science Associates (ESA), in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-216

RESOLUTION APPROVING THE UPDATES TO THE CITY'S DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on June 7, 2022 the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to the primary objectives related to the City's debt and financing related activities; and

WHEREAS, staff has identified the need to update the City's Debt Management Policy in order to continue to maintain cost-effective access to the capital markets through prudent yet flexible policies; moderate principal and debt service payments through effective planning and project cash management; achieve the lowest cost of borrowing; and achieve the highest practical credit ratings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-217

RESOLUTION APPROVING THE UPDATES TO THE CITY'S INVESTMENT POLICY

WHEREAS, pursuant to the City of Modesto Investment Policy, last adopted on April 13, 2021 the Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends, and

WHEREAS, staff has identified the need to update the City's Investment Policy in order to continue to effectively invest funds in accordance with the principles of sound treasury management and applicable laws, and

WHEREAS, the City desires to adopt the Investment Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the Investment Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-218

RESOLUTION APPROVING A SECOND AMENDMENT TO THE MASTER SERVICES AGREEMENT WITH FORENSIC LOGIC FOR COPLINK FOR A THREE-YEAR SOFTWARE LICENSE SERVICES RENEWAL FOR COPLINK FOR A TOTAL AMOUNT NOT TO EXCEED $184,661; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, since 2011 the City of Modesto Police Department (MPD) personnel have used COPLINK to search for, and analyze, crime clues from multiple criminal data bases across the State of California; and

WHEREAS, COPLINK is used by participating law enforcement agencies to share, store and standardize criminal data. Through these connections, detectives and crime analyst users have improved their ability to combat, reduce, develop leads, and prevent crime; and

WHEREAS, on November 30, 2017, the City of Modesto agreed to transfer its original IBM contract to Forensic Logic per their acquisition agreement of IBM's COPLINK product; and

WHEREAS, in June 2018 Council approved the Master Services Agreement under Resolution 2018-397. On May 26, 2020, Council approved the First Amendment to the Master Services Agreement to extend the terms for an additional 3-years; and

WHEREAS, the Modesto Police Department's current annual software license agreement expired March 30, 2023. Modesto Police Department is seeking a Second Amendment for an additional 3-years through March 31, 2026; and

WHEREAS, the Modesto COPLINK Steering Committee, which includes the Modesto's Police Chief, the Stanislaus County Sheriff, and the Police Chief's from the Cities of Oakdale, Turlock and Ceres, have reviewed and approved this amendment; and

WHEREAS, Forensic Logic is the only manufacturer that provides COPLINK data and application migration services for COPLINK; and

WHERAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal exception, MMC Section 8-3.206(b), which provides that the purchasing agencies' requirements can be met solely by a single article or process; the sole source procurement of the COPLINK data and application migration services for the Modesto Police Department conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the Master Services Agreement with Forensic Logic for a three-year Software License Services Renewal for a total not to exceed $184,661.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-219

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CELL TOWER SITE LEASE AGREEMENT AT ROBERTSON ROAD PARK WITH METROPCS CALIFORNIA, LLC, (METROPCS) TO EXTEND THE MAXIMUM TERM OF THE AGREEMENT THROUGH JULY 31, 2052, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers; and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services; and

WHEREAS, on March 6, 2012, the City entered a 5-year lease agreement with MetroPCS California, LLC, for approximately 450 square feet of ground space at Robertson Road Park for the construction of the communication facilities; and

WHEREAS, the site lease agreement included three (3) extensions of five (5) years each, expiring July 31, 2032; and

WHEREAS, MetroPCS notified the City of their interest in amending the existing lease agreement to provide long-term site security; and

WHEREAS, the two parties have reach agreement on terms for an amendment, extending the lease agreement; and

WHEREAS, the amendment includes the following terms:

1) Term extension: Four (4) additional, five (5) years renewal terms, which would extend the final contract expiration term until July 31, 2052.
2) Monthly rent: effective May 16, 2023, the rent will be $2,000 per month.

3) Rent escalation: effective July 16, 2023, the rent will increase at a rate of 3% each year thereafter; and

WHEREAS, this First Amendment was considered by the Safety and Communities Committee on April 10, 2023, and was approved to be forwarded to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Cell Tower Site Lease Agreement at Robertson Road Park with MetroPCS California, LLC, (MetroPCS) to extend the maximum term of the Agreement through July 31, 2052.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-220

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST, OF DAVIS, CA, FOR THE CV-SALTS NITRATE CONTROL PROGRAM – PATHWAY A COMPLIANCE ANALYSIS IN THE AMOUNT OF $221,385 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $22,139 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $243,524 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 2006, the Central Valley Regional Water Quality Control Board (Regional Board) initiated the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) as a cooperative effort among regulators, permittees, environmental interests, and other parties interested in Central Valley water quality, and

WHEREAS, in 2018, the Regional Board adopted a Salt and Nitrate Control Program implementing Salt and Nitrate Management Plan recommendations, and

WHEREAS, in 2020, the Regional Board began sending out Notices to Comply to nitrate permittees in Priority 1 areas, and

WHEREAS, permittees were given two compliance options; Pathway A – Individual Permitting Approach and Pathway B – Management Zone Permitting, and

WHEREAS, in 2021, the City received a Nitrate Control Program Notice to Comply letter from the Regional Board identifying the Compost Facility and both the Sutter and Jennings Wastewater Treatment Plants (WWTP) as being located in a Priority 1 area, and

WHEREAS, in an effort to comply with the Nitrate Control Program (NCP), the City joined the Valley Water Collaborative (VWC) on behalf of the Utilities and Public Works Departments, and

WHEREAS, the VWC is a non-profit organization that was established in 2020 to organize and operate a Management Zone that encompasses the Modesto and Turlock groundwater basins, and

WHEREAS, in 2021, two Task Orders were issued via an On-Call Engineering Services Agreement with West Yost to assess the feasibility for compliance with Pathway A of the NCP, and

WHEREAS, West Yost concluded that the Jennings WWTP would be a viable candidate for Pathway A compliance; however, there was insufficient site-specific information available to make a determination regarding the Compost Facility and the Sutter WWTP, and

WHEREAS, Staff is in support of continuing the required analysis in an effort to secure Pathway A compliance, and

WHEREAS, to increase efficiencies, the City has requested the use of a consultant to provide Hydrogeological Engineering Services for the CV-Salts Pathway A Analyses framework for compliance with the Reginal Board, and

WHEREAS, given the level of effort, resources, and expertise required to perform the CV-Salts Pathway A Analyses framework for nitrate compliance, staff is recommending the use of an Hydrogeological consultant, and

WHEREAS, per Administrative Directive 3.1, the Director, at his direction, may secure a candidate firm if it is in the best interest of the City and if the firm has rendered satisfactory services with the City, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, based on the consultant's project team and previous experience and work performed, staff recommends the approval of an agreement with West Yost Associates for hydrogeological engineering services for the CV-Salts Pathway A Analyses, and

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost, in the amount of $221,385, plus $22,139 in additional services (if needed), for a total amount not to exceed $243,524 for the CV-SALTS Nitrate Control Program – Pathway A Compliance Analysis.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-221

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $280,024 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE CV-SALTS NITRATE CONTROL PROGRAM - PATHWAY A COMPLIANCE ANALYSIS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $280,024, in order to fund the CV-SALTS Nitrate Control Program - Pathway A Compliance Analysis Project, and

WHEREAS, the Fiscal Year 2022-23 Multi-Year Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Multi-Year Program budget in the amount of $280,024.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-222

RESOLUTION ACCEPTING THE UPGRADE ADVANCE TRAFFIC MANAGEMENT SYSTEM 2019, CML-5059-(238) PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $1,199,842 TO TENNYSON ELECTRIC, INC., OF LIVERMORE, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Upgrade Advanced Traffic Management System (ATMS) 2019 Project installed fiber optic cable down Briggsmore Avenue, Standiford/Sylvan Avenue, and Oakdale Road, and

WHEREAS the project conforms to the Traffic Signal System Master Plan, by replacing old 12/24 strand fiber with 96 strand fiber to provide capacity for anticipated future need, and

WHEREAS, this initiative also supports the future implementation of video detection cameras, signal performance software, adaptive software, and additional intelligent transportation system elements, and

WHEREAS, the project was advertised for bids on August 25, 2021, and bids were publicly opened on September 28, 2021, pursuant to Modesto Municipal Code Section 8-3.403 and City Charter Section 1307, and

WHEREAS, Tennyson Electric, Inc. of Livermore, CA, was the responsible bidder with the low bidder at 3.29% above the engineers estimate, and

WHEREAS, on October 26 2021, by Resolution No. 2021-417, Council awarded a contract to Tennyson Electric, Inc. of Livermore, CA for the construction of the Upgrade ATMS 2019 CML5059 (238) project for the amount of $1,138,793, and

WHEREAS, the Contractor received the Notice to Proceed with a start date of January 3, 2022. All contract work was completed on October 21, 2022, and

WHEREAS, the total project costs were $1,295,610 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,639,628 which included $1,252,673 for the construction contract and contingency with Tennyson Electric, Inc. of Livermore, CA and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) $91,104 for construction contracts of this dollar value. By Resolution 2021-418 staff requested an increase in the Director's Authority for the Construction Contingency to twenty-five (10%) to $113,879, and

WHEREAS, there were two change orders resulting in an overall increase of $61,049, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Upgrade Advanced Traffic Management System 2019, CML-5059-(238)Project as complete, releasing securities, releasing payments totaling $1,199,842 to Tennyson Electric, Inc., of Livermore, CA., and authorizing the City Clerk to file a Notice of 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-223

RESOLUTION ACCEPTING THE WASTEWATER BUILDING UPGRADES PROJECT AS COMPLETE, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $854,000 TO AZUL WORKS INC., OF SAN FRANCISCO, CA. AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, remediation improvements are needed for some of the existing buildings located at the Jennings Wastewater Treatment Plant (Jennings Plant), due to severe deteriorations of non-structural components, and

WHEREAS, the existing lab building was one of the original buildings on site. Due to deterioration, the roof of the lab building, which houses lab equipment vital for the operations of the Jennings Plant, the Motor Control Center for the aeration channel pumps and the communication center servers, were replaced, and

WHEREAS another building that was included in this project is the existing steel warehouse, where the roof sheeting and siding were severely corroded, and

WHEREAS, the existing electrical building roof was also replaced to address existing leaks that occur during the rainy seasons, and

WHEREAS, in addition to the remediation improvements, this project included improvements to prolong the life of City equipment used in the Jennings Plant maintenance. A new steel structure over equipment parking and a new enclosure of an existing canopy area were constructed in this project. This will allow a better utilization of the existing shop footprint area, and

WHEREAS, the project was advertised for bids on May 4, 2021, and bids were publicly opened on June 8, 2021, pursuant to City Charter Section 1307. Three bids were received, and

WHEREAS, Azul Works, Inc, was the lowest responsible bidder at 9.86% above the engineer's estimate, and

WHEREAS, on August 10 2021, by Resolution No. 2021-330, Council awarded a contract to Azul Works, Inc., of San Francisco, CA for the construction of the Wastewater Building Upgrades project for the amount of $769,000, and

WHEREAS, the Contractor received the Notice to Proceed with a start date of October 11, 2021 All contract work was completed on October 6, 2022, and

WHEREAS, the total project costs were $1,069,999 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,272,000 which included $884,350 for the construction contract and contingency with Azul Works, Inc., of San Francisco, CA, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (10%) $76,900 for construction contracts of this dollar value. However, given the nature of this project being located at a critical facility, as well as the unknown conditions of underlying materials, additional work may be needed to address these conditions. By Resolution 2021-331 staff requested an increase in the Director's Authority for the Construction Contingency to twenty-five (15%) to $115,350, and

WHEREAS, there were three change orders resulting in an overall increase of $85,000, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Wastewater Building Upgrades project as complete, releasing securities, and releasing payments totaling $854,000 to Azul Works, Inc., of San Francisco, CA., and authorizing the City Clerk to file a Notice of 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-224

RESOLUTION APPROVING THE CITY OF MODESTO PROGRAM YEAR 2023-2024 ANNUAL ACTION PLAN FOR THE USE AND ACCEPTANCE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING IN THE AMOUNT OF $ 2,875,518 RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION AND ACCEPTANCE OF THE PROGRAM YEAR 2023-2024 ANNUAL ACTION PLAN FUNDING, AND AUTHORIZATION TO SUBMIT APPLICABLE DOCUMENTATION AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HUD, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City of Modesto's Program Year (PY) 2023-2024 Annual Action Plan represents the fourth (4th) plan of the City of Modesto's 2020-2024 Consolidated Plan, and

WHEREAS, the PY 2023-2024 AAP identifies the expected resources to be available and the projects to be funded during the program year to address community priority needs as identified in the Consolidated Plan, and

WHEREAS, CDBG funds support a range of eligible projects to benefit low- and moderate-income individuals, families, and neighborhoods, and

WHEREAS, CDBG funds must be allocated to eligible activities within the allowable project categories to support the goals and objectives identified within the Consolidated Plan to address community needs, and

WHEREAS, up to fifteen percent (15%) of the overall CDBG allocation for public service activities may be used to fund CDBG Public Services grants awarded to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, the ESG program supports essential services to homeless individuals and families through street outreach and engagement, rapid re-housing assistance, homeless prevention, homeless management information system support, and provision of vital services in emergency shelters, and

WHEREAS, the HOME program supports projects that purchase, construct, and/or rehabilitate affordable housing for rent or homeownership to low-income individuals, and

WHEREAS, citizen participation is a key component of the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2023-2024 Annual Action Plan, and

WHEREAS, a series of community meetings were held during the month of April and May 2023 to provide information about the City's HUD programs and discuss the PY 2023-2024 Annual Action Plan, and

WHEREAS, any comments obtained from the community meetings will be incorporated into the Program Year 2023-2024 Annual Action Plan, and

WHEREAS, in compliance with the Citizen Participation Plan requirements, a 30-day public period to review and comment on the draft documents opened April 09, 2023 and will close with a public hearing at the City Council meeting on May 09, 2023,

WHEREAS, in Program Year 2023-2024, the City will receive $2,875,518 million from the three federal programs, and

WHEREAS, On April 20, 2023, the CH&CDC reviewed, approved and forwarded the proposed Program Year 2023-2024 Annual Action Plan to Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Program Year 2023-2024 Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any related program agreements, contracts, or other documentation required for implementation and acceptance of the Program Year 2023-2024 Annual Action Plan funding.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to submit all applicable documentation and provide technical alterations, as required by HUD, and to incorporate comments received prior to the close of the public comment period making 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 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-225

RESOLUTION APPROVING THE ALLOCATION OF FUNDS OUTLINED IN THE PROGRAM YEAR 2023-2024 ANNUAL ACTION PLAN BUDGET TO REFLECT PROPOSAL SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the CDBG and HOME grant programs also generate program income and revolving loan fund income which further fund the grant programs and are to be used under similar rules and regulations as grant funding, and

WHEREAS, HUD requires these amounts to be presented to the City Council each year in an Annual Action Plan (AAP), and

WHEREAS, the Program Year 2023-24 Annual Action Plan proposed budget submitted to the U.S. Department of Housing and Urban Development which is **attached** hereto as **Exhibit A**, and incorporated herein by reference, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, according to HUD rules and regulations, substantial amendments to an AAP must be presented to the City Council for approval, while unsubstantial amendments, remaining consistent with the AAP, can be made in IDIS by City staff, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, synchronization of the City's financial system and IDIS necessitates budget adjustments within the City's financial system, and

WHEREAS, budget adjustments are necessary to revise CDBG, HOME and ESG budgets included in the City of Modesto 2023-24 Annual Operating, Multi-Year and Capital Improvement Budgets, and

WHEREAS, budget amendments performed under the authority of this resolution will be presented to the Finance Committee and the Council as part of the existing Monthly Budget Adjustment Report process, and

WHEREAS, the authority of this resolution will not be used to satisfy any HUD rules or regulations requiring information to be presented to the City Council or the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funds outlined in the Program Year 2023-2024 Annual Action Plan proposed budget which is **attached** hereto as **Exhibit A** and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, 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 9th day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

CITY OF MODESTO FISCAL YEAR 2023-2024 CDBG, ESG, HOME FUNDING SUMMARY	
CDBG	**$1,784,411**
ESG	**$161,451**
HOME	**$ 929,656**
Total	**$ 2,875,518**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-226

RESOLUTION APPROVING AMENDMENT #5 TO THE CITY OF MODESTO'S PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN TO IDENTIFY AND ALLOCATE REALLOCATED EMERGENCY SOLUTIONS GRANT CORONAVIRUS (ESG-CV) FUNDS IN THE AMOUNT OF $632,829 RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION AND ACCEPTANCE OF THE PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN AMENDMENT #5 FUNDING, AND AUTHORIZATION TO SUBMIT APPLICABLE DOCUMENTATION AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HUD, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop a Substantial Amendment to the Annual Action Plan when it makes changes to its planned or actual activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, HUD requires the City of Modesto develop, in consultation with its citizens and community-based service providers, a funding strategy that furthers its housing and community development goals as described in the City's Five-Year Consolidated Plan for FY 2015-2020, and

WHEREAS, citizen participation is a key component of the Substantial Amendment to the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in

the City's Substantial Amendment to the Program Year 2019-2020 Annual Action Plan, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded $567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional $3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2), and

WHEREAS, on June 9, 2020 HUD announced a second round of CARES Act Funding through which the City received an additional $3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2), and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #4 approved by City Council on October 27, 2020 by Resolution 2020-448, and

WHEREAS, on August 22, 2022, the City of Modesto was identified as a recipient of reallocated ESG-CV funds, and

WHEREAS, the reallocated funds were redistributed from other jurisdictions due to noncompliance with a September 30, 2021 expenditure deadline, and

WHEREAS, on September 20, 2022, the U.S. Department of Housing and Urban Development awarded the City of Modesto an additional amount of $632,829 of reallocated funds from the Emergency Solutions Grant CARES Act (ESG-CV) appropriation with an expenditure deadline of June 30, 2024, and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community, and

WHEREAS, with this in mind, a portion of the ESG-CV2 allocation will be programmed to address this priority while responding to the COVID-19 threat to the community, and

WHEREAS, the programs that will be funded are highlighted in Exhibit A City of Modesto 2019 Annual Action Plan Substantial Amendment #5 to help prevent, prepare for, and respond to the coronavirus pandemic, and

WHEREAS, in accordance with HUD, a substantial Amendment to the PY 2019-2020 Annual Action Plan is required, and usually a 30-day public comment period is required; however, HUD has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment #5 to City of Modesto Program Year 2019-2020 Annual Action Plan, a copy of which in on file with the City Clerk.

BE IT FURTHER RESOLVED; that the City Manager or his designee to execute any documents and/or agreements necessary to carry out the intent of this Resolution in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SUBSTANTIAL AMENDMENT

City of Modesto

2019 Annual Action Plan

Substantial Amendment #5

City Council: May 9, 2023

On March 27, 2020 the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (H.R. 748). The bill provided $4 billion for ESG to rapidly respond to COVID-19 and the economic, housing, and homelessness impacts caused by it.

On September 20, 2022, The U.S. Department of Housing and Urban Development awarded the City of Modesto $632,829.55 of reallocated funds from the Emergency Solutions (ESG) Program CARES Act (ESG-CV) appropriation. A substantial Amendment to the FY 2019-2020 Annual Action Plan is required, and usually a 30-day public comment period is required; however, the U.S. Department of Housing and Urban Development (HUD) has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment. The City of Modesto has opted to allow for a twenty (20) day public comment period to allow for maximum community input and still respond to the community's COVID-19 needs in a timely manner.

The purpose of the Substantial Amendment is to reallocate, add, and define additional following eligible uses using Emergency Solutions Grant Coronavirus ESG-CV made available by reallocation:

1. **Emergency Shelter:**

   Funding: $569,546.59 From the CARES Act - ESG-CV Reallocation

   Description: Individuals experiencing homelessness are at greater risk of exposure to a variety of infectious diseases including COVID-19. Funding may be utilized for costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters. Funds will **be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19).**
   National Objective: N/A
   Citation: 576.102

Funding Source: Emergency Solutions Grants – Coronavirus (ESG-CV) Reallocation

2. **ESG-CV Planning & Administration**

   Funding: $63,282.96 From the CARES Act - ESG-CV Allocation

   Description: This project will fund administrative expenses related to the planning and administration of ESG-CV projects and activities including but not limited to development of HUD plans, contract development, project monitoring, and enforcement of federal regulations.
   Target Area: N/A
   Citation: 576.102
   Funding Source: Emergency Solutions Grants – Coronavirus (ESG-CV) Reallocation

ESG-CV

- Allows recipients to deviate from regular procurement standards when procuring goods and services to prevent, prepare for, and respond to the coronavirus.
- Recipients can use up to 10 percent of the allocation for administrative purposes. In addition to the 10 percent for admin, these funds can be used to provide hazard pay, including for time worked prior to the date of this bill, for staff working directly to prevent, prepare for, and respond to coronavirus among the homeless or persons at-risk of homelessness.
- The funds are not subject to the Citizen Participation requirements.
- No match requirement.
- No cap on emergency shelter activities.
- Funds can be used to provide temporary shelters (through leasing of existing property, temporary structures, or other means) to prevent, prepare for, and respond to the coronavirus; and,
- Environmental review standards will not apply to these funds.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-227

RESOLUTION APPROVING ALLOCATION OF REALLOCATED EMERGENCY SOLUTIONS GRANT CORONAVIRUS (ESG-CV) FUNDS MADE AVAILABLE THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT), AND APPROVING AN AGREEMENT WITH THE SALVATION ARMY IN AN AMOUNT NOT TO EXCEED $569,546 FOR THE OPERATION AND MANAGEMENT OF A DAY CENTER AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY RELATED DOCUMENTS AND/OR AGREEMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop a Substantial Amendment to the Annual Action Plan when it makes changes to its planned or actual activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, HUD requires the City of Modesto develop, in consultation with its citizens and community-based service providers, a funding strategy that furthers its housing and community development goals as described in the City's Five-Year Consolidated Plan for FY 2015-2020, and

WHEREAS, citizen participation is a key component of the Substantial Amendment to the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Substantial Amendment to the Program Year 2019-2020 Annual Action Plan, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded $567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional $3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2), and

WHEREAS, on June 9, 2020 HUD announced a second round of CARES Act Funding through which the City received an additional $3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2), and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #4 approved by City Council on October 27, 2020 by Resolution 2020-448, and

WHEREAS, on August 22, 2022, the City of Modesto was identified as a recipient of reallocated ESG-CV funds, and

WHEREAS, the reallocated funds were redistributed from other jurisdictions due to noncompliance with a September 30, 2021 expenditure deadline, and

WHEREAS, on September 20, 2022, the U.S. Department of Housing and Urban Development awarded the City of Modesto an additional amount of $632,829 of

reallocated funds from the Emergency Solutions Grant CARES Act (ESG-CV) appropriation with an expenditure deadline of June 30, 2024, and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community, and

WHEREAS, to assist in the operational response to COVID-19 and assist unhoused individuals, the City will provide reallocated ESG-CV funds in an amount not to exceed $569,546 for the operations of the Berberian Emergency Shelter Day Center to support individuals experiencing homelessness, and

WHEREAS, the proposed Day Center would serve as a drop-in site for clients and non-clients to be able to participate in Salvation Army activities throughout the day, and

WHEREAS, a three-year agreement with the Salvation Army for the provision of services will be established, and

WHEREAS, the proposed allocation of ESG-CV funds is only a one-time allocation from HUD the City will be seeking to partner with the County and other private partners to continue to fund the operations of the Day Center in perpetuity, and

WHEREAS, in accordance with HUD, a substantial Amendment to the PY 2019-2020 Annual Action Plan is required, and usually a 30-day public comment period is

required; however, HUD has waived this requirement provided that no less than five (5) days are provided for public comments on each substantial amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment #5 to City of Modesto Program Year 2019-2020 Annual Action Plan, approving allocation of reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds made available through the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT), and approving an agreement with the Salvation Army in an amount not to exceed $569,546 for the operation and management of a day center.

BE IT FURTHER RESOLVED; that the City Manager or his designee to execute any documents and/or agreements necessary to carry out the intent of this Resolution in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

Item	Estimated Costs
Emergency Shelter (Day Center):	$ 569,546
ESG-CV Administration	$ 63,283
Total:	**$632,829**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-228

RESOLUTION AMENDING THE FISCAL YEAR 2022-2023 MULTI-YEAR FUND BUDGET TO ESTABLISH APPLICABLE REVENUE, EXPENSE, AND TRANSFER BUDGETS FOR THE EMERGENCY SOLUTIONS GRANT AWARD FUNDS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, on May 14, 2019, by Resolution 2019-240, City Council approved the Program Year 2019 Annual Action Plan, and

WHEREAS, on September 10, 2019, by Resolution 2019-404, City Council approved the Program Year 2019 Annual Action Plan Amendment No. 1, and

WHEREAS, on April 14, 2020, by Resolution 2020-182, City Council approved the Program Year 2019 Annual Action Plan Amendment No. 2, and

WHEREAS, on April 28, 2020, by Resolution 2020-206, City Council approved the Program Year 2019 Annual Action Plan Amendment No. 3, and

WHEREAS, on March 27, 2020 United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #4 approved by City Council on October 27, 2020 by Resolution 2020-448, and

WHEREAS, on August 22, 2022, the City of Modesto was identified as a recipient of reallocated ESG-CV funds, and

WHEREAS, the reallocated funds were redistributed from other jurisdictions due to noncompliance with a September 30, 2021 expenditure deadline, and

WHEREAS, on September 20, 2022, the U.S. Department of Housing and Urban Development awarded the City of Modesto an additional amount of $632,829 of reallocated funds from the Emergency Solutions Grant CARES Act (ESG-CV) appropriation with an expenditure deadline of June 30, 2024, and

WHEREAS, the CARES Act immediately provided a special allocation of ESG funds to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19), and

WHEREAS, certain budgetary transactions are necessary to reallocate funds during the course of the Consolidated Plan cycle when there is a change in allocation priorities, or method of distribution, carrying out new activities with CPD funds, change in purpose, scope, location or beneficiaries of an activity, and

WHEREAS, the Fiscal year 2022-2023 operating and multi-year budget must be amended as shown in Exhibit A, which is incorporated by reference herein to reflect an approved reallocation of funds as set forth in the Integrated Disbursement and Information System (IDIS) reporting system.

NOW, THEREFORE, BE IT RESOLVED, amending the Fiscal Year 2022-2023 operating and multi-year project budgets to identify and allocate reallocated Emergency Solutions Grant Coronavirus (ESG-CV) funds made available through the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) as proposed in the Program Year 2019-20 Annual Action Plan Amendment NO. 5.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is

hereby authorized to implement the provision of 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, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Item	Estimated Costs
Emergency Shelter (Day Center):	$ 569,546
ESG-CV Administration	$ 63,283
Total:	**$632,829**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-229

RESOLUTION ACCEPTING THE RESIGNATION OF A'KIA WALKER FROM THE CITY OF MODESTO EQUITY COMMISSION

WHEREAS, the Equity Commission was established to advise the City Manager and City Council on matters relating to diversity, equity, inclusion, and disability, and

WHEREAS, on August 9, 2022, by Resolution No. 2022-332, A'Kia Walker was appointed to serve as a member of the Equity Commission, and

WHEREAS, A'Kia Walker has tendered her resignation from the Equity Commission effective April 17, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of A'Kia Walker from the Equity Commission, with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-230

RESOLUTION APPROVING THE APPOINTMENTS OF FRANK DAMRELL, KENNETH BRYANT, NICO SOLORIO, LATRICIA BEASLEY DAY, AUSTIN GRANT, NANCY SMITH, BRAD HAWN, TRISH CHRISTENSEN, AND WENDY BYRD FOR THE COMMUNITY POLICE REVIEW BOARD BEGINNING ON JUNE 15, 2023, TO SERVE THEIR RESPECTIVE TERMS, AND APPROVING THE SIX APPLICANTS TO SERVE AS PRIMARY RESERVE CANDIDATES TO BE CONSIDERED FOR APPOINTMENT IF A VACANCY OCCURS WITHIN 12 MONTHS OF THE CPRB'S INITIAL ESTABLISHMENT

WHEREAS, the City of Modesto established a Community Police Review Board (CPRB) in conjunction with Independent Police Auditor (IPA) by Resolution No. 2022-499; and

WHEREAS, the establishment of a Community Police Review Board as a dual component of a hybrid police accountability model, is the culmination of the efforts of the Forward Together work group created on June 8, 2021 by Council Resolution No. 2021-216; and

WHEREAS, in general, the role of the CPRB will follow best practices as modeled after the National Association of Civilian Oversight Boards for Law Enforcement (NACOLE) and as suited for the needs of the City of Modesto to carry out improved community relations with the Modesto Police Department; and

WHEREAS, the CPRB shall be comprised of nine (9) members who reside within the city limits; and

WHEREAS, the City of Modesto received 73 applications and the Appointments Committee interviewed 42 applicants that met eligibility requirements per the CPRB bylaws established by Resolution No. 2022-498; and

WHEREAS, 15 applicants were invited to second interviews on April 28, 2023, and the Appointments Committee recommended the 9 following appointments; and

Applicant Name (9)	Term
Frank Damrell	2027
Kenneth Bryant	2027
Nico Solorio	2027
Latricia Beasley Day	2027
Austin Grant	2027
Nancy Smith	2028
Brad Hawn	2028
Trish Christensen	2028
Wendy Byrd	2028

WHEREAS, on April 28, 2023, 6 applicants were recommended by the Appointments Committee to serve as primary reserve candidates to be considered for appointment if a vacancy occurs within 12 months of the CPRB's initial establishment; and

Primary Reserves Candidates (6)
Eileen VerHulst
Nicolas Sottero
Steven Finch
Douglas K. Highiet
Sandra Lucas
Julie Nelson

WHEREAS, the terms shall commence on June 15, 2023, and 5 members will serve until 2027 and 4 members will serve until 2028.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Frank Damrell, Kenneth Bryant, Nico Solorio, Latricia Beasley Day, Austin Grant, to serve as members of the Community Police Review Board with terms expiring in 2027, and Nancy Smith, Brad Hawn, Trish Christensen, and Wendy Byrd to the Community Police Review Board with terms expiring in 2028, and designates

primary reserve candidates Eileen VerHulst, Nicolas Sottero, Steven Finch, Douglas K. Highiet, Sandra Lucas, Julie Nelson as primary reserve candidates for future appointments if a vacancy occurs within 12 months.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is directed to transmit a copy of this resolution to the appointed members of the Community Police Review Board, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-231

RESOLUTION APPROVING A LEGAL SERVICES AGREEMENT WITH SWINGLE, VAN EGMOND & HEITLINGER IN AN AMOUNT NOT TO EXCEED $250,000, TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is in need of outside counsel services; and

WHEREAS, on June 24, 2014, by Resolution No. 2014-241, Council approved an agreement with Arata, Swingle, Van Egmond & Goodwin, to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases for a total agreement amount not to exceed $790,000, including amendments; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin for the same services, for a total agreement amount not to exceed $650,000, including amendments; and

WHEREAS, on January 28, 2020, by Resolution 2020-029, Council approved a Second Restated Legal Services Agreement with Arata, for a total amount of $750,000, including amendments, for continued representation for the same services; and

WHEREAS, in March of this year, the firm's name changed to Swingle, Van Egmond & Heitlinger ("Swingle") due to Mr. Arata's retirement; and

WHEREAS, Swingle continues to prepare multiple cases for trial simultaneously, as well as handling a number of additional smaller cases. This agreement will provide a budget for continued representation for those cases and future assigned cases; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services

and, therefore, exempt from the bidding requirement. The approval of the Legal Services Agreement to Swingle, Van Egmond & Heitlinger conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services for continued representation in tort cases; and

WHEREAS, the City Attorney's office has drafted a Legal Services agreement with Swingle, Van Egmond and Heitlinger for continued representation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Legal Services Agreement with Swingle, Van Egmond & Heitlinger, in an amount not to exceed $250,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

LEGAL SERVICES AGREEMENT

This Legal Services Agreement (this "**Agreement**") is made and entered into on the 23rd day of May, 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), located at 1010 Tenth Street, Sixth Floor, Modesto, California 95353 and **SWINGLE, VAN EGMOND & HEITLINGER**, a Professional Corporation ("**Attorney**"), located at 1207 I Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as a "**Party**."

RECITALS

WHEREAS, City desires to continue Attorney's services with respect to providing legal advice, representation and assistance to City in defense of tort claims as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by this Agreement.

NOW, THEREFORE it is hereby agreed as follows:

1. Services.

a. Scope of Work: Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services ("**Services**"):

Claims including litigation as assigned. Cases will include tort, trip and fall, sidewalk, road and other similar cases.

Attorney shall not be compensated for services outside the scope of work identified under this Section unless prior to the commencement of such services: (i) Attorney notifies City and City agrees that such services are outside the scope of work under this Section; (ii) Attorney estimates the additional compensation required for these additional services; and (iii) City, after notice, approves in writing a Supplemental Agreement specifying the additional services and amount of compensation therefor.

Specific tasks including specific claims under the scope of work of this Agreement performed by Attorney will be assigned by City with written notice to Attorney. Within ten (10) days of receiving notice by City of a new task, Attorney shall provide City a budget for the requested task. Attorney must receive written approval by City of the proposed budget prior to commencement

of task. Total compensation for all tasks under this Agreement shall not exceed the total compensation under Section 2 of this Agreement.

b. **Term:** This Agreement shall become effective on the Effective Date and shall continue in effect until both Parties have fully performed their respective obligations under this Agreement unless sooner terminated as provided in Section 7.

c. **Partner in Charge:** The partner in charge of the defense of City in assigned tort claims will be Bradley Swingle. Attorney will utilize experienced associate attorneys and paralegals under supervision of the partner in charge. The partner in charge will be the contact person for City and will make himself/herself reasonable available to respond to questions from the City Attorney or City staff.

2. Fees and Costs.

a. Hourly Rates:

Bradley J. Swingle	$175.00/hour
Colleen F. Van Egmond	$175.00/hour
Amanda Heitlinger	$175.00/hour

The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the "**Services**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed the total sum of two hundred fifty thousand dollars ($250,000)**.**

b. **Reimbursable Expenses.** City shall reimburse Attorney for the actual, reasonable and necessary expense of travel out of the Modesto metropolitan area, approved in advance, at $0.65.5 per mile. Attorney will not charge City for the cost of telephone calls or photocopying. Litigation costs and expenses for statutory fees, witness fees, reporters' per diem and stenographic transcriptions, jury fees, and the expenses of serving process shall be advanced by Attorney and reimbursed by City. Expert consultants and witnesses may be retained by Attorney on terms acceptable to City, approved in advance by email or letter by the City Representative (as defined hereafter), in which case City shall reimburse Attorney or pay such consultants or experts directly.

c. Billing:

i. Legal billings shall be submitted to City every thirty (30) days unless otherwise advised.

ii. Each task shall be distinctly and completely identified. In litigation matters, City will not pay invoices that contain block billing. Each billing entry must contain the initials of the individual performing the task, the nature of the task, the date it was performed, and the length of time it took.

iii. Costs under $1,000.00 shall be paid by Attorney and submitted with their normal billing.

iv. City reserves the right to audit all invoices.

v. Payments to Attorney shall be made within a reasonable time after receipt of Attorney's invoice, generally within sixty (60) days of receipt. Attorney shall be responsible for supplying all documentation necessary to verify the monthly billings to the satisfaction of City.

vi. In addition to the provisions stated elsewhere in this Agreement regarding the payment of fees, billing and budgeting, the following guidelines for billing apply:

(1) City expects each individual working on the matter for which Attorney is retained to have the necessary experience to perform the services required to protect or pursue City's interests in the matter in a cost effective manner, consistent with high professional and ethical standards.

(2) City expects Attorney to select the individual most suitable for the task required and the specific needs of the matter, and to use the maximum efficiencies available. Billings for services performed by the inappropriate level of personnel will be reduced by City based on rate adjustments for the appropriate level of personnel.

(3) City will not pay for unnecessary review of texts, codes, rules of court, or other fundamental references. City will pay the hourly rate for specific legal research which is unique to the matter, assuming that Attorney has used maximum efficiencies and that Attorney has not already recently performed research in the same or very similar areas of law.

(4) City acknowledges the benefit of communications between attorneys in the firm. City does, however, expect that intra-office conferences will only be held as needed, and will be kept to a minimum. Intra-office conferences shall be for the purpose of discussing strategy and legal issues which directly further the matter. City will not pay for conferences which are supervisorial, instructional or administrative. Any invoice which lists an intra-office conference that does not meet these guidelines must contain a full explanation and is subject to reduction by City. City will not pay for "team meetings" and City will scrutinize all intra-office conferences for "value added" to the matter by the conference, for the number of individuals attending the conference, the length of the conference, the subjects discussed at the conference and who participated in it, and will, in City's sole discretion, determine if such value has been added.

(5) City will not pay for local telephone calls, incoming facsimiles, postage, time spent on filing, calendaring, indexing pleadings, photocopying, conferences with Clerks of court or court reporters, secretarial proofreading, re-drafting due to substandard work, or opening, organizing or closing files. City will not pay for time billed by summer interns, time for more than one individual to attend a trial, hearing, court appearance, arbitration, mediation, deposition, third party meeting, conference call or similar event, unless otherwise approved by City in advance.

(6) Vague billing which does not contain sufficient information to allow City's reviewer of the invoice to determine the nature of the task, the reason for the task, and the individual performing the task is subject to reduction by City.

(7) City will not reimburse for overtime, word processing, supplies, anything identified on an invoice as "miscellaneous," or any other unidentified charges.

d. Budget:

i. Within ten (10) days of the Effective Date, Attorney shall provide City with a proposed budget for the Services to be rendered pursuant to this Agreement. If Services involve tasks that have not yet been assigned by City, Attorney shall provide City with a proposed budget for all assigned new tasks with ten (10) days of receiving written notice from the City assigning Attorney the new task. Total compensation for all tasks under this Agreement shall not exceed the total compensation under Section 2 of

this Agreement. The budget shall include all projected fees and costs to be incurred by Attorney and necessary for completion of the Services necessary to conclude the representation. The budget shall be a good faith estimate and shall be as complete and detailed as reasonably possible, including such items as discovery and motions for trial, preparation of documents for transactional services, and anticipated research and investigations. The proposed budget shall identify the projected total hours that will be billed to each task, and the individual that are anticipated to be performing the task. Any deviation from the budget in excess of fifteen percent (15%), must be approved in advance by the City Attorney or designee. Notwithstanding the foregoing, should it become reasonably apparent to Attorney that the actual billings will exceed Attorney's initial estimate of anticipated legal costs and fees, Attorney shall immediately notify City thereof in advance and shall submit a revised written estimate for City's approval.

3. Reporting.

a. Attorney shall provide City with a preliminary status report and evaluation within thirty (30) days of the Effective Date and the assignment of such task which report shall include an evaluation of the total exposure to the City, the liability risk, estimated cost to litigate or settle, and the particular attorneys who will be assigned. In this preliminary report, Attorney shall also make recommendations for discovery and any needed investigation, if any, and provide an estimate of total anticipated legal costs and fees for the handling of this matter. Thereafter, Attorney shall provide a status update to the City Representative, as defined in Section 4, every sixty (60) days on any matter under this Agreement.

b. Attorney shall provide to City representative an electronic version of all agreements, pleadings, motions, and discovery documents filed or propounded by Attorney in a Microsoft Word format compatible with that used by the City Attorney's office.

c. In the event that Attorney's handling of the above-designated matter exceeds a period of twenty-four (24) months, Attorney shall, in addition to providing regular status reports to City, also report directly to the City representative on an annual basis and no later than March 30th of each year, setting forth in detail the status of the matter, and Attorney's plan for further handling of the matter, and the estimated length of time to conclude the matter.

4. **City Representative.** The City Attorney, or the City Attorney's designee, shall be the "City Representative" under this Agreement and shall administer this Agreement for City, including any payments hereunder. All Attorney questions pertaining to this Agreement shall be referred to the City Representative or the Representative's designee.

5. **Insurance Requirements.** During the entire term of this Agreement, Attorney shall maintain the following insurance:

   a. **Minimum Scope of Insurance:** Coverage should be at least as broad as:

      i. Insurance Services Office Form No. CG 0001 (Commercial General Liability);

      ii. Insurance Services Office Form No. CA 0001 (Ed. 1/87) (Automobile Liability, Code "any auto");

      iii. Workers' Compensation as required by the Labor Code of the State of California, and Employers' Liability Insurance:

      iv. Professional Liability (Errors and Omissions) insurance against loss due to error, omission or malpractice.

   b. **Minimum Limits of Insurance:** Attorney shall maintain limits no less than:

      i. **Commercial General Liability:** $1,000,000 combined single limit per occurrence, including endorsements for contractual liabilities, broad form property damage and personal injury.

      ii. **Automobile Liability:** $1,000,000 combined single limit per accident for personal injury and property damage arising from owned, hired and non-owned vehicles.

      iii. **Workers' Compensation and Employers' Liability:** Workers' compensation limits as required by the Labor Code of the State of California and Employers' Liability limits of $1,000,000 per accident.

      iv. **Professional Liability (Errors and Omissions)**: $2,000,000 combined single limit per occurrence.

   c. **Deductibles and Self-Insured Retentions:** Any deductibles or self-insured retentions must be declared to and approved by the City.

   d. **Other Insurance Provisions:** The policies are to contain, or be endorsed to contain, the following provisions:

i. General Liability and Automobile Liability Coverages:

(1) The General Liability and Automobile Liability policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as additional insureds. Such policy(ies) of insurance shall be endorsed so that Attorney's insurance shall be primary and any insurance or self-insurance maintained by City, its officials, employees or volunteers shall be in excess of Attorney's insurance and shall not contribute with it.

(2) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its officials, employees or volunteers.

(3) Coverage shall state that Attorney's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

ii. All Coverages:

(1) Each insurance policy required by this Agreement shall be endorsed to state that coverages shall not be canceled except after thirty (30) days prior written notice has been given to City. In addition, Attorney agrees that it shall not reduce its coverage or limits on any such policy except after thirty (30) days prior written notice has been given to City and City approves the reduction in coverage or limits. Attorney further agrees that it shall not increase any deductibles or self-insured retentions on any such policy except after thirty (30) days prior written notice has been given to City and City approves such increase.

(2) In the event claims made forms are used for any Professional Liability coverage, either (i) the policy(ies) shall be endorsed to provide not less than a five (5) year discovery period, or (ii) the coverage shall be maintained for a minimum of five (5) years following the termination of this Agreement and the requirements of this section relating to such coverage shall survive termination or expiration of this Agreement. Attorney shall furnish City with the certificate(s) and applicable endorsements for ALL required insurance prior to City's execution of this Agreement.

e. Acceptability of Insurers: Insurance shall be placed with insurers with a Bests' rating of no less than A:VII. This requirement may, however, be waived in individual cases for Errors and Omissions Coverages only; provided, however,

that in no event shall a carrier with a rating below B:IX be acceptable.

f. **Verification of Coverage:** Attorney shall furnish City with certificates of insurance showing compliance with the above requirements and with original endorsements affecting all coverages required by this Agreement both prior to the execution of this Agreement, and during the pendency of this Agreement at any time upon request by City. The certificates and/or endorsements shall set forth a valid policy number for City, and shall indicate the Issue Date, Effective Date and Expiration Date. The certificates and endorsements for each insurance policy shall be signed by a person authorized by the insurer to bind coverage on its behalf. The certificates and endorsements shall be forwarded to the City Representative.

g. **Payment Withhold:** City shall withhold payments to Attorney if the certificates of insurance and endorsements required in this section are canceled or Attorney otherwise ceases to be insured as required herein.

6. Indemnification.

a. **Indemnity:** Attorney shall fully indemnify and save harmless, City, its officers and employees, including without limitation the City Attorney, and each and every one of them, from and against all actions, damages, costs, liability, claims, losses, judgments, penalties and expenses of every type and description, including, but not limited to, any fees and/or costs reasonably incurred by City's staff attorneys or outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "**Liabilities**"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of Attorney, its subcontractors or agents, and their respective officers and employees, in connection with the performance or nonperformance of this Agreement, whether or not the City, its officers or employees reviewed, accepted or approved any service or work product performed or provided by the Attorney, and whether or not such Liabilities are litigated, settled or reduced to judgment.

b. **Obligation to Defend:** Attorney shall, upon City's request, defend at Attorney's sole cost any action, claim, suit, cause of action or portion thereof which asserts or alleges Liabilities to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of Attorney, its sub-attorneys, subcontractors or agents, and their respective officers and employees, in connection with the performance or nonperformance of this Agreement, whether such action, claim, suit, cause of action or portion thereof is well founded or not.

c. **Insurance Policies; Intellectual Property Claims:** The existence or acceptance by City of any of the insurance policies or coverages described in this Agreement

shall not affect or limit any of City's rights under this section, nor shall the limits of such insurance limit the liability of Attorney hereunder. This section shall not apply to any intellectual property claims, actions, lawsuits or other proceedings subject to the provisions of Section 4 (Confidentiality of City Information) above. The provisions of this section shall survive any expiration or termination of this Agreement.

7. Termination.

a. By City. City may terminate this Agreement at any time by written notice. After receiving such notice, Attorney will cease providing services. Attorney will cooperate with City in the orderly transfer of all related files and records to your new counsel.

b. By Attorney. Attorney may terminate this Agreement at any time with City's consent or for good cause. Attorney may terminate this Agreement for any reason by giving to City Attorney not less than thirty (30) days prior written notice of termination. The notice shall specify the effective date of and reason for the termination. Good cause exists if (a) any statement is not paid within ninety (90) days of its receipt; (b) City fails to meet any other obligation under this Agreement and continues in that failure for 15 days after Attorney sends written notice to City; (c) City has misrepresented or failed to disclose material facts to Attorney, refused to cooperate with Attorney, refused to follow Attorney's advice on a material matter, or otherwise made Attorney's representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If Attorney terminates Services, City agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of this Agreement, whether by City or by Attorney, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

8. General Provisions.

a. Independent Contractor.

i. It is understood and agreed that Attorney (including Attorney's employees) is an independent contractor and that no relationship of employer-employee exists between the Parties hereto for any purpose whatsoever. Neither Attorney nor Attorney's assigned personnel shall be entitled to any benefits payable to employees of City. City is not required to make any deductions or withholdings from the compensation payable to Attorney under the

provisions of this Agreement, and Attorney shall be issued an IRS Form 1099 for its services hereunder. As an independent contractor, Attorney hereby agrees to indemnify and hold City harmless from any and all claims that may be made against City based upon any contention by any of Attorney's employees or by any third party, including but not limited to any state or federal agency, that an employer-employee relationship or a substitute therefor exists for any purpose whatsoever by reason of this Agreement or by reason of the nature and/or performance of any Services under this Agreement.

ii. It is further understood and agreed by the Parties hereto that Attorney, in the performance of its obligations hereunder, is subject to the control and direction of City as to the designation of tasks to be performed and the results to be accomplished by the Services agreed to be rendered and performed under this Agreement, but not as to the means, methods, or sequence used by Attorney for accomplishing such results. To the extent that Attorney obtains permission to, and does, use City facilities, space, equipment or support services in the performance of this Agreement, this use shall be at the Attorney's sole discretion based on the Attorney's determination that such use will promote Attorney's efficiency and effectiveness. Except as may be specifically provided elsewhere in this Agreement, the City does not require that Attorney use City facilities, equipment or support services or work in City locations in the performance of this Agreement.

iii. If, in the performance of this Agreement, any third persons are employed by Attorney, such persons shall be entirely and exclusively under the direction, supervision, and control of Attorney. Except as may be specifically provided elsewhere in this Agreement, all terms of employment, including hours, wages, working conditions, discipline, hiring, and discharging, or any other terms of employment or requirements of law, shall be determined by Attorney. It is further understood and agreed that Attorney shall issue W-2 or 1099 Forms for income and employment tax purposes, for all of Attorney's assigned personnel and subcontractors.

b. **Licenses; Permits, Etc.:** Attorney represents and warrants that Attorney has all licenses, permits, City Business Operations Tax Certificate, qualifications, and approvals of whatsoever nature which are legally required for Attorney to practice its profession or provide any services under the Agreement.

_____
Attorney's Initial

Attorney represents and warrants that Attorney shall, at its sole cost and expense,

keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Attorney to practice its profession or provide such Services. Without limiting the generality of the foregoing, if Attorney is an out-of-state corporation, Attorney warrants and represents that it possesses a valid certificate of qualification to transact business in the State of California issued by the California Secretary of State pursuant to Section 2105 of the California Corporations Code.

c. **Conflicts of Interest.** Attorney represents and warrants that they have made a diligent effort to determine whether there are any actual or potential conflicts of interest that would preclude or interfere with Attorney's performance of this Agreement, and that no such conflict of interest exists. Attorney shall indemnify and hold harmless City from and against any and all liability, loss, expense and obligation arising directly or indirectly out of any breach of the foregoing representation and warranty. Attorney agrees to avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City at all times during the performance of this Agreement.

d. **Confidentiality of City Information.** Attorney understands and agrees that during the course performing the services required by this Agreement, or in contemplation thereof, Attorney may have access to private or confidential information which may be owned or controlled by City and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to City. Attorney agree that all information disclosed by City to Attorney shall be held in confidence and used only in performance of the services required by this Agreement. A violation of this section shall be a material violation of this Agreement and shall justify legal and/or equitable relief.

e. **Publicity.** The City Representative shall serve as the point of contact for press information regarding all matters pertaining to Services performed by Attorney under this Agreement. Attorney will consult with and obtain approval of the City Representative before making any statement to any media outlet (whether radio, print, internet or television) about the Services.

f. **Disqualification of Judges.** At the option of the City Attorney, judges may be disqualified from hearing City litigation, and Attorney shall adhere to such decision of the City Attorney. In the event that Attorney is of the opinion that a judge ought to be disqualified, the City Attorney must be consulted in advance by Attorney, and Attorney must obtain the City Attorney's written consent to such disqualification.

g. **Equal Employment Opportunity.** During the performance of this Agreement, Attorney, for itself, its assignees and successors in interest, agrees as follows:

i. **Compliance With Regulations:** Attorney shall comply with the Executive Order 11246 entitled "Equal Opportunity in Federal Employment", as amended by Executive Order 11375 and 12086, and as supplemented in Department of Labor regulations (41 CFR Chapter 60), hereinafter collectively referred to as the "Regulations."

ii. **Nondiscrimination:** Attorney, with regards to the work performed pursuant to this Agreement, shall not discriminate on the ground of race, color, religion, sex, national origin, age, marital status, physical handicap or sexual orientation in selection and retention of subcontractors, including procurement of materials and leases of equipment. Attorney shall not participate either directly or indirectly in discrimination prohibited by the Regulations.

h. **Severability.** If any portion of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

i. **Waiver.** Neither City acceptance of, or payment for, any Service or Additional Service performed by Attorney, nor any waiver by either Party of any default, breach or condition precedent, shall be construed as a waiver of any provision of this Agreement, nor as a waiver of any other default, breach or condition precedent or any other right hereunder.

j. **Enforcement of Agreement.** This Agreement shall be governed, construed and enforced in accordance with the laws of the State of California. Venue of any litigation arising out of or connected with this Agreement shall lie exclusively in the state trial court or Federal District Court located in Stanislaus County in the State of California, and the Parties consent to jurisdiction over their persons and over the subject matter of any such litigation in such courts, and consent to service of process issued by such courts.

k. **Attorneys' Fees.** In any action to enforce the terms of this Agreement, the prevailing Party shall recover its reasonable attorneys' fees.

l. **Assignment Prohibited.** The expertise and experience of Attorney are material considerations for this Agreement. City has a strong interest in the qualifications and capability of the persons and entities who will fulfill the obligations imposed on Attorney under this Agreement. In recognition of this interest, Attorney shall not assign any right or obligation pursuant to this Agreement without the written consent of the City. Any attempted or purported assignment without City's written consent shall be void and of no effect.

m. **Notice.** Any notice, demand, request, consent, approval, communication either Party desires or is required to give the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail to the address set forth below. Either Party may change its address by notifying the other Party of the change of address in writing. Notice shall be deemed communicated forty-eight (48) hours from the time of mailing if mailed as provided in this section.

To: City of Modesto:
Attention: City Attorney
1010 Tenth Street, 6th Floor
Modesto, CA 95353
Phone: (209) 577-5288
Fax: (209) 544-8260

To: Attorney:
Attention: Bradley J. Swingle
1207 I Street
Modesto, CA 95353
Phone: (209) 522-2211
Fax: (209) 522-2980

9. **Entire Agreement.** This document, including all Exhibits, contains the entire agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Agreement. No alteration to the terms of this Agreement shall be valid unless approved in writing by Attorney, and by City, in accordance with applicable provision of the Modesto City Code.

10. **Authority.** The person signing this Agreement for Attorney hereby represents and warrants that he/she is fully authorized to sign this Agreement on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

11. **Exhibits.** All exhibits referred to herein are attached hereto and are by this reference incorporated as if set forth fully herein.

[Signatures on Next Page.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Nayares-Perez, City Clerk

_____
Joe Rodriguez, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SWINGLE, VAN EGMOND & HEITLINGER
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-232

RESOLUTION APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES, INC. FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT, INCREASING THE AGREEMENT AMOUNT BY $19,460, FROM $57,585 FOR A NEW TOTAL AMOUNT NOT TO EXCEED $77,045, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing project intends to build a structural crossing as part of widening of Claratina Avenue between McHenry Avenue and Coffee Road; and

WHEREAS, to construct the project, the City is required to acquire property and Temporary Construction Easements (TCE's) from property owners along Claratina Avenue; and

WHEREAS, on May 31, 2017, the City Manager approved an Agreement with Associated Right of Way Services, Inc. (ARWS) to provide negotiation and acquisition services for the Hetch Hetchy and Claratina Avenue Structural Crossing project in an amount not to exceed $36,500; and

WHEREAS, as right-of-way services began, ARWS contacted the property owner, Parkwood Seventh-Day Adventist Church, and it was discovered that the existing residence at A.P.N. 082-009-003, had renters and would require relocation planning and assistance services as part of property acquisition; and

WHEREAS, on October 9, 2017, City Manager approved the First Amendment to the Agreement to provide relocation planning and assistance services pertaining to 301 Claratina Avenue, Modesto, CA for an amount not to exceed $10,000; and

WHEREAS, the cost of the First Amendment and the original Agreement were under the City Manager's approval authority of $50,000; and

WHEREAS, on September 25, 2018, by Resolution No. 2018-406, Council approved the Second Amendment to the Agreement with ARWS for additional services needed outside of the current scope of services, including drafting/obtaining permits to enter, coordination and preparation of additional documentation requested by Hetch Hetchy, and review of additional appraisals completed by property owners; and

WHEREAS, Associated Right of Way Services has completed several tasks from the original Agreement and prior amendments, however with the modifications to this project including the requirement to construct a larger structural crossing, there has been a delay in acquisition of the required right of way associated with the parcels along Claratina Avenue; and

WHEREAS, with the parcel appraisals being completed in 2018, there is a need to update some of the property appraisals; and

WHEREAS, on April 10, 2023, ARWS submitted a request for a Third Amendment to the City to provide Appraisal Services for property acquisition and updated TCE to be written with language indicating that it would be in effect starting from first entry during construction for parcel 082-009-003; and

WHEREAS, the Third Amendment will also provide acquisition and administrative services for this parcel to proceed up to and through close of escrow; and

WHEREAS, Staff recommends approval of the Third Amendment to the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Agreement with Associated Right of Way Services, Inc. for the Hetch Hetchy and Claratina Avenue Structural Crossing project, increasing the Agreement amount by $19,460, from $57,585 to a new total amount not to exceed $77,045.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Third Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-233

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH STANISLAUS COUNTY, STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT, THE MODESTO FIRE DEPARTMENT, CITY OF TURLOCK AND THE CITY OF CERES TO CONTINUE PROVIDING COUNTY-WIDE FIRE INVESTIGATION SERVICES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, the Regional Fire Investigation Unit (FIU) has been a vital tool in the county for investigation of suspicious and criminal fires and ensuring all laws and best practices are adhered to; and

WHEREAS, on June 12, 2018, by Resolution 2018-221, Council approved the current Memorandum of Understanding (MOU) that exists to support Modesto Fire Department's (MFD) model of regionalization of service with cooperating surrounding agencies. Since this adoption, MFD has expanded its coverage area by taking on contracts for service with the cities of Salida and Ceres necessitating additional needs to be addressed in this new MOU; and

WHEREAS, the FIU will be comprised of an FIU Supervisor, Criminal Investigator, Sheriff's Detective, FIU Coordinator (40 hour), and three (3) full-time FIU Duty (Shift) Investigators, and one (1) part time investigator from Turlock; and

WHEREAS, the Responsibility for the day-to-day conduct of the FIU operations is vested in the Modesto Fire Department or their designee; and

WHEREAS, Per section V. C. 4. of the MOU, the City of Modesto Fire Department will provide resources equal to the Less-Than-County Wide Fire Tax funds contribution to the FIU. These resources to the FIU include associated costs for two Fire Investigator positions, related tools/materials/supplies, use of Station 8 and specific

training and equipment for the FIU. The value of the resources contributed to the FIU will be compiled in a semi-annual memo billing along with documentation of the costs provided in support of fire incidents to the County; and

WHEREAS, these funds for MFD's contributions to the FIU are fully budgeted in the current Fiscal Year 2022-23. The fire investigator positions and the operating budget have been entered with the proposed budget which will be adopted in June by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) with Stanislaus County, Stanislaus Consolidated Fire Protection District, the Modesto Fire Department, City of Turlock and the City of Ceres to continue providing County-Wide Fire Investigation Services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the MOU in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-234

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH O'DELL ENGINEERING, INC. FOR ADDITIONAL TASKS RELATED TO PERMITTING AND CONSTRUCTION SUPPORT FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) NON-MOTORIZED BOAT LAUNCH AND RIVER ACCESS FACILITY PROJECT LOCATED AT NEECE DRIVE, INCREASING THE AGREEMENT AMOUNT BY $15,000 FROM $144,731 TO A NEW TOTAL AMOUNT NOT TO EXCEED $159,731 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on March 13, 2018, by Resolution No. 2018-125 Council accepted $780,000 in grant funds from the California Division of Boating and Waterways (DBW) Recreational Boating and Facilities with Public Access Grant Program to design and construct a public access non-motorized boat launch and river access facility on the Tuolumne River, and

WHEREAS, on February 26, 2019, by Resolution No. 2019-82, Council approved an Agreement with O'Dell Engineering Inc, for the preparation of construction documentation for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, and

WHEREAS, there have been unanticipated time delays, related to permitting agency requests for information and design changes, and multiple changes in permitting agency staffing, and

WHEREAS, due to these unanticipated delays, an amendment to the Agreement with O'Dell Engineering is required to compensate O'Dell Engineering to continue permitting support needed to obtain final permits, and to provide construction administration support, and

WHEREAS, on April 3, 2023, at the City's request, O'Dell Engineering submitted to the City a budget augmentation for additional tasks for an estimated increased cost totaling $15,000, to the following:

1. Additional Permitting Review, Response & Analysis required by National Marine Fisheries (NMFS) to obtain a permit for construction
2. Continued Permitting Support beyond was what anticipated in the original Agreement
3. Additional Construction Administration Support

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with O'Dell Engineering, Inc., for additional tasks related to permitting and construction support for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch and River Access Facility Project located at Neece Drive, increasing the agreement amount by $15,000 from $144,731 to a new total amount not to exceed $159,731.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First Amendment to the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-235

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH O'DELL ENGINEERING, INC. FOR ADDITIONAL TASKS RELATED TO THE PREPARATION OF CONSTRUCTION DOCUMENTATION FOR THE CÉSAR E. CHAVEZ RENOVATION PROJECT, INCREASING THE AGREEMENT AMOUNT BY $80,950, FOR A NEW CONTRACT AMOUNT OF $838,730, PLUS $41,937 IN ADDITIONAL SERVICES (IF NEEDED) FOR A NEW TOTAL AMOUNT NOT TO EXCEED $880,667 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on November 10, 2020, by Resolution Nos. 2020-473 and 2020-474, Council accepted a Statewide Park Development and Community Revitalization Program - Round 3 Grant Award of $8,500,000 for the César E. Chavez Park Renovation Project and approved an Agreement with O'Dell Engineering, Inc. for the preparation of the construction documentation for the César E. Chavez Park Renovation Project, and

WHEREAS, the original Agreement amount with O'Dell Engineering is $757,780 and per the original Agreement, the Department Director has the authority to authorize additional services in an amount of $37,889, for a total not-to-exceed contract amount of $795,669, and

WHEREAS, this first additional services request for $80,950 exceeds the Department Director's authority and therefore staff is requesting Council approval of this additional services request, which includes:

1. Additional Aquatic Center design work to expand the scope of the pool to add a fourth lane, adjust the splash pad design and fully enclose the mechanical building for safety and vandalism purposes
2. Addition of a staff parking lot at the southern corner of the park due to the anticipated need for staff to have designated parking, and

WHEREAS, since the project design is approximately 75% complete, staff is anticipating that there could be some minor additional services requests in the future, and

WHEREAS, staff is requesting that the Department Director retain the authority to approve future additional services requests in the amount of 5% of the new contract total ($838,730), not to exceed additional services budget of $41,937, for a total not-to-exceed contract amount of $880,667.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with O'Dell Engineering, Inc., for additional tasks related to the preparation of construction documentation for the César E. Chavez renovation project, increasing the agreement amount by $80,950, for a new contract amount of $838,730, plus $41,937 in additional services, for a new total amount not to exceed $880,667.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the amended Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-236

RESOLUTION ACCEPTING THE SYNCRONIZATION DOWNTOWN TRAFFIC SIGNALS 2015 PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO COMPLETE ALL NECESSARY STEPS TO FILE THE APPROPRIATE NOTICES AND DOCUMENTS WITH THE COUNTY RECORDER

WHEREAS, in May of 2012, the City of Modesto applied for Congestion Mitigation and Air Quality (CMAQ) funds to Synchronization Downtown 2015; and

WHEREAS, on January 28, 2020, by Resolution 2020-056, Council approved the Modesto Traffic Signal System Master Plan and staff coordinated with the California Department of Transportation (Caltrans) to adjust the scope of work for the project to be in line with elements of the master plan; and

WHEREAS, Traffic signal synchronization is part of the Transportation System (ITS) elements the Modesto Traffic Signal System Master Plan; and

WHEREAS, on July 13, 2021, by Resolution 2021-287 Council approved an agreement with TJKM for Transportation Engineering Services; and

WHEREAS, one of TJKM's projects is traffic signal synchronization to provide better progression; and

WHEREAS, TJKM coordinated 49 of Modesto's traffic signals as part of the Synchronization Downtown 2015 project; and

WHEREAS, TJKM worked with Caltrans to coordinate 25 of their traffic signals as part of the Synchronization Downtown 2015 project; and

WHEREAS, this project synchronized 74 traffic signals in downtown Modesto.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Synchronization Downtown 2015 Project as complete.

BE IT FURTHER RESOLVED that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-237

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH PYRO COMBUSTION OF CALIFORNIA, OAKDALE, CA, FOR ANNUAL BOILER SERVICES, INCREASING THE AGREEMENT AMOUNT BY $200,000 FROM $50,000, FOR A NEW TOTAL AMOUNT NOT TO EXCEED $250,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City's Sutter wastewater treatment facility uses two anaerobic digesters to stabilize wastewater biosolids removed as part of the wastewater treatment process. This system involves two anaerobic digesters and a Digester Gas Treatment System, which includes two boilers, one for each digester; and

WHEREAS, the Peerless Boiler, one of the two boilers used in the process, is old equipment that has required numerous repairs throughout the years. Recently, staff discovered a leak in the tubes that run through the boiler, and they have determined that all tubes and associated parts need to be replaced; and

WHEREAS, the required repair parts have a delivery lead time of 12-16 weeks, with an additional two weeks needed for installation. This makes the repair a time-sensitive project, as the boiler may fail at any point, causing the inability to maintain the required temperature of 98.6 degrees Fahrenheit in both digesters; and

WHEREAS, the existing agreement was an informal IFB not to exceed $50,000. The current repairs are quoted at approximately $90,000. Staff recommends that it would be prudent to increase the agreement by the amount of $200,000, due to the time-sensitive repairs and the old equipment potentially requiring more repairs in the near future; and

WHEREAS, in order to expedite the approval process, staff has requested to go directly to Council on May 23, 2023, to increase the current agreement by $200,000, for a new total amount of $250,000; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." Under this exception, City staff did obtain informal bids to obtain the lowest cost; and

WHEREAS, Modesto Municipal Code Section 8-3.204(c) provides that compliance with the formal bid procedures contained in Section 8-203 is not required when calling for bids on a competitive basis is undesirable due to exigent circumstances. Here, compliance with the formal bid requirement would pose a risk to the life, health and property due to the urgent need of repairing the boiler.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Pyro Combustion of California, Oakdale, CA for Annual Boiler Services, increasing the Agreement amount by $200,000 from $50,000, for a new total amount not to exceed $250,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-238

RESOLUTION ACCEPTING THE EMERALD SEWER MAIN EMERGENCY REPAIR AS COMPLETE, AND AUTHORIZING ALL PAYMENTS TOTALING $65,429 TO ROLFE CONSTRUCTION, ATWATER, CA, AND AUTHORIZING ALL PAYMENTS TOTALING $855 TO KRAZAN AND ASSOCIATES, INC., CLOVIS, CA, FOR A TOTAL COST OF $66,284, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, Wastewater Collections was notified of a stoppage in the Emerald Sewer next to the Modesto Irrigation District (MID) canal. Crews assigned to perform a closed-circuit television (CCTV) inspection realized the pipeline had stopped flowing. After reliving the stoppage, the CCTV inspection discovered a 6’ - 10’ section off the pipeline had collapsed and would need immediate repair. The trunk line is located within the TRRP area, in an undeveloped area; and

WHEREAS, given the proximity to the MID canal, the proximity to the Emerald Trunk sewer, and the depth of the repair, Wastewater Collections determined it would be prudent to utilize a contractor to perform the repair in order to ensure a safe and efficient repair; and

WHEREAS, Utilities Engineering reached out to four Contractors currently under contract with the City to determine availability to perform the repair and to request cost proposals; and

WHEREAS, Staff therefore recommended selection of the lowest bidder, Rolfe Construction, Inc., to perform the emergency repair; and

WHEREAS, on Tuesday, February 14, 2023, Rolfe Construction completed the emergency repair on the Emerald sewer pipeline.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Emerald Sewer Main emergency repair as complete, and authorizing all payments totaling $65,429 to Rolfe Construction, Atwater, CA, and authorizing all payments totaling $855 to Krazan and Associates, Inc., Clovis, CA, for a total cost of $66,284.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, 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 23rd day of May, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-239

RESOLUTION REJECTING ALL BIDS FOR THE LA LOMA SEWER REPLACEMENT PHASE 1 PROJECT, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE

WHEREAS, the project was advertised for bids on March 7, 2023, and

WHEREAS, the bids were publicly opened on April 11, 2023, pursuant to City Charter Section 1307, and

WHEREAS, two bids were received, and

WHEREAS, one of the bids received was below the engineer's estimate by 15%, but that bid was non-responsive because it failed to include a required certification, and the other bid was above the engineer's estimate by 18.17%, and

WHEREAS, there was a substantial discrepancy between the two bids and the bid participation was not as expected with only two bids having been received, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject all bids and re-advertise the project at a later date, with a reanalyzed and accordingly revised engineer's estimate, to better reflect the complexity of the work, due to its location and some deep excavations needed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the La Loma Sewer Replacement Phase 1 Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the 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, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-240

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR INDEPENDENT POLICE AUDITOR (IPA) SERVICES WITH OIR GROUP, PLAYA DEL REY, CA FOR A TWO-YEAR PERIOD WITH AN OPTION FOR THREE 1-YEAR EXTENSION OPTIONS FOR AN ANNUAL ESTIMATED AMOUNT OF $85,000 AND A TOTAL AMOUNT NOT TO EXCEED $451,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto is seeking to contract the services of an Independent Police Auditor (IPA), in conjunction with the establishment of a Community Police Review Board (CPRB); and

WHEREAS, the contracting of IPA services is a component of a hybrid police accountability model, and the culmination of the efforts of the Forward Together work group created on June 8, 2021, by Council Resolution No. 2021-216; and

WHEREAS, the Council approved the IPA Scope of Work by Council Resolution No. 2022-499; and

WHEREAS, an evaluation committee comprised of six members including Allison Van Guilder, Deputy City Manager; Christina Alger, Human Resources Director; Alex Mog, Assistant City Attorney; Will Kelly, Chair of Forward Together and Community Member; Aaron Anguiano, Attorney and Community Member; and Jeramy Young, Chief of Police, City of Livermore, evaluated the proposals; and

WHEREAS, the evaluation was based on demonstrated ability to perform the scope of work provided in the RFP and the highest score during an interview; and

WHEREAS, after reviewing the written proposals, the evaluation committee invited the two highest ranked vendors to an interview; and

WHEREAS, following the interview, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for the Independent Police Auditor to OIR Group, Playa del Rey, California. OIR Group consistently demonstrated their ability to conduct and produce the relevant professional work as described in the scope of work and has significant experience working with other community police review boards and public agencies; and

WHEREAS, the cost of the OIR Group's proposal was significantly less than the other vendor interviewed. Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, an Award of Proposal and Agreement for Independent Police Auditor Services to OIR group, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and OIR Group was the highest ranked proposal based on the evaluation criteria; and

WHEREAS, the IPA will offer an independent assessment of police practices, procedures, as well as responses to critical incidents, uses of force, and misconduct investigations; and

WHEREAS, the IPA will also issue periodic reports that describe the appraisal of the Modesto Police Department's processes, practices, and procedures, and offer recommendations for systemic improvements; and

WHEREAS, the IPA will audit and review department internal investigations and citizen complaints to ensure a thorough, unbiased, and impartial investigative fact-finding process, and provide consistent and appropriate conclusions; and

WHEREAS, the IPA will review every Modesto Police Department (MPD) investigation of any officer-involved shooting regarding a person (regardless of whether a person was struck by gunfire) and all in-custody deaths, to determine if the investigation was complete, thorough, objective, and fair; and

WHEREAS, the IPA will also serve as the police practices adviser to the CPRB.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a professional services agreement for Independent Police Auditor (IPA) services with OIR Group, Playa del Rey, CA for a two-year period with an option for three 1-year extension options for an annual estimated amount of $85,000 and a total amount not to exceed $451,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-241

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (487)

WHEREAS, on November 26, 1991 by Ordinance No. 2795-C.S. and Resolution No. 91-701 the Modesto City Council adopted Planned Development Zone P-D (487) to allow for elderly housing on property located on the north side of Chicago Avenue west of Jeelu Way; and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D (487), was filed by Noe Gonzalez on July 25, 2022, to allow one- or two-story residential dwelling units, on property located on the north side of Chicago Avenue west of Jeelu Way; and

WHEREAS, after a public hearing held on April 3, 2023, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2023-10, that amending Planned Development Zone, P-D (487), as requested will not be detrimental to the public health, safety or welfare because the project will continue the pattern of residential development in the area and will conform to City standards, the requested amendment will result in an orderly planned use of land because the project is infill residential development compatible with adjacent residential uses, and the requested change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan land use designation of Residential (R) which allows for residential uses; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 23, 2023, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held; and

WHEREAS, after said public hearing the Council found and determined that the application of Noe Gonzalez for an amendment Planned Development Zone, P-D (487), will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2023-10 and quoted above; and

WHEREAS, the Council has introduced Ordinance No. -C.S. on the 23rd day of May, 2023, amending Planned Development Zone, P-D (487), to allow one- or two-story residential dwelling units.

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

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D (487), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and building elevations titled "Bella Vista Village" as amended in red, stamped approved by the Planning Commission on April 3, 2023.
2. Prior to issuance of a site improvement or building permit, any variation from the approved site plan on file with the City must be reviewed and approved by the Director of Community and Economic Development.

3. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.
4. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required. A 10-foot Public Utility Easement (PUE) is required along the Jeelu Way frontages.
5. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.
1. Prior to issuance of building permits, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee.

The improvement plans shall include but not be limited to the following:

a. Dedication of Jeelu Way to full width with parking on both sides of the street from the east boundary of the tentative subdivision map to the west boundary of the tentative subdivision map.

b. The existing 8-in Jeelu Way water main shall be extended west to serve the proposed four new dwellings per city Standards.

c. A fire flow test shall be conducted by Modesto Fire Dept to confirm the City's Utilities Dept information that there is adequate capacity to serve this proposed development's fire flow demands.

d. Separate water services are required to serve the proposed creation of parcels #5 ,6, & 7 per City Standards.

e. The City's existing 6-in sewer system main at the west end of Jeelu Way is too shallow to extend west per current City information. The applicant shall submit sufficient information indicating how the proposed parcels on extension of Jeelu Way will be provided sewer services per City Standards.

f. Separate sewer services are required to serve the proposed creation of parcels #5 ,6, & 7 per City Standards.

g. The proposed project for the extension of Jeelu Way shall submit plans and specifications to show how this new development will manage stormwater runoff for on-site and off-site (ROW) per City Standards and City's Revised Guidance Manual for Development Stormwater Quality Control Measures, as required.

h. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELO) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.

i. Applicant shall install one (1) street tree for every lot along Chicago Avenue and Jeelu Way.

Water:

2. There are existing service connections to this parcel from the 16-inch water main in Chicago Avenue. If new connections or an upgrade to the existing ones are requested, then applicable water connection fees shall be paid and an encroachment permit issued from the City prior to any work being done in the public right of way.

Sewer:

3. There is an existing sewer service connection to the subject parcel from the 8-inch sewer main in Chicago Avenue. If a new or an upgrade to any sewer service connection is requested, then an applicable sewer connection fees shall be paid and an encroachment permit issued from the City, prior to any work being done in the public right of way.

Electrical:

4. High voltage is present within and adjacent to the project area. This includes 12,000 volts overhead primary, 6,900 volts underground primary, and

overhead and underground secondary facilities. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools, or any other type of equipment near the existing MID electric lines and cables. Assume all overhead and underground electric facilities are energized.

5. Existing MID easements for protection of overhead and underground electrical facilities are to remain. Overhead secondary cable is protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable is protected by a minimum 30' wide easement centered on the overhead cable. Underground secondary cable is protected by a minimum 5 foot. wide easement centered on the underground cable. Underground primary cable is protected by a minimum 10 foot. wide easement centered on the underground cable.
6. The Electric Engineering Department requires that any trenching or pipe pushing maintain a 1:1 horizontal distance from any existing MID pole or pole anchor. If trenching or pipe pushing will encroach on this depth/distance ratio, the Contractor shall contact the Electric Engineering Design Department to brace any affected poles. The cost of any required pole bracing or guy anchor re-tensioning will be assumed by the Contractor. Estimates for bracing any existing poles will be supplied upon request.
7. The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe

pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.

Storm Drain:

8. The proposed project is located in an area without City storm drain mains, therefore any storm water generated from this development shall be managed and stored on-site according to the City's Standard Specifications and current low impact development standards.

Storm water:

9. The proposed project includes significant redevelopment (greater than 5,000 square feet on a previously developed site), and is therefore considered a Priority Project.
10. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
11. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
12. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass

swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

13. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.
14. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

<u>Irrigation:</u>

15. A pressure manhole or control box shall be installed per MID standards at the south end of the replaced 70-foot segment of the Briggs Irrigation Pipeline, to the satisfaction of the utility company and City Engineer.
16. There may be an existing control box that ties MID's Briggs Pipeline to the privately-owned pipeline. The existing control box must be replaced with the replacement of the Briggs Pipeline.
17. All privately-owned facilities that will have its alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to the downstream landowners that are served by the existing private infrastructure and must be shown on the subdivision map.
18. Should the proposed project impact or otherwise alter existing infrastructure, the pipeline must be upgraded, replaced and/or relocated as required by MID.

All costs associated with design, approval and analysis of relocation shall be at the Developer's expense.

19. Any MID-owned facility that will have its alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to MID and must be shown on the subdivision map. Additionally, access easements may be required to allow MID the ability to access, operate, and maintain its irrigation facilities. The easements shall be required as follows:
    - Pipeline – 30 ft centered on pipeline
    - Pipelines adjacent to roadways – 20 ft
    - Pipelines adjacent to PUE – 15 ft
20. Draft improvement plans must be submitted to MID's Civil Engineering Department for review and approval prior to the start of any construction. The size, depth, and location of the existing irrigation facilities that lie within the project area must be located and verified in the field and shown on the proposed plans. MID Water Operations staff recommends a pre-consultation meeting to discuss MID irrigation requirements. All work that may impact irrigation facilities must be completed during the non-irrigation season (typically November 1st to March 1st).

<u>General Conditions</u>

21. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

22. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
23. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
24. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
25. The Property Owner and Developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the Developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the Modesto Urban Area General Plan Master EIR that are applicable to the project:

<u>Air Quality:</u>

1. AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)
2. AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)
3. AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
4. AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)
5. AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
6. AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for

fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

7. AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
8. AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
9. AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)
10. AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
11. AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
12. AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)
13. AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

<u>Noise:</u>

14. Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction

is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

a. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;

b. Require impact tools to be equipped with shrouds or shields;

c. Require that the quietest equipment available be used; and,

d. Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D (487):

The entire construction program be accomplished in one phase, construction to begin on or before two (2) years from the adoption of the Planned Development amendment, and completion to be not later than two (2) years from building permit issuance.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

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 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

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(487), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on Insert date of approval, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-242

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D (487), TO ALLOW ONE- OR TWO-STORY RESIDENTIAL DWELLING UNITS

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan; and

WHEREAS, Noe Gonzalez has proposed an amendment to Planned Development Zone, P-D (487), to allow one- or two-story residential dwelling units on property located on Chicago Avenue west of Jeelu Way; and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2022-021 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report; and

WHEREAS, in accordance with CEQA guidelines beginning on May 3, 2023, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 23, 2023, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to P-D (487), a copy of which is **attached** hereto as **Exhibit "A**", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist
C&ED No. 2022-21

For the proposed:

PDA-22-002/TSM-22-004
Amend Planned Development Zone P-D(487)
with Tentative Subdivision Map
to divide 1.26 acres into 7 residential lots
Bella Vista Village

811-815 Chicago Avenue
APN 030-019-027

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

February 3, 2023

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed subdivision is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

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

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

II. PROJECT DESCRIPTION

A. Title: PDA-22-002/TSM-22-004: Bella Vista Village

B. Address or Location: 815, 813 and 811 Chicago Avenue, Modesto, CA. 95351

C. Applicant: Noe Gonzalez, 815, 813 and 811 Chicago Avenue, Modesto, CA. 95351

D. City Contact Person: Edwin Borquez, Assistant Planner

Project Manager: Edwin Borquez
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-571-5516
E-mail address: Eborquez@modestogov.com

E. Current General Plan Designation(s): Residential (R)

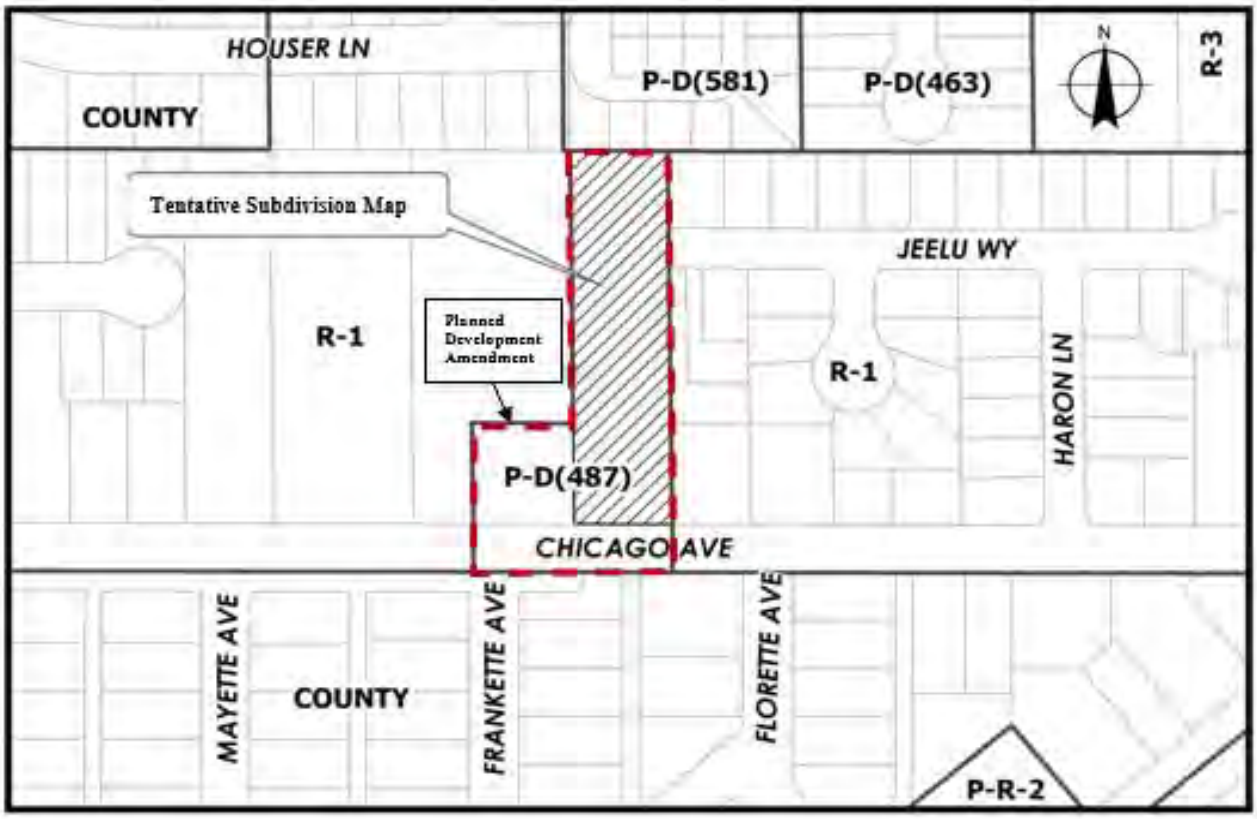
F. Current Zoning Classification(s): Planned Development 487 - Elderly Housing

G. Surrounding Land Uses:

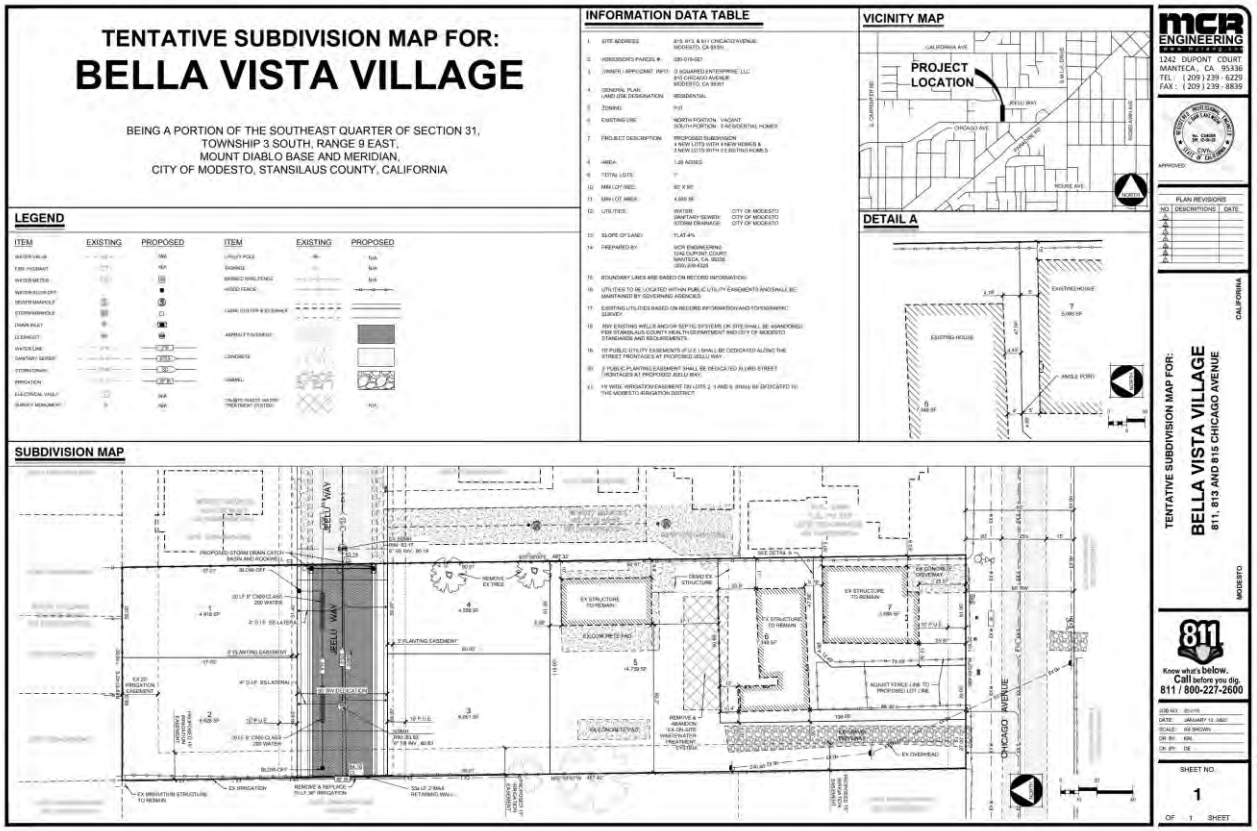
North: Planned Development 581 (Hope Village) – Single Family Dwellings
South: County jurisdiction - residential
East: Low-Density Residential
West: Low-Density Residential

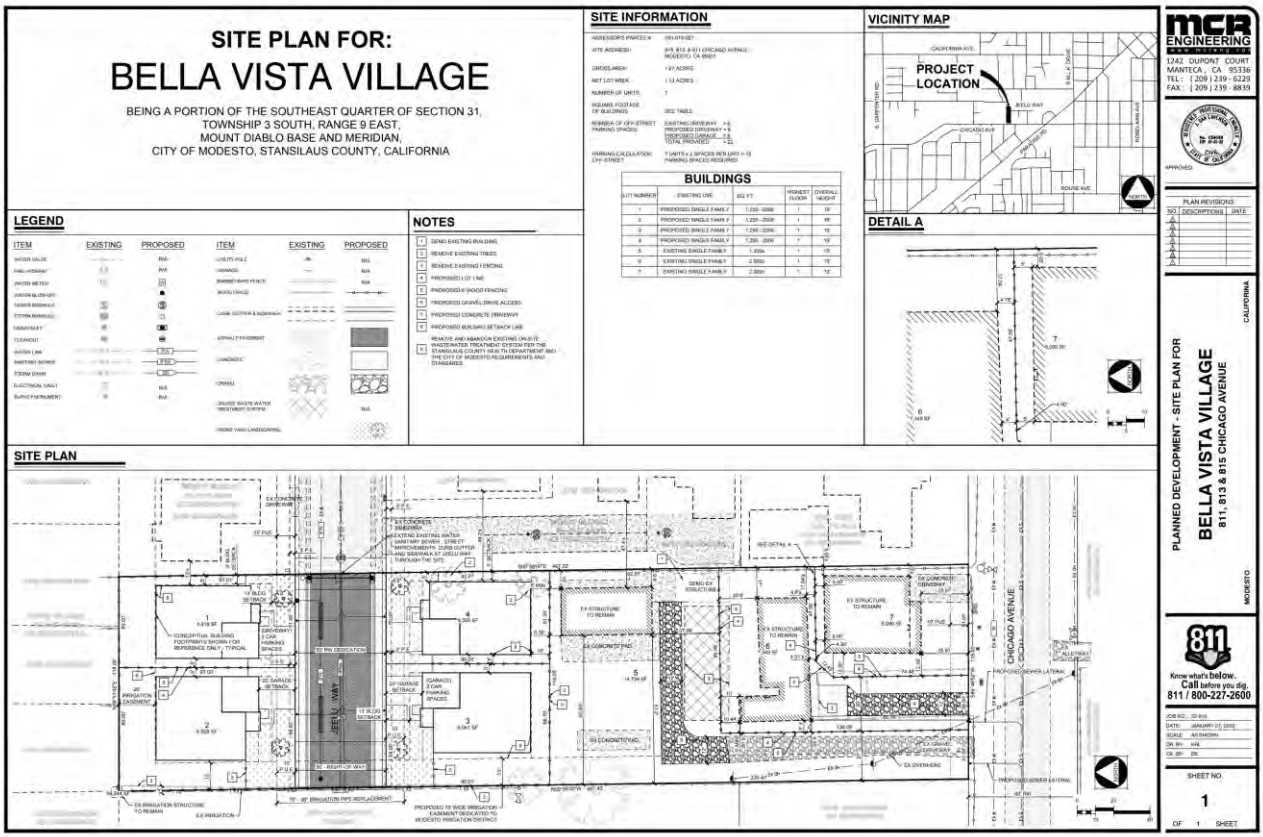
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposal to amend Planned Development Zone P-D(487) from senior-only residential housing units to allow for all-ages residential housing units, with Tentative Subdivision Map to divide 1.26-acres into seven residential lots. Three existing residential dwellings will remain and be renovated. Lot lines will be drawn around the three existing dwellings to form three lots with frontage access to Chicago Avenue. Four lots will be created on the property's northern half with access to Jeelu Way.



TSM-22-004/PDA-22-002


TENTATIVE SUBDIVISION MAP FOR:
BELLA VISTA VILLAGE
BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA
INFORMATION DATA TABLE
VICINITY MAP
PROJECT LOCATION
DETAIL A
LEGEND
SUBDIVISION MAP
MCA ENGINEERING
1242 DUPONT COURT
MANTECA, CA 95336
TEL: (209) 239-6229
FAX: (209) 239-8839
TENTATIVE SUBDIVISION MAP FOR:
BELLA VISTA VILLAGE
811, 813 AND 815 CHICAGO AVENUE
MODESTO
CALIFORNIA
Know what's below. Call before you dig.
811 / 800-227-2600
SHEET NO.
1
OF 1 SHEET


SITE PLAN FOR:
BELLA VISTA VILLAGE
BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA
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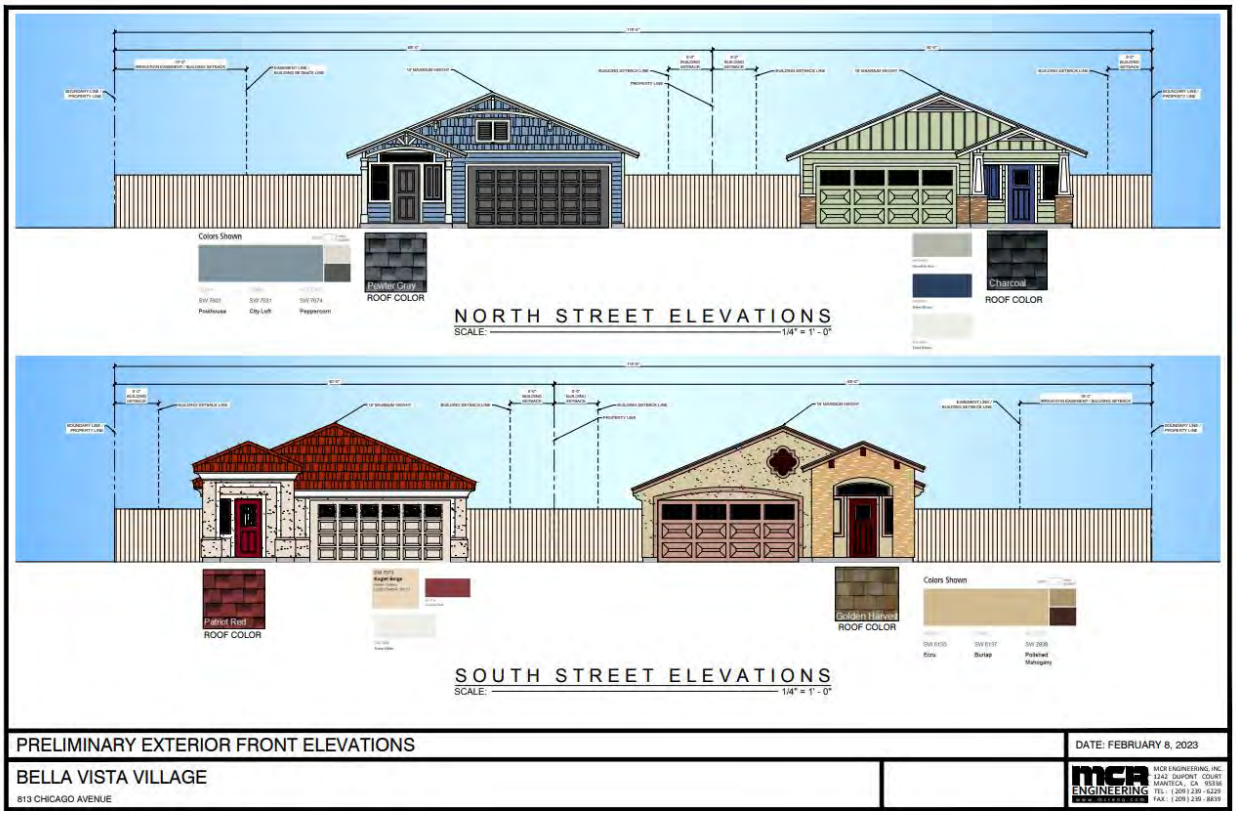

Elevation

I. Other Public Agencies Whose Approval is Required: None.

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

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

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

   B. No new or additional mitigation measures or alternatives are required;

   C. The subsequent project is within the scope of the project covered by the Master EIR; and,

   D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

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

Edwin Borquez	Assistant Planner	2/3/2023
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

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

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐

(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

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

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	☒
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	☒
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	☒

Discussion:

(1) The project involves development of four new dwelling units and the retainment of three existing dwelling units. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes or impacts to alternative modes of transportation.

(2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) The proposed project would not result in a change in air traffic patterns. The project is proposed with one story homes with heights of 16ft. The nearest airport is the City-County Airport approximately three miles away to the east, and the project area is not located within a safety zone as established by the Airport Land Use Commission.

(4) The project would not substantially increase vehicle hazards due to a design feature. The project was referred to the city fire department and Traffic Engineering Department, who indicated no concerns.

(5) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located on Paradise Rd and Chicago Ave at the east of the site.

(6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include AQ-100, AQ-103, AQ-105, AQ-107-AQ-111, and AQ-113-AQ-117 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☐	☒
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒
7) The proposed project would generate	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.				
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	☒

Discussion:

(1) The project involves amendment of a Planned Development Zone from senior-only housing to all ages housing, with development of four new single-story residences and renovation of three existing residences on 1.26 acres. The proposed project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.

(2) The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.

(3) The proposed project is residential in nature and would not violate any air quality standard or contribute substantially to existing or projected violation.

(4) The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

(5) The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

(6) The project would not create objectionable odors affecting a substantial number of people.

(7) The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

(8) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include Noise-4 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒
2) The proposed project would generate excessive	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
ground-borne noise and/or vibration levels.				
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	☒
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☒	☐
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.	☐	☐	☐	☒

Discussion:

(1) The proposed project is not inconsistent with Urban Area General Plan noise and vibration policies and standards.

(2) The project would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. The project is residential in nature.

(3) The project would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. The project is residential in nature.

(4) The project involves amendment of a Planned Development Zone from senior-only housing to all ages housing, with development of four new single-story residences and renovation of three existing residences on 1.26 acres. Any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied.

(5) The site is not located within an airport land use plan, and is approximately three miles away from the nearest public airport.

(6) The site is not within the vicinity of a private airstrip.

(7) The site is not within 200 feet of an active railroad line.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	☒
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1) The project is a vacant infill area within the Baseline Developed Area not in agricultural production, and is completely surrounded by urbanized area consisting of single-family residential uses. The project would therefore not be inconsistent with the General Plan's policies related to agricultural land.

(2-3) The project site is not zoned for agricultural use, and no Williamson Act contract is in place on the property. The site is surrounded by urban area and would not cause the conversion of farmland to a non-agricultural use.

(4-6) The project would not cause the rezoning of forest land or timberland. The project site is within an urbanized area not in the vicinity of any forest or timberland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	☒
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

(3-4) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	☒
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project involves amendment of a Planned Development Zone from senior-only housing to all ages housing, with development of four new single-story residences and renovation of three existing residences on 1.26 acres. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.

(2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	☒
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project involves amendment of a Planned Development Zone from senior-only housing to all ages housing, with development of four new single-story residences and renovation of three existing residences on 1.26 acres. The project would not be inconsistent with General Plan policies pertaining to wildlife and plant habitat.

(2-5) The project site is located within the Baseline Developed Area of the City and is completely surrounded by developed urban area consisting of single-family residential uses. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(6-7) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	☒
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-6) The project involves amendment of a Planned Development Zone from senior-only housing to all ages housing, with development of four new single-story residences and renovation of three existing residences on 1.26 acres. The project site has no known historical significance nor is it eligible for listing as historic resource.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	☒
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	☒

Discussion:

(1) Construction activities will comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. In addition, the City will ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. These policies will be implemented as conditions of project approval.

(2) The project is not located in an area that has a positive storm drainage system. This project will be required to install storm drainage infrastructure to manage on-site and off-site storm water run-off per City Standards and per City's Revised Guidance Manual for Development Stormwater Quality Control Measures.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	☒
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0325E.

(4) The site is not in the vicinity of a levee or dam. The nearest waterway is the Tuolumne River approximately 1.3 miles to the south.

(5, 7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(6) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures. This will be implemented as a condition of project approval.

(8) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space.

(3) The project involves amendment of a Planned Development Zone from senior-only housing to all ages housing, with development of four new single-story residences and renovation of three

existing residences on 1.26 acres. The project would not be required to provide for additional park space.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools, who indicated no concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: HM-3 and HM-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☒
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	☒
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	☒
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2-3) No hazardous materials will be involved with this project. The site is not within a quarter-mile of a school.

(4) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.

(7) The project would not interfere with an adopted emergency response or evacuation plan.

(8) The project site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be

incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	☒
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
degrade views of riverside areas from public roadways and/or nearby properties.				

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2) The project would not have an adverse impact on a scenic vista. The site is located within the Baseline Urbanized Area of the City and is surrounded by urban uses.

(3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.

(5) The project would not cause substantial light or glare.

(6) The project would not impact views from riverside areas and parks.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

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

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is designated as Residential (R) in the General Plan, which allows for residential uses. The project is consistent with the current General Plan Land Use Designation, and therefore is consistent with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The surrounding area is developed with residential uses. The proposed subdivision is consistent with the surrounding uses and would not divide existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that

a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological / Historic Sites:

N/A

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

N/A

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A.

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-243

RESOLUTION COMBINING THE CITY MANAGER'S DRAFT BUDGET AND THE MAYOR'S FINAL BUDGET MODIFICATIONS INTO THE PROPOSED BUDGET FOR FISCAL YEAR 2023-24, AND NOTICING A PUBLIC HEARING TO BE HELD JUNE 6, 2023 FOR COUNCIL'S CONSIDERATION AND ADOPTION OF THE FISCAL YEAR 2023-24 PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Finance Committee heard the City Manager's Draft Budget on April 17th, April 18th, and April 19th through a series of Budget Workshops, and

WHEREAS, the Finance Committee approved the City Manager's Draft Budget with a 3-0 vote and approved the budget to be moved on to Council for final review and adoption, and

WHEREAS, the City's Charter, Article XIII Section 1303 and Section 1304 requires that the Mayor has the opportunity to make any final budget modifications to the City Manager's Draft Budget at least 45 days prior to the end of the fiscal year and adoption by City Council, and

WHEREAS, the Mayor has presented her Final Budget Modifications Message to the City Manager's Draft Budget to City Council and has presented no changes and recommended that the Draft Budget be moved forward to Council as the City of Modesto's Fiscal Year 2023-24 Proposed Budget for adoption consideration, and

WHEREAS, the City of Modesto's Fiscal Year 2023-24 Proposed Budget will be inclusive of the City Manager's Draft Budget and the Mayor's Final Budget Modifications and will be heard at a public hearing scheduled to be held on June 6, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the combination of the City Manager's Draft Budget as well as

the Mayor's Final Budget Modifications into the City of Modesto's Fiscal Year 2023-24 Proposed Budget and that a public hearing will be held on June 6, 2023 for the adoption of the Fiscal Year 2023-24 Proposed Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-244

RESOLUTION APPROVING THE REAPPOINTMENTS OF BROCK WILEY, ALAN FALCONER AND CARRIE MILLER TO THE ENTERTAINMENT COMMISSION FOR A SECOND FOUR-YEAR TERM WITH TERM EXPIRATIONS OF JUNE 30, 2027

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

WHEREAS, the Entertainment Commission is a seven-member advisory commission on matters pertaining to entertainment-related permits for the City of Modesto, and

WHEREAS, on June 25, 2019, by Resolution No. 2019-273, the City Council appointed Brock Wiley, Alan Falconer and Carrie Miller to serve on the Entertainment Commission, and

WHEREAS, Brock Wiley and Carrie Miller have each served one (1) term on the Entertainment Commission which expired on December 31, 2021, and

WHEREAS, Alan Falconer has served one (1) term on the Entertainment Commission which expired on December 31, 2022, and

WHEREAS, Brock Wiley has served on the Commission in an At-Large Citizen position, Alan Falconer has served as a Non-Permit Holder, and Carrie Miller has served as an Alternate Non-Permit Holder, and

WHEREAS, Brock Wiley, Alan Falconer and Carrie Miller would like to be considered for reappointment, and are eligible to serve a second term which would expire on June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints to the Entertainment Commission Brock Wiley in an At-Large position, Alan Falconer as a Non-Permit Holder, and Carrie Miller as an Alternate Non-Permit Holder to serve a second term ending on June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-245

RESOLUTION REAPPOINTING THEODORE MILLS, RANDY CLARK, JAMES AJA, MIKE REGO, AND JANE MANLEY TO THE MEASURE L CITIZEN'S TRANSPORTATION SALES TAX COMMISSION FOR A SECOND AND FINAL FOUR-YEAR TERM FROM JULY 1, 2021 TO JUNE 30, 2025; AND REAPPOINTING MICHAEL MORADIAN AND PATRICIA GILLUM TO THE MEASURE L CITIZEN'S TRANSPORTATION SALES TAX COMMISSION FOR A SECOND AND FINAL FOUR-YEAR TERM FROM JULY 1, 2023 TO JUNE 30, 2027

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

WHEREAS, by Resolution No. 2023-169 adopted the Bylaws for the Measure L Citizen's Transportation Sales Tax Commission; and

WHEREAS, the adopted Bylaws provide the terms of office and allow for the reappointment for up to two terms; and

WHEREAS, by Resolution 2017-291, Council appointed Theodore Mills - Modesto Neighborhood Association representative, Randy Clark – Association Representing Business, James Aja – Labor Union representative and Mike Rego – Local Taxpayer's Association representative to the Citizen's Transportation Sales Tax Commission; and

WHEREAS, Resolution 2017-331, Council appointed Jane Manley – Local Nonpartisan Political Organization representative to the Citizen's Transportation Sales Tax Commission; and

WHEREAS, by Resolution 2019-465, Council appointed Michael Moradian – Modesto Neighborhood Association representative, Patricia Gillum – Small Business representative and Richard Rodman - Stanislaus County Civil Grand Jury representative

to the Citizen's Transportation Sales Tax Commission; and

WHEREAS, the Appointments Committee recommends reappointing the following to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term:

Representing	Appointee	Term
Local Taxpayer's Association	Mike Rego	7/1/2021 – 6/30/2025
Local Taxpayer's Association	Vacant	
Local Nonpartisan Political Organization	Jane Manley	7/1/2021 – 6/30/2025
Modesto Neighborhood Association	Theodore Mills	7/1/2021 – 6/30/2025
Modesto Neighborhood Association	Michael Moradian	7/1/2023 – 6/30/2027
Association Representing Business	Randy Clark	7/1/2021 – 6/30/2025
Large Business	Vacant	
Small Business	Patricia Gillum	7/1/2023 – 6/30/2027
Labor Union	James Aja	7/1/2021 – 6/30/2025
Labor Union	Vacant	
Stanislaus County Civil Grand Jury	Vacant	

WHEREAS, pending approval by Council, each incumbent will serve their final four-year term retroactive from July 1, 2021 to June 30, 2025, due to the delay in the passage of the Measure L bylaws; and

WHEREAS, there are currently three vacancies and with Rodman's end of term, there will be a total four vacant seats; and

WHEREAS, a recruitment effort is currently underway to solicit applications for future consideration by the Appointments Committee and City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Theodore Mills, Randy Clark, James Aja, Mike Rego, and Jane Manley to the Measure L Citizen's Transportation Sales Tax Commission for a second and final four-year term from July 1, 2021 to June 30, 2025; and Michael Moradian and Patricia Gillum to the Measure L Citizen's Transportation Sales Tax Commission for a

second and final four-year term from July 1, 2023 to June 30, 2027.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizens' Transportation Sales Tax Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-246

RESOLUTION APPROVING THE APPOINTMENT OF EQUITY COMMISSIONER LINDSEY BIRD TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR A TWO-YEAR TERM WITH A TERM EXPIRATION OF MAY 31, 2025

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) is responsible for reviewing and approving Housing Rehabilitation Loans and Homebuyers' Assistance Loans and for reviewing policies and procedures for both programs, and

WHEREAS, the Citizens Housing & Community Development Committee (CH&CDC) consists of eleven (11) qualified persons comprised of two Council members, City Planning Commission Representative, Housing Rehabilitation Loan Committee Representative, six citizens at large and one Human Relations Committee Representative from the former Equal Opportunity/Disability Commission, which was retitled to the Equity Commission on January 25, 2022, by Resolution 2022-051, and

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

WHEREAS, Lindsey Bird is currently serving as an Equity Commissioner, and was appointed by City Council for a four-year term on October 11, 2022, by Resolution 2022-409, set to expire on October 31, 2026, and

WHEREAS, on January 23, 2023, the Equity Commission voted to approve Equity Commissioner Lindsey Bird to the CH&CDC for a two-year term with a term expiration of May 31, 2025, and

WHEREAS, the Appointments Committee met on May 8, 2023, and recommended the appointment of Equity Commissioner Lindsey Bird to the CH&CDC for a two-year term with a term expiration of May 31, 2025.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, Lindsey Bird is hereby appointed to the Citizens Housing & Community Development Committee for a first term of two years with term expiration of May 31, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-247

RESOLUTION ACCEPTING THE RESIGNATION OF PAM GIUSTO FROM THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE

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

WHERAS, on January 11, 2022, by Resolution No. 2022-001, Council reappointed Tim Fisher to the City of Modesto Golf Courses Advisory Committee; and

WHEREAS, on February 24, 2023, Pam Giusto submitted her letter of resignation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Pam Giusto from the City of Modesto Golf Courses Advisory Committee.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses 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 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-248

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $53,400 is needed to budget the transfer in and transfer out of Community Development Block Grant (CDBG) CARES Act Funding from project 101257 – CDBG CV CARES Act Funding to Fund 1342 for expenses related to the purchase of vehicles for the Community Health and Assistance Team (CHAT) program.

HUMAN RESOURCES

- A budget adjustment in the amount of $586,645 is needed in the Insurance Administration Fund (5310) to establish the budget for the cybersecurity response vendors. During the April 11, 2023 Council meeting, per resolution 2023-188 Council approved the agreements with response vendors up the amount of $586,645. All the invoices will be submitted to the City's insurance company with the anticipation for reimbursement less the City's $100,000 deductible. The item however, did not establish the budget and this item will establish the budget for those payments.

PARKS, RECREATION & NEIGHBORHOODS

- A budget adjustment in the amount of $350,000 is necessary in establish a transfer from the Grants – CDBG Direct Program Fund 1130 to Capital Grants – CIP Projects Fund 3140, Project 101382 – Dr MLK Jr Park Renovation and increase the project discretionary budget. The CDBG program has the funding programmed in the current fiscal year for work related to design on the project.

POLICE DEPARTMENT

- A budget adjustment in the amount of $87,026 is needed in the Police – Grants Fund (1342) for Project 101424 – 2022-2023 Supplemental Law Enforcement Services Fund (SLESF) to recognize the annual revenue received from the State of California and allocate to the project discretionary expense budget.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 22-23 for the activity through March 2023. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
4899	Solid Waste Fleet Replacement Fund	$514,131
5410	General Fund Fleet Replacement	$70,363
	Total Transfer Outs	**$584,494**
5409	Transfer In – Fleet Management Fleet Replacement	$584,194
	Total Transfer Ins	**$584,194**

A budget adjustment is necessary to establish a transfer in the amount of $514,131 from the Solid Waste Fleet Replacement Fund to Fleet Replacement Fund for purchase of (2) 62.0 3 axle packer trucks.

A budget adjustment is necessary to establish a transfer in the amount of $70,363 from the General Fund Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) ½ ton responder truck and (1) Mid-Sized SUV.

UTILITIES

- A budget adjustment in the amount of $492,000 is needed in the Water PCE Mitigation Fund for Project 101498 – PCE McHenry Trust Settlement. The City recently took on fiduciary oversight of funds to aid in the PCE cleanup specifically at McHenry Village and the revenue for these funds needs to be recognized and allocated to the projects discretionary expense budget.

- A budget adjustment in the amount of $9,700,000 is necessary in the Water Fund – CIP Projects Fund (4180) to reduce the discretionary expenditure budget in Project 101003 – SCADA Master Plan and re-allocate to Project 101292 – SCADA System Replacement. Additionally, the transfer out from the Wastewater Fund (4210) needs to be reduced and transfer in to Project 101003 by $4,850,000 and re-established as a transfer out from Fund 4210 and transfer in to Project 101292. The SCADA Master Plan project is being closed and all expenses related to the SCADA system replacement will be tracked in project 101292.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-249

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING A CHANGE IN THE INTEREST RATE FOR THE MODESTO IRRIGATION DISTRICT FINANCING AUTHORITY DOMESTIC WATER PROJECT REVENUE BONDS, SERIES 2007F AND THE RELATED INTEREST RATE SWAP; AND AUTHORIZING THE PAYMENT OF COSTS ASSOCIATED THEREWITH

WHEREAS, on June 26, 2007, the Modesto Irrigation District Financing Authority (the "Authority") issued its Domestic Water Project Revenue Bonds, Series 2007F (the "Bonds") pursuant to the Trust Agreement, dated as of June 1, 2007, between the Authority and Computershare Trust Company, National Association, as successor trustee (the "Trust Agreement"), in order to assist the Modesto Irrigation District (the "District") in acquiring and financing the acquisition, design, construction and installation of a Phase Two expansion to the domestic water treatment and delivery system of the District (the "Treatment Facility"); and

WHEREAS, pursuant to an Amended and Restated Treatment and Delivery Agreement (the "Supply Agreement") between the District and the City of Modesto (the "City"), the City has agreed to purchase the Treatment Facility output and pay all costs associated with the Treatment Facility, including financing costs; and

WHEREAS, the Bonds bear interest at a rate equal to 67% of three-month LIBOR plus a spread of 0.58% for the Bonds maturing on September 1, 2027, and 0.63% for the Bonds maturing on September 1, 2037, in each case subject to a maximum rate of the lesser of (i) the maximum rate of interest allowed under State law or (ii) 12%; and

WHEREAS, the District entered into a swap contract (the "Series 2007F Swap Contract") with JPMorgan Chase Bank, N.A. (as successor to Bear Stearns Capital

Markets Inc., the "Swap Counterparty") in order to eliminate the interest rate risk on the Bonds and achieve the lowest cost of funds on the Bonds; and

WHEREAS, Series 2007F Swap Contract related to the Bonds requires the Swap Counterparty to pay floating rates of 67% of three-month LIBOR plus the applicable spread (corresponding with the variable rate payable on the Bonds, which will also be changed by operation of Federal law); and

WHEREAS, the LIBOR Rate is being discontinued as of June 30, 2023 by operation of Federal law; and

WHEREAS, City staff has worked with District staff and consultants for the purpose of amending the 2007F Swap Contract documentation ("Swap Amendments"), to be effective on the first interest rate reset date after June 30, 2023, to incorporate a non-LIBOR interest rate regime for the 2007F Swap Contract, being the three-month CME Term SOFR Reference Rate[1]; and

WHEREAS the Authority has hired PFM Financial Advisors LLC ("PFM"), as municipal advisor for the 2007F Swap Contract interest rate transition, to advise on the amended terms of the 2007F Swap Contract that is expected to provide the best economic equivalent rate to the City; and

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[1] SOFR is the Secured Overnight Financing Rate, a benchmark interest rate for dollar-denominated derivatives and loans that is replacing LIBOR. The three-month CME Term SOFR Reference Rate is a benchmark provided by CME Group Benchmark Administration Limited. The reference rate provides an indicative, forward-looking measurement of SOFR rates, based on market expectations implied from leading derivatives markets.

135623410.3

WHEREAS, the Authority has also hired the law firm of Orrick, Herrington & Sutcliffe LLP, Bond Counsel to the Authority, to assist in the documentation of the Swap Amendments.

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

Section 1. Approval of Swap Amendments and Related Costs. The Council approves the Swap Amendments and hereby approves the payment of the costs associated with the Swap Amendments, including (without limitation) the fees of the Authority's Bond Counsel and swap advisor, the fees of the City's bond counsel (Norton Rose Fulbright US LLP), and the fees of PFM, as financial advisor to the City. Staff and PFM have estimated the costs at approximately $115,000. The Council further authorizes and directs the City Finance Director, the City Manager and their respective designees to take any further actions necessary to implement the Swap Amendments, and all of the acts of such City officials which are in conformity with the intent and purposes of this Resolution, whether heretofore or hereafter taken or done, are hereby ratified, confirmed and approved.

Section 2. Finding. The City Council hereby finds and determines, pursuant to Section 5922 of the California Government Code, that the 2007F Swap Contract as amended by the Swap Amendments are designed to reduce the amount or duration of rate or spread risk when used in combination with the Bonds, and, in particular, to reduce the rate or spread risk between the variable payments to be made by the City under the Supply Agreement (which are pledged under the Trust Agreement to secure the Bonds) and the net fixed interest cost of the Bonds.

Section 3. Effective Date. 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 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-250

RESOLUTION APPROVING PAYMENT OF VARIOUS EQUIPMENT MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2023-2024 WITH MULTIPLE EQUIPMENT MANUFACTURERS FOR ALL CITY DEPARTMENTS, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED $896,155; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE EQUIPMENT MAINTENANCE AGREEMENTS ASSOCIATED WITH THE ITEMS IN EXHIBIT B – FISCAL YEAR 2023-2024 EQUIPMENT MAINTENANCE AGREEMENTS (MORE THAN $50,000)

WHEREAS, the City purchases office and operational equipment through the purchasing bidding process based on the requirements of the City of Modesto Municipal Code Title 8 Chapter 3, and

WHEREAS, as part of the bidding process for the office equipment, for purchases such as copiers, the City has frequently selected a local vendor to provide maintenance service due to the quick turnaround in service that can be provided with a local vendor compared to a vendor located outside of the Modesto area, and

WHEREAS, as part of preparation of the annual fiscal year budget, the annual costs for this maintenance service has been historically approved by Council through the annual budget adoption process, and

WHEREAS, the Finance Department and Information Technology Department will bring an item to Council every fiscal year to provide transparency for all maintenance agreements being utilized by City Departments; The Purchasing Division will continue to evaluate the cost-effective use of these maintenance agreements especially as the equipment ages over the depreciated life of the asset, and

WHEREAS, **Exhibit A** is an itemized list of the equipment maintenance agreements being utilized by City departments for agreements less than $50,000 under the City Manager's approval authority, and

WHEREAS, **Exhibit B** provides the itemized equipment maintenance agreements utilized by the City departments greater than $50,000 requiring authorization by City Council, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. The initial purchase of the equipment and maintenance services were primarily established under a competitive bidding process and the annual renewal for the maintenance services must continue under the original vendor due to the warranty of the services and these vendors being sole maintenance provider for the various equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Modesto that it hereby authorizes the approving of payment for various equipment maintenance agreements for Fiscal Year 2023-2024 with multiple equipment manufacturers for all City Departments,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the equipment maintenance agreements for an estimated annual cost of $896,155.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 23-24 Maintenance Cost	Funding Source
3SI SECURITY SYSTEMS	Investigatory Tool	$ 2,088	General Fund
ACCRUENT	CMMS	$ 7,238	Building Services Fund
ACTION TARGET, INC.	Target shooting system at the Tactical Training Center	$ 6,596	General Fund
AIR WEST FILTRATION / BENZ AIR	Station Facilities	$ 32,221	General Fund
AIRGAS	Life saving equipment	$ 6,000	General Fund
AMERICAN BARCODE AND RFID	Annual Services Agreement for Barcode Machine	$ 1,521	General Fund
ARC DOCUMENT SOLUTIONS	Printing of Maps for Planning division	$ 3,381	General Fund
ARC DOCUMENT SOLUTIONS	Plotters are used to print large sized maps of job sites, etc.	$ 7,800	Water Fund
ARC DOCUMENT SOLUTIONS	Plotter is used to print large size maps of job sites, etc	$ -	Water Fund
ASAP TECHNICAL SOLUTIONS	Printing for day-to-day work activities at NCAMP	$ 1,522	General Fund
BMI IMAGING	Fujitsu scanner is used by Records to scan and store electronic records for storage.	$ 2,093	General Fund
BOSS BUSINESS SYSTEMS	Copier for Jennings WWTP - Training Center	$ 2,200	Wastewater Fund
CA HEALTH AND SAFETY	Breathing equipmemt	$ 10,000	General Fund
CA REDING	Printing for day-to-day work activities	$ 2,866	General Fund
CA REDING	Printing for day-to-day work activities	$ 6,859	General Fund
CA REDING	Department Copier/Printer/Scanner	$ 9,602	General Fund
CA REDING	Copier Maintenance	$ 5,630	Transit
CUMMINS	Currency Counter - detect counterfeit	$ 826	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 817	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 847	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 817	General Fund
DELTA WIRELESS	Radio Communications equipment	$ 43,924	General Fund
EKC ENTERPRISES	Fire alarm and fire sprinklers	$ 4,659	Water Fund
EXCEL FITNESS	Fitness equipment	$ 1,692	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 23-24 Maintenance Cost	Funding Source
FARO TECHNOLOGIES	Annual Calibration and Certification of 3-D Laser Scanner to Diagram traffic collisions and homicide scenes	$ 7,187	General Fund
FIRE SERVICE SPECIFICATION & SUPPLY	Life saving equipment	$ 5,073	General Fund
HERITAGE-CRYSTAL CLEAN, LLC.	Parts cleaner for fire fighting equipment	$ 5,073	General Fund
IMAGEWARE SYSTEMS	Annual hardware maintenance for hardware system in creating ID badges for department	$ 9,570	General Fund
KODAK ALARIS	Printing for day-to-day work activities	$ 2,538	General Fund
LEHR	Annual Maintenance for LPR systems	$ 48,316	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 677	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 5,073	Capital Improvement Fund
LUCAS BUSINESS SYSTEMS	Scan documents, limited color copy use	$ 677	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at MYC	$ 220	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities. Copier located in MCP office.	$ 3,397	Center Plaza
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at McHenry Museum	$ 399	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at SCC	$ 966	General Fund
LUCAS BUSINESS SYSTEMS	Printing and making copies for in-house programs and public on an as needed basis. Copier located in PRN alley.	$ 7,700	General Fund
LUCAS BUSINESS SYSTEMS	Printer	$ 2,200	Building Services Fund
LUCAS BUSINESS SYSTEMS	Copier for day-to-day	$ 800	Surface Transportation Fund
LUCAS BUSINESS SYSTEMS	Copier for Sutter WWTP - Building 3 - Maintenance	$ 726	Wastewater Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ -	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 4,832	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 1,650	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 2,940	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 2,900	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 5,077	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 23-24 Maintenance Cost	Funding Source
LUCAS/INLAND	Copier, Fax, Scanner	$ 7,920	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 7,730	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	$ 7,730	General Fund
MANTECH - FORMERLY MANSCI INC.	Mansci Lab Equipment Extended Warrant	$ 5,000	Wastewater Fund
MOBILE SPIKE	Mobile Spike Strips	$ 10,000	General Fund
NEC CORPORATION OF AMERICA	Automated Fingerprint Identification System - fingerprinting	$ 12,118	General Fund
OPEX	Envelope Opener - opens mixed sized envelopes	$ 678	Water Fund
OPEX	Mail Opener & sorter	$ 3,812	Water Fund
PARKEON	Off street pay stations	$ 4,227	Parking Services Fund
PARKFOLIO	Off street pay stations /connectivity	$ 4,552	Parking Services Fund
PUENTES TECHNOLOGIES	Copier, Fax, Scanner	$ 1,610	General Fund
QUADIENT	Mail Room Postage & Label Machine	$ 14,653	General Fund
(UBEO) RAY MORGAN CO.	Copier for Building Safety and Neighborhood Preservation	$ 3,753	General Fund
(UBEO) RAY MORGAN CO.	Large Format Printer/Scanner	$ 5,075	Wastewater Fund
(UBEO) RAY MORGAN CO.	Copier for Sutter WWTP - Environmental Services	$ 4,200	Wastewater Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	$ -	Water Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	$ 3,850	Water Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	$ 3,850	Water Fund
(UBEO) RAY MORGAN CO.	Copier for Customer Service - Finance	$ 1,433	Water Fund
SCANNER ONE	Check Scanner - uploads to RemitPlus for Electronic check file to bank	$ 817	Water Fund
SCANTRON	Scantron Reader for Recruitment Tests	$ 1,475	General Fund
SEAL ANALYTICAL	Seal Lab Equipment Service Contract	$ 9,000	Wastewater Fund
SMILE BUSINESS PRODUCTS INC	Department Copier-LITT Store	$ 400	General Fund
SMILE BUSINESS PRODUCTS INC	Department Copier-JEFF Store	$ 400	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 23-24 Maintenance Cost	Funding Source
SMILE BUSINESS PRODUCTS INC	Purchasing Copier	$ 1,198	General Fund
SMILE BUSINESS PRODUCTS INC	Day to day copy purposes, parts, labor, staples, maintenance and support ending 4/21/21-501 N Jefferson	$ 2,000	General Fund
SSD SYSTEMS	Alarm service	$ 2,537	General Fund
SURTEC	Investigatory Tool	$ -	General Fund
TECA Data Safe Corporation (CYBERNETIC)	Tape Library Backup/Utility Billing System	$ 5,603	Water Fund
TECHNOLOGY UNLIMITED	MAINTENANCE CASH COUNTER BALANCING ROOM	$ 500	Water Fund
THE RADAR SHOP	Annual Calibration and Certification and repair of Radar and Lidar Guns for mitigating traffic safety.	$ 5,073	General Fund
TRANE	MCP Fountain Maintenance - Annual	$ 5,000	Center Plaza
VERTIV	Annual Maintenance for Battery Backup for MPD Servers	$ 9,350	General Fund
WEST COAST DOOR AND GATE	Station facility	$ 49,781	General Fund
ZOOM IMAGING	Accounting Copier	$ 1,125	General Fund
ZOOM IMAGING	Department Copier-LITT Store	$ 1,933	General Fund
ZOOM IMAGING	Department Copier	$ 1,127	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ -	Information Technology
ZOOM IMAGING	Copier for day-to-day	$ 1,412	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	$ 1,170	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	$ 946	Surface Transportation Fund
ZOOM IMAGING	Copier for day-to-day	$ 1,211	Airport Fund
ZOOM IMAGING	Printer/Copier	$ 2,537	Capital Improvement Fund
ZOOM IMAGING	Copier for Sutter WWTP - Building 2 - Collections	$ 1,597	Wastewater Fund
	TOTAL	**$ 487,573**	

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 23-24 Maintenance Cost	Funding Source
AMERICAN CHILLER CO.	Heating and Cooling of the Modesto Centre Plaza	$ 87,000	Centre Plaza
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 1,926	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 700	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 1,926	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 1,926	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 1,926	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 1,926	General Fund
STRYKER SALES CORPORATION	Life saving equipment	$ 166,100	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner	$ 3,650	Information Technology
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 3,313	Water Fund
MO-CAL OFFICE SOLUTIONS	Printer	$ 2,538	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copy documents for City Manager, Council and Auditor's office	$ 5,990	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Jennings WWTP - Administration	$ 3,714	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 1 - Administration	$ 6,000	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 3,135	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 3,135	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
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MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 15,778	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 2,872	Green Waste Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 1,025	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	$ 3,383	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	$ 3,383	Wastewater Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 23-24 Maintenance Cost	Funding Source
MO-CAL OFFICE SOLUTIONS	Copier Maintenance	$ 1,012	General Fund
MO-CAL OFFICE SOLUTIONS	needed basis. Admin copier located in PRN mailroom.	$ -	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 2 - Collections	$ 6,655	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier is used to make copies, scan, fax	$ 7,545	Water Fund
MO-CAL OFFICE SOLUTIONS	Copier	$ 763	Solid Waste Fund
MO-CAL OFFICE SOLUTIONS	Copier	$ 737	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 1,100	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ -	Green Waste Fund
AMANO	PARCS	$ 60,500	Parking Services
	TOTAL	**$ 408,582**	

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-251

RESOLUTION APPROVING THE CITY'S PANDEMIC RECOVERY STRATEGY, MODESTO FORWARD, FOR THE REALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS DEFINED UNDER EXHIBIT A AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE PROGRAMS AND FUNDING ALLOCATION

WHEREAS, since the adoption of the local health emergency, the City has implemented a variety of measures and programs to help slow the spread of COVID-19 and mitigate the associated impact of the pandemic, and

WHEREAS, the response has included safe transit opportunities available at no cost, open-air program for restaurants, business enforcement and monitoring programs, small business grants, adjustments/closures to city facilities, in-door shelter for at-risk homeless individuals, and telecommuting opportunities for employees, and

WHEREAS, the City also has directly supported the County with making testing centers and a vaccine clinic available that are directly managed and supported by City personnel, and

WHEREAS, the State and Federal government have also taken bold steps to support local governments with their response to the pandemic, including through the signing of the Coronavirus, Aid, Relief, and Economic Security (CARES) Act that made $30 million for the City for various programs, and

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act a $1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19, and

WHEREAS, the American Rescue Plan Act is making available $45,897,056 to the City of Modesto to help address the local impact of COVID-19, and

WHEREAS, the Treasury Department has released interim guidance to-date and considers the following 6 categories as allowable uses: Public Health Response, Address Negative Economic Impact, Supporting Hardest-Hit Communities and Families, Replacing Lost Public Sector Revenue, Investments in Water and Sewer Infrastructure, and Investments in Broadband, and

WHEREAS, on May 25, 2021, by Resolution 2021-194, the City Council approved the original spending plan for the allocation made available in May 2021, and

WHEREAS, under Resolution 2022-237 on July 12, 2022, Year 2 expenditure plan was approved based on soliciting priorities from the public and the Council at the three standing City Council Committees: Economic Development, Safety and Communities, and Finance, and

WHEREAS, with the voters' approval of Measure H, City staff is proposing to reallocate the remaining Reserve Funding not assigned to a program and various on-going programs already defined as part of the Measure H spending plan to new ARPA programs, and

WHEREAS, there are a few ARPA programs that have been determined the final expenditures are less than the ARPA allocated funding and the remaining funding can be reallocated to a new program; and below is summary of the Council approved ARPA program being proposed to be reallocated for new ARPA program, and

Approved ARPA Program	Reason for Reallocation	Amount Available for Reallocation
Employee Recognition Program	Measure H Spending Plan	$ 20,000
Innovation Lab	Measure H Spending Plan	$ 100,000
Mental Health Response (2 addtl. Years)	Measure H Spending Plan	$ 850,000
Park Ranger Extension (1.5 addtl. Years)	Measure H Spending Plan	$ 624,000
Blight Abatement (2 addtl. Years)	Measure H Spending Plan	$ 650,000
Deferred Maintenance at Parks and Facilities	Measure H Spending Plan	$ 500,000
Reserve Funding	No Program Assigned	$ 1,597,350
TSP Battery Back Up System Upgrade	Remaining ARPA Funds Available	$ 200,000
Upgrade online service application software for Utility billing	Remaining ARPA Funds Available	$ 36,936
Totals		**$ 4,578,286**

WHEREAS, based on these priorities, staff reviewed various community partner funding request and key priorities for the community and evaluated these new program programs to ensure they complied with the eligible expenses based on the guidance that had been made available by the Treasury Department, and

WHEREAS, the proposed recommendations for the reallocation of the new ARPA programs and funding contributions are identified under **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act funds defined under **Exhibit A** and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A
REALLOCATION OF NEW ARPA PROGRAMS

Recommended New ARPA Project	Amount for Reallocation
State Theatre - Funding Contribution	$ 75,000
Modesto Area Partners in Science - Funding Contribution	$ 50,000
Gallo Arts Center - Funding Contribution	$ 25,000
Modesto Sister Cities (MSCI) - Funding Contribution	$ 35,000
Central Valley Opportunity Center (CVOC) - Funding Contribution	$ 25,000
Convention and Visitor's Bureau (CVB) - Funding Contribution	$ 250,000
Opportunity Stanislaus - Funding Contribution	$ 200,000
Cesar Chavez Renovation Project (Funding)	$ 1,200,000
Expand Modesto Beautification (Outside of Downtown)	$ 500,000
Enhanced Infrastructure Financing District - Additional Funding	$ 218,286
Business Incentives - Expand outside of Downtown	$ 500,000
Homeless Services (Day Center, Safe Park, Bridge Housing)	$ 1,500,000
Totals	**$ 4,578,286**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-252

RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT OF FOR THE FISCAL YEAR 2023-2024 ANNUAL BUDGET

WHEREAS, Proposition IV of the California State Constitution requires the City to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by state and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the staff has been consistently using the change in population within the city limit of Modesto and change in California per capita personal income every year when calculating the appropriation limit, and

WHEREAS, the appropriation limit calculated for Fiscal Year 2023-24 is $581,968,829, and

WHEREAS, this calculation was made available for public viewing at least fifteen days prior to the Council meeting. A copy of Schedule A and the calculation detail is on file at the City of Modesto Finance Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the appropriation limit for fiscal year 2023-2024, including the price and population factors to be used in the calculation, is hereby established as shown on **Schedule A**, **attached** hereto, and made a part hereof.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, 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, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SCHEDULE A

FISCAL YEAR 2023-24

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2022-23 Appropriation Limit		$558,994,169
Adjustment Factors		
Per Capita Personal Income Change	4.44%	
Population Change (Modesto)	-0.32%	
Per Capita converted to a ratio	1.0444	
Population converted to a ratio	0.9968	
Calculation of factor for FY 2023-24	1.0411	
Adjustment		$22,974,660
FY 2023-24 Appropriation Limit		$581,968,829

Article XIIIB places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-253

RESOLUTION APPROVING THE PAYMENT OF SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2023-2024 FOR A TOTAL AMOUNT NOT TO EXCEED $6,435,813; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ROUTINE RENEWAL AGREEMENTS ASSOCIATED WITH THE ITEMS IN EXHIBIT A AND EXHIBIT B - SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2023-2024

WHEREAS, the City has an ongoing need for software maintenance support agreements for software assets utilized by the City of Modesto, and

WHEREAS, the expenditures for software maintenance support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the approval for payment of software maintenance support invoices presented for Fiscal Year 2023–2024 in an amount not to exceed $6,435,813.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment for invoices for various software maintenance support agreements from software vendors or their representatives for Fiscal Year 2023-2024 in an amount not to exceed $6,435,813.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the software maintenance support agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
GovInvest	Labor Module added to the existing GovInvest Agreement	GovInest	Human Resources	0100		220578	12/23/2021	12/22/2023	$13,390	Alger, Christina
Scantron	Scanner hardware support for HR	Scantron Corporation	Human Resources	0100	2019-317	157641	6/12/2022	6/11/2023	$ 921	Mendoza, Evie
Calm	Calm application for Smart Devices	Calm.com, Inc.	Human Resour	0100			1/1/2023	12/31/2023	$ 15,036	Alger, Christina
NetFile Paperless Form 700 Suite	E-filing system for the 700 form. Manages tasks, forms, and filing. Completely web-based with a portal for public viewing.	NetFile	City Clerk	0100	2019-304	168574	10/23/2022	10/23/2023	$ 9,800	Sanchez, Dana
NextRequest	Public Records Management software.	NextRequest	City Clerk	0100		165169	9/1/2022	8/31/2023	$ 9,206	Sanchez, Dana
CoStar	Commercial Real Estate Information	CoStar	Community & Economic Dev.	0100	2019-317	160991	3/31/2022	3/31/2023	$ 5,867	Goddard, Kjirsten
HDL Prime	Business license application	HDL Companies	Finance	0100	2022-256		8/1/2023	7/31/2024	$ 24,860	Brown, Gina
Loftware	f you need powerful barcode label printing software to meet the most complex labeling requirements, the Loftware Label Manager (LLM) is the industry standard. With Loftware's label management software, you can create any type of barcode label required to meet ever-evolving customer and regulatory needs across your supply chain.	Loftware	Finance	0100		161871	7/1/2022	6/30/2023	$ 480	Kline, Cynthia
NIGP Consulting	NIGP 5-Digit Commodity Code License Renewal	Periscope Holdings	Finance	0100	2019-317	159089	6/1/2023	5/31/2024	$ 666	Kline, Cynthia
Planet Bids	Bid Management Software	Planet Bids	Finance	0100	2019-317	161903	6/13/2023	6/12/2024	$ 13,745	Kline, Cynthia
T2 Parking Citations	Cloud system for T2 Parking Citation processing and appeals. Online payment portal. Managed by Finance/Customer Service staff.	T2 Systems	Finance	0100	2022-256		12/1/2023	11/30/2024	$ 25,244	Ireta, Cindy
Rentalscape	Software to track Short Term Rentals (STR) and provide business address	Deckard	Finance	0100	2022-256		9/29/2023	9/28/2024	$ 2,000	Brown, Gina
SitStat Licensing	Emergency operations situational awareness platform and resource alerting system - 15 licenses @ $300.00 / each.	Stanislaus County of Emergency Services	Fire	0100			11/1/2021	11/1/2022	$ 4,950	Andrew Hunter
TSI Incorporated	Annual maintenance and calibration of the fit testing machines to ensure they are calibrated to the original manufacturer's specifications/the National Institute of Standards and Technology (NIST) *Paid for two calibrations in 2 year service agreement	TSI Incorporated	Fire	0100		203798	6/14/2021	6/14/2023	$ 2,112	Andrew Hunter
Vector Solutions - CrewSense	Fire Crew call back scheduling / hiring system	Vector Solutions	Fire	0100	2021-226	207580	7/1/2022	6/30/2023	$ 17,851	Andrew Hunter
Target Solutions	Online Training System	Vector Solutions	Fire	0100	2021-226	211871	11/15/2021	11/14/2022	$ 25,730	Andrew Hunter
Digicert	Digital Certificate	Digicert	Information Technology	0100			7/1/2022	6/30/2023	$ 550	Calbreath, Phil
ACCRUENT CMMS - PRND	Annual tech support and web hosting for our daily work order maintenance system at 501 N Jefferson St site	ACCRUENT LLC (formerly Maintenance Connection)	Parks & Recreation	0100		TBD	6/1/2022	6/1/2023	$ 6,105	Franco, Jessica
Lucity aka Central Square	License for Park Ops use of Lucity, enterprise asset management software. Work order system.	Central Square Technologies	Parks & Recreation	0100		216259	7/1/2022	6/30/2023	$ 13,000	Franco, Jessica
Meraki	WiFi license for Centre Plaza	Telcion	Parks & Recreation	0100			3/14/2020	3/13/2023	$ 3,509	Chavez, Larry

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
PerfectMind	Perfect Mind, Recreation Software, used for Facility Rentals and Program Registrations	PerfectMind	Parks & Recreation	0100	2017-243	164471	1/26/2023	1/26/2024	$ 16,550	Garcia, Valerie
FTK: High Tech Crimes Unit Investigatory Tool	For FTR Stand Along SMS License software support for Dongels for Investigations	Accessdata Group	Police	0100		156151	5/31/2023	5/31/2024	$3,255	Smart, Jessica
Crimemapping.com	Public Facing police incident map for citizens to view. Also for Annual renewal of End User License & Software Support Agreement for CrimeMapping software. Crime Analyst crime mapping tool.	Central Square Technologies	Police	0100	2020-14	211918	12/31/2022	12/31/2023	$ 1,465	Davis, Kara
Inform RMS	Police Field Reporting and Records Management System. MPD's Records Management System Licensing	Central Square Technologies	Police	0100	2017-167	207517	11/1/2021	7/25/2023	$ 30,924	Jenkins, Heidi
CopLink Export	CopLink export from Inform RMS	Central Square Technologies	Police	0100		205436	8/1/2021	8/1/2022	$ 2,625	Jenkins, Heidi
Public Safety Citizen Reporting Module	On-line reporting system allowing citizens to file police reports online.	Central Square Technologies	Police	0100	2018-210	193836	6/30/2022	6/30/2023	$ 9,450	Jenkins, Heidi
NIBRS	Federally mandated Crime Data Reporting to the FBI - NIBRS Module through RMS	Central Square Technologies	Police	0100		216520	10/1/2021	10/1/2022	$ 28,875	Jenkins, Heidi
Publish PDF	Publish PDF of approved RMS reports to network file share	Central Square Technologies	Police	0100		158186	7/26/2021	7/25/2022	$ 4,042	Jenkins, Heidi
IA Pro Annual & Blue Team	IA Pro & Blue Team Annual Maintenance including all software upgrades, associated materials and technical support via phone and e-mail	CI Technologies	Police	0100		207516	8/1/2023	7/31/2024	$ 4,401	Adams, C
CopWare: Legal Sourcebook, California Codes, and Mobile App	California Peace Officers Legal Sourcebook Site License for 201-300 Sworn Officers. Provides sworn personnel with an on-line resource for accessing this information.	CopWare	Police	0100	2019-317	227668	6/30/2022	6/30/2023	$ 4,064	Smart, Jessica
Crash Data Recorder	Annual Software Subscription to Crash Data Recorder (CDR). This is utilized by the Traffic Unit for imaging Air Bag Control Modulars in the event of a fatal accident.	Crash Data Group, Inc.	Police	0100	2019-317	P-card	8/22/2022	8/22/2023	$ 1,313	Stanfield, S
Critical Reach	Critical Reach APBnet Bulletin Service Annual Fee for use of software, servers,network bandwith & user support	Critical Reach	Police	0100	2019-317	238982	1/1/2023	12/31/2023	$ 1,465	Davis, Kara
Critical Response Group	911eye system that provide the availability for RTCC and other MPD staff to remotely livestream video and photos from a victim/witness/reporting party's phone while actively recording it for later storage with Evidence.com	Critical Response Group	Police	0100		197093	4/30/2022	4/30/2023	$ 8,201	Stanfield, S
Ecite Software	Ecite Software Annual Maintenance	Crossroads	Police	0100		227626	6/30/2022	6/30/2023	$ 2,625	Stanfield, S
Deepnet Dualshield	Deepnet Dualshield Software licensing and annual support services - 325 licenses. Dual factor authentication of key fobs in use by MPD personnel when signing on to the MDC's.	Deepnet Securities	Police	0100	2019-317	208380	8/27/2021	8/26/2022	$ 4,725	Smart, Jessica
Digital Networks Group (Video Wall)	Renewal of Digital Networks Group Annual Software Maintenance and Support. Video wall Software in the RTCC enables the output of video wall content via IP.	Digital Networks Group	Police	0100			12/27/2021	12/27/2022	$ 2,625	Smart, Jessica
NEC Phone System Software	NEC Software system for MPD Phone System; Software assurance which provides the abilit for IT staff to contact DTS/NEC for system support, access to software upgrades and services for the department's voice over IP Phone system	DTC - Digital Telecommunications Corp	Police	0100		199223	6/30/2023	6/30/2024	$ 12,258	Smart, Jessica
Crime Free Easy Tracking	Dynamic Design - Multi User Internal WEB Easy Tracking Software and Annual Subscription Renewal. Used to track crime free housing inspections and number and details of each complex.	Dynamic Design Software	Police	0100		197135	3/1/2023	2/28/2024	$ 420	Smart, Jessica
FARO SCENE	3D Scene Maintenance Software Licensing and Maintenance Agreement for the Faro Technologies Laser Scanner. This software is used to capture and process datapoints into diagrams and is used by both Traffic Officers for collision scenes and ISD Detectives and ID Techs for homicide scenes.	Faro Technologies	Police	0100		208007	7/1/2018	6/30/2024	$ 2,730	Stanfield, S
Forensic Explorer	By GetData Forensics Company. High Tech Crimes Unit investigatory tool.	Getdata Forensics USA	Police	0100	2019-317	235683	11/30/2022	11/30/2023	$ 520	Smart, Jessica
Cellbright UFED Support and Cloud Analyzer;	Cell phone digital forensic tool UFED UPC Ultimate X3 & UFED Cloud Analyzer and Dongels; with Cellebrite	Guardian	Police	0100	2019-317	206864	9/30/2022	9/30/2023	$ 25,000	Meredith, Bob

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
GO ANYWHERE MFT 5.4.4 (PD)	Managed File Transfer software used to manage data from various databases and servers both internal and external to City. Project execution can be automated and triggered by various methods. Used to help centralize data file transfers. Useful in creating workflows between systems. MPD uses GoAnywhere to transfer Payroll data from InTime (Scheduling & Payroll) to Oracle.	HelpSystems	Police	0100	2019-317	227620	6/30/2022	6/30/2023	$ 1,500	Harns, A
OnBase - PD; OnBase PDF Framework; XML Index	OnBase is used by MPD as our Enterprise Content Management Sytem (ECM). Scanned images of Police Reports and post-mandated training related documents are stored in OnBase. OnBase Annual Maintenance and Support for LocalGovernment Web Server. OnBase Local Government Workflow ConcurrentClient SL (20 count) and Annual Maintenance on Workflow Licenses; PDF Framework $732; XML Index $1257 All on 1 invoice	Hyland Software	Police	0100	2019-317	199207	5/1/2022	4/30/2023	$ 31,386	Smart, Jessica
Imageware	Annual Software and Hardware Maintenance LE Renewal for Imageware. Imageware is a software and hardware system utilized in creating police department employee ID badges.	Imageware	Police	0100	2019-317	205572	6/30/2022	6/30/2023	$ 9,099	Smart, Jessica
Cradle Point for POD Cameras	Renewal of 14 licenses for the cradle point for POD Cameras and Armadillo	Intellisite for Cradle Point	Police	0100		236207	11/1/2022	11/24/2023	$ 4,448	Smart, Jessica
InTime Scheduling & Timekeeping	Intime is used by the MPD to build the departments complex 24/7 patrol calendar. This includes rotating shifts, shift bidding by seniority, minimum staffing management, and outside work agreement management. Although InTime is a full Scheduling, Payroll, and HRMS system. Annual Maintenance for InTime Solutions Cloud Based Software.Scheduling and payroll system for MPD allows for electronic capture and transfer of data to City's Oracle Payroll system	InTime Solutions	Police	0100	2019-317	228417	8/1/2022	7/31/2023	$ 36,338	Smart, Jessica
IP2	Annual Location License	IP2	Police	0100		PCard	11/24/2022	12/16/2023	$ 839	Smart, Jessica
Lexipol LE	Annual renewal of Lexipol LE Policy Manual Update Subscription; LE Procedures Manual On-Line; LE Management Services. Utilized by MPD to provide online version of Policy Manual, policy manual updates; electronic signature tracking for disbursal to staff and training bulletins.	Lexipol	Police	0100	2019-317	211134	10/1/2022	9/30/2023	$ 43,832	Smart, Jessica
Magnet IEF	SMS;Magnet IEF; SMS Magnet IEF Triage Module; SMS Magnet IEF Module Mobile Artifacts; SMS Magnet IEF Module Business Applications. Investigatory tool.	Magnet Forensics	Police	0100	2019-317	238438	1/1/2022	12/31/2023	$ 4,386	Smart, Jessica
Netmotion Software	Mobility application for 127 devices and 1 additional server police module	Mobile Wireless - NetMotion	Police	0100	2019-317	216630	4/1/2022	3/31/2023	$ 10,920	Smart, Jessica
NEC AFIS	Renewal of Annual Maintenance and Support for the NEC AFIS (Automated Fingerprint Identification System) used by the Police Department to take and send fingerprints to DOJ as part of background process for new applicants.	NEC Corporation of America	Police	0100	2019-317	184833	12/26/2020	9/30/2023	$ 8,400	Smart, Jessica
PLX	Annual renewal of annual maintenance and support services for Collection Maintenance Premium & Analytical Maintenance. Investigatory tools used by PD	Penlink	Police	0100	2019-317	215174	1/1/2023	12/31/2023	$ 31,522	Smart, Jessica
Power DMS	Paperless Daily Observation Reports for Field Training Program & Manual for training	Power DMS	Police	0100		213900	12/1/2022	11/30/2023	$ 5,082	Smart, Jessica
Covert Track Service	Annual Maintenance for GPS Trackers for Investiations	Special Services Group LLC	Police	0100	2019-317	213785	2/18/2021	2/16/2023	$ 9,639	Smart, Jessica
Message On Hold System	Message On Hold System for MPD	Spectrio	Police	0100			2/28/2022	3/1/2023	$ 525	Smart, Jessica
Star Chase	GPS projectile subscription for Star Chase Launcers	Star Chase	Police	0100		213787	12/20/2022	12/19/2023	$ 13,527	Stanfield, S
CLEAR Search	CLEAR Search Software utilized by Crime Analysts as an investigatory tool as a subscription service. Paid monthly	Thomson-Reuters	Police	0100			7/1/2022	6/30/2023	$ 4,460	Davis, Kara
TMS-ME	TMS-SE is a law-enforcement specific LMS that MPD uses to keep track of the POST-mandated training that officers complete.	Training Innovations, Inc.	Police	0100		205450	7/1/2022	6/30/2023	$ 840	Bottoms, J

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
TLOxp TransUnion	TLO Monthly Subscription to database. Utilized by Crime Analysts as an investigatory tool. Monthly charge is based on usage.	Trans Union Risk and Data Solutions	Police	0100			7/1/2022	6/30/2023	$ 3,150	Smart, Jessica
Vigilant	Contract with Vigilant for annual ESA subscription for 29 LPR Camera license keys & VS ISA Integration service for non-Vigilant LPR Cameras	Vigilant	Police	0100		215175	1/1/2023	12/31/2023	$ 19,399	Smart, Jessica
WAVR-21	Threat assessment tool license	WAVR-21 - WTS Inc	Police	0100		196745	5/1/2022	4/30/2023	$ 1,050	Smart, Jessica
X-Ways Software Forensics	Forensics investigatory tool. (2 user BYOD licenses)	X-Ways Software Technology	Police	0100		PCard	3/9/2022	3/9/2023	$ 808	Smart, Jessica
Neighborly	Cloud based HUD project and grant management	Benevate dba Neighborly Software	Community & Economic Dev.	1133	2021-436		8/23/2021	12/1/2023	$ 42,900	Hill, Jessica
StreetSaver	A computer-based pavement management system, that allows agencies better maintain their local streets and roads.	Metropolitan Transportation	Community & Economic Dev.	1300	2019-317	Non PO Form	3/1/2022	2/28/2023	$ 3,850	Goddard, Kjirsten
Star*Net Pro	STAR*NET Pro (Annual Maintenance Subscription)	MicroSurvey	Utilities	1300	**2021-226**	158039	**6/30/2021**	**6/29/2023**	$ 545	**Haakma, Daniel**
Trimble Access	Annual Software RNST	CSDS	Utilities	1300	2013-316		6/24/2022	6/24/2023	$550	Haakma, Daniel
Transparity (Traffic)	Application that manages communication with traffic signal equipment for programming, etc . Used by PW staff on 4th floor. Used to be "QuicNet" but upgraded on 6/25/2018 to Transparity.	McCain, Inc.	Public Works	1700	2019-317	203341	3/15/2021	3/14/2023	$ -	Ashby, James
Trafficware (Synchro)	Trafficware advances motorists' quality of life and promotes green initiatives by optimizing the flow of motorist and pedestrian traffic, while also expediting the arrival of emergency vehicles and maintaining transit vehicle schedules.	Trafficware/Cubic	Public Works	1700			3/16/2022	3/16/2025	$ -	Ashby, James
AutoTURN Map	Performs turning movement analysis to check vehicle access and ensure vehicles have enough space to circulate around an area safely and efficiently	Transoft Solutions	Public Works	1700		211471	10/31/2021	10/31/2022	$ 550	Collins, Scott
Parkeon	Extended warranty and customer phone support for parking meter software & hardware	Parkeon	Public Works	4000		198585	1/1/2022	12/31/2022	$ 3,842	Crowley, Patrick
Parkfolio	Monthly connectivity charges with Level 3 Alarms, Statistics and CR Card for 5 multispace parking meters	Parkeon	Public Works	4000		164219	1/1/2022	12/31/2022	$ 4,138	Crowley, Patrick
GO ANYWHERE MFT (City)	"GoAnywhere MFT - Managed File Transfer software used to manage data from various databases and servers both internal and external to City. Project execution can be automated and triggered by various methods. Used to help centralize data file transfers. Useful in creating workflows between systems. All activity is audited. Other available modules: Secure email : Send encrypted email to inside/outside contacts. Can control how long message is available or how many times it is downloaded before it is no longer available. Can integrate with Microsoft Outlook. Web client available too. Secure Forms: HTTPS encrypted web forms. Currently used by Customer Services to provide a sign up form for utility customers and provide encrypted communication with customer to secure confidential information provided by customer. This secure form is integrated into City's website. Can interact with GoAnywhere projects to manage data received. Monitoring and notification of IBM system jobs Total $9,511	Fortra (HelpSystems)	Finance	4100	2022-256		7/1/2023	6/30/2024	$ 10,462	Dotson,James; Bernard, Roland; Martin, Jeni
Crystal Reports 2008 for LIMS systems	Crystal Reports for Laboratory Information Systems (Labworks, lablite)	SAP	Utilities	4100			N/A	N/A	0	Duran, Melissa

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
XC2 Backflow Prevention	Water Back-flow Prevention system for Inspections administration for the Water Backflow pipes and meter information.	SwiftComply	Utilities	4100		130239	2/1/2023	1/31/2024	$ 2,600	Cortez, Leticia
Adobe Reader X	Maintenance for design/production of utility bill inserts, mailers, notices, etc	Adobe	Finance	4100	2022-256	P-card	3/5/2023	3/4/20224	$ 806	Martin, Jennifer
Express / WebView	Enterprise Content Management software that manages documents related to Customer Services. Primarily stores Utility Bills and related reports. WebView is web based interface to retrieve documents. Various types of documents can be archived. Ability to distribute documents via email, etc. Converts spool files on the IBM iSeries to PDF format. Captures PDF, Excel Files, scanned images. Apply retention times of documents stores and can archive documents to tape based on user policies.	S4i Systems	Finance	4100	2022-256		7/1/2023	6/30/2024	$ 4,148	Bernard, Roland; Martin, Jeni
RASWIN	Point of Sale Cash Receipting System	Quadrant	Finance	4100	2022-256		1/1/2024	12/31/2024	$ 4,720	Brown, Gina
Remit Plus	Check scanning application to send check payments to bank	Jack Henry & Associates, Inc.	Finance	4100	2022-256		7/1/2023	6/30/2024	$ 7,040	Brown, Gina
LexisNexis Risk: Skip Tracing	SkipTracing Services (Collection Process)	LexisNexis	Finance	4100 0100	2022-256		6/1/2023	6/1/2024	$ 6,732	Martin, Jennifer
BEACON	Meter Reading system used by Water Services Division and used with Naviline Utility Billing.	Badger Meter	Utilities	4100	**2020-528**	**191196 (AA)**	**12/8/2022**	**12/7/2023**	**$ 5,000**	**Echavarria, Melanie**
MediaStar Digital Signage - Utilities	**Application used to schedule, acquire and store video media. Electronic bulletin board**	**Cabletime USA**	Utilities	4100 4210					$ 6,355	**Corder, Wayne**
Lucity	Lucity provides asset and maintenance management software solutions. The Lucity suite offers you a comprehensive solution for Work Management. The Work modules allow you to establish your work flow, track customer requests, create work orders, establish a preventative maintenance plan, set priorities, provide timetables, track system rehabilitation, and perform budget forecasting. Lucity - GIS CMMS - manage and maintain assets and coordinate tracking of sewer calls and maintenance	**CentralSquare Technologies**	Utilities	**0100 1700 4100 4210 4480 4892**	**2023-XXX**		**4/5/2023**	**4/4/2024**	**$ 44,125**	Englent, Robert
Cisco ASA 5508-X SmartNet Support	Cisco ASA5508 Firewall Support for SCADA	Cisco	Utilities	4100			5/15/2022	5/14/2025	$ 11,119	Reggiani, Nick
Cisco ASA 5508-X AMP/IPS Subscription License	Cisco ASA5508 FirePOWER IPS and AMP Licenses for SCADA	Cisco	Utilities	4100			5/15/2022	5/14/2025	$ 8,800	Reggiani, Nick
InfoSWMM & InfoWater	Annual Maintenance & Software Agreements for InfoSWMM & InfoWater (Floating License #FLM43R10101-0001041) InfoWater is a fully GIS integrated water distribution modeling and management software application. Built atop ArcGIS™ using the latest Microsoft .NET and Esri ArcObjects component technologies, InfoWater seamlessly integrates advanced water network modeling and optimization functionality with the latest generation of ArcGIS.	Innovyze	Utilities	4100	**2022-256**	**228987 (PO)**	**8/15/2023**	**8/14/2024**	**$ 7,500**	Alves, Jim
infraMap Cloud with 811 Tickets	**Cloud-based software utilized by Water Division for USA locate integration.**	iWater	Utilities	4100			**11/1/2022**	**10/31/2023**	**$ 2,500**	Echavarria, Melanie
VMWare - SCADA Support	SCADA VMWare infrastucture Support	VMWare	Utilities	4100		218657	3/27/2022	3/27/2025	$ 2,745	Reggiani, Nick
infraMAP Enterprise (5) and infraMAP Standard (2)	Utilized by the Water Department to perform valve turning. Disconnected use for Work Orders, Inspections, Isolation Traces, One-Click Reporting, Redlining and Data Collection. Directly control and record data from all Wachs automated valve equipment.	iWater	Utilities	4100	2022-256	231846 (PO)	11/1/2022	10/31/2023	$7,000	Echavarria, Melanie
Maintenance Connection CMMS - Utilities	Maintenance Connection and MC Express; CMMS used to manage and maintain assets and coordinate maintenance of sewer plants	Accruent	Utilities	**4210**	**2017-107**	**22054**	**10/1/2023**	**9/30/2024**	$ 7,700	Gallego, Anna

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Enercalc SE Cloud	Structural Engineering Library	Enercalc	Utilities	4210			4/1/2023	3/31/2024	$ 1,800	Ciotau, Cristian
Ignition SCADA	Ignition SCADA support for NVRRWP	Inductive Automation	Utilities	4210		~~155721~~	4/3/2022	4/3/2023	$ 5,057	Reggiani, Nick
InfoSWMM - Hydraulic Sewer Model	**InfoSWMM - Hydraulic Sewer Model**	Innovyze	Utilities				**8/15/2023**	**8/14/2024**	**$ 6,500**	Alves, Jim
IT Pipes	CCTV Inspection Software	IT Pipes	Utilities	4210			1/31/2022	1/31/2023	$ 2,475	Englent, Robert
IT Pipes	CCTV Inspection Software	IT Pipes	Utilities	4210			1/31/2022	1/31/2023	$ 2,475	Englent, Robert
LabWorks	Laboratory Information Management System (LIMS) for Wastewater and Water	Labworks	Utilities	4210	**2018-288**	142927	**8/1/2018**	**7/31/2023**	**$ 18,000**	Smigelski, Angie
Maintenance Connection CMMS	Utilities - $7065 PRND - $3800 Public Works - $3800 Public Works x2 - $2376 Annual Tech Support Renewal $1123 Total $18,164	Maintenance Connection	Utilities	4210 4480	2017-107	133621 Agreement	4/24/2022	4/23/2023	$ 31,768	Helpdesk, City
Rockwell TechConnect - AssetCentre	Rocwell Factory Talk AssetCenter - PLC Asset Management Subcription License and Support	Rockwell	Utilities	4210			5/14/2022	5/13/2023	$ 7,700	Reggiani, Nick
Rockwell TechConnect - HMI	Rockwell Factory Talk SE View, Studio 5000, RS Logix Support	Rockwell	Utilities	4210			7/19/2021	7/20/2022	$ 4,472	Reggiani, Nick
AQ2 Discrete Analyzer	AQ2 DISCRETE ANALYZER, 090400, 090752	Seal Analytical	Utilities	4210	2019-317	**207313**	**10/11/2022**	**10/10/2023**	**$ 8,255**	**Smigelski, Angie**
Zeno Track	Membrane Monitoring for Phase I. This is just a one year renewal till WIMS is in place we will not need.	Suez	Utilities	4210			2/20/2020	2/19/2024	**$ 7,738**	Gallego, Anna
Library Software	Safari Software	Surpass	Utilities	4210			**5/1/2024**	**4/30/2025**	**$ 560**	Gallego, Anna
WasteWORKS/ WasteWIZARD	WasteWorks and WasteWizard software is a truck scale weight and material tracking database for the Compost Facility.	Carolina Software	Public Works	4890	2019-317	162752	7/1/2022	6/30/2023	$ 2,640	Gorth, Nathan
Barracuda ArcTitan Filter Cloud Service	Email Security Gateway	AMS.net	Information Technology	5230			7/28/2022	7/29/2023	$ 30,689	Calbreath, Phil
Nagios Monitor	Infrastructure health & monitoring software	Benefitfocus	Information Technology	5230			7/1/2022	6/30/2023	$ 2,750	Calbreath, Phil
Genetec - Citywide Cameras	Genetec Camera System License and Maintenance	Best Communication Networks (BCN)	Information Technology	5230			9/8/2020	9/7/2022	$ 13,200	Harless, Kevin
Box.com	Encrypted File Transfer	Box.com	Information Technology	5230			7/1/2021	6/30/2023	$ 3,490	Calbreath, Phil
Live Action NetTool	Network Monitoring Tool	CarahSoft	Information Technology	5230			1/10/2023	1/9/2024	$ 27,500	Larry Chavez
Accela CRM	GoModesto application used by the public on mobile devices to submit issues/requests to the city. GoModesto! is an intuitive, multi-lingual, on-the-go reporting tool allowing residents of Modesto to report issues like street flooding, light outages, illegal dumping, tagging, vandalism, broken playground equipment, or more along with progress notifications until the job is done!	Central Square Technologies	Information Technology	5230	2019-317	169390	11/16/2021	11/15/2022	$ 32,581	Curry, Thomas
Due MFA	Multi-Factor Authentication	Cisco	Information Technology	5230			7/1/2022	6/30/2023	$ 27,500	Kevin Harless
Civic Plus - City Website	Web Hosted Web Site	Civic Plus	Information Technology	5230	2018-409	150347	10/1/2021	9/30/2022	$ 34,804	Parker, Trisa
Dell/HP Servers	Dell/HP Server Maintenance	Dell/HP	Information Technology	5230			7/1/2022	6/30/2023	$ 13,200	Harless, Kevin
Digicert - gis.modestogov.com	Standard SSL gis.modestogov.com	Digicert	Information Technology	5230	2019-317	Pcard	8/10/2021	8/9/2022	$ 461	Calbreath, Phil
Digicert - modestoareaexpress.com	Standard SSL for www.modestoareaexpress.com	Digicert	Information Technology	5230	2019-317	PCard	2/18/2022	3/17/2023	$ 461	Calbreath, Phil
Digicert - modestopd.com	Standard SSL for modestopd.com	Digicert	Information Technology	5230	2019-317	PCard	1/18/2021	3/17/2023	$ 461	Calbreath, Phil

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Digicert - sit.stat.modestofire.com	Standard SSL sit.stat.modestofire.com	Digicert	Information Technology	5230	2019-317	pcard	6/21/2021	7/28/2022	$ 461	Calbreath, Phil
Digicert - Wildcard *.modestogov.com	Wildcard SSL *.modestogov.com	Digicert	Information Technology	5230	2019-317	PCard	12/20/2021	11/18/2022	$ 1,568	Calbreath, Phil
Digicert - Wildcard *.modestopd.com	Wildcared SSL *.modestopd.com	Digicert	Information Technology	5230	2019-317	Pcard	11/29/2021	11/28/2022	$ 1,568	Calbreath, Phil
AutoCAD	Matt Jones is new support contact.	DLT	Information Technology	5230	2019-317	164472	10/17/2021	10/16/2022	$ 30,827	Koch, Tim
Toad for Oracle	Oracle Database Tool	DLT	Information Technology	5230	2019-317	178837	4/30/2022	4/29/2023	$ 8,361	Ferreira, Lydia
Docusign	Electronic Signature System	Docusign	Information Technology	5230	2019-475	172119	11/29/2021	11/28/2022	$ 25,823	Dotson, James
DTC - Telecommunications Services	NEC Phone System and Support	DTC	Information Technology	5230		189187	9/14/2020	9/13/2022	$ 22,000	Harless, Kevin
ESRI - ArcGIS 10.6	It is a powerful GIS authoring, editing, and geoprocessing application that allows you to create beautiful maps, edit and manage spatial data, and perform the full spectrum of analyses needed to turn your raw data into valuable information.+	ESRI	Information Technology	5230	2019-317	176583	5/31/2021	5/30/2023	$ 36,520	Owen-Durant, Teri
Barracuda Spam Filter	Email Security Gateway; Email Filtering/ Serial #BAR-SF-430845	Hula Networks	Information Technology	5230	2019-317	163416	9/18/2021	9/17/2022	$ 9,757	Calbreath, Phil
Forcepoint Security Software	Triton AP-Web: 1200 seats total	MicroAge	Information Technology	5230	2018-396	129355	12/20/2020	12/19/2023	$ 49,500	Calbreath, Phil
Netmotion	11NMXP25: NetMotion Maintenance for 100 devices, Analytics Module, NAC Module,	Mobile Wireless, LLC	Information Technology	5230	2019-317	173142	1/17/2021	1/16/2023	$ 13,200	Corder, Wayne
Policy Management Software	City-wide Policy and Procedure Management Software	Navex Global Inc.	Information Technology	5230		196351	1/27/2023	1/26/2024	$ 24,957	Garnica, Maria
Xmedius	Voicemail System Maintence	NEC/DTC	Information Technology	5230			8/12/2022	8/11/2023	$ 16,500	Doug Villaire
NetMotion Mobility	NetMotion Software two-yearpremium maintenance for two mobility XE Server SW Licenses for mobile devices 127 MDC's and 1 additional server Police Module. Allows for network communications with the MDC units installed in police vehicles. $13,948	NetMotion	Information Technology	5230	2018-396	153048	1/17/2022	1/16/2023	$ 7,803	Avila, Marc
Nimble Virtual Networking Storage	Nimble Disk Storage System	Nimble	Information Technology	5230			2/2/2022	2/1/2023	$ 16,500	Kevin Harless
Kaspersky Antivirus	Kaspersky AntiVirus Software	PCM-G	Information Technology	5230	2019-317	174059	1/28/2021	1/27/2023	$ 11,892	Harless, Kevin
Planview PPM Pro	City-wide project and software portfolio management system.	Planview	Information Technology	5230	2019-317	172696	12/1/2021	11/30/2022	$ 15,611	Curry, Thomas
Snare Enterprise Agents	Windows log collection for remote syslog/SIEM	Prophecy America	Information Technology	5230	2019-317	PCard	4/8/2018	4/7/2023	$ 1,320	Calbreath, Phil
Register.com	modestopd.com	Register.com	Information Technology	5230	2019-317	Pcard Purchase	9/22/2019	9/23/2028	$ 455	Calbreath, Phil
Register.com	cityofmodesto.org	Register.com	Information Technology	5230	2019-317	PCard	1/21/2020	1/21/2029	$ 455	Calbreath, Phil
Register.com	ciudaddemodesto.com	Register.com	Information Technology	5230	2019-317	PCard	2/11/2020	2/11/2024	$ 455	Calbreath, Phil
Register.com	modestosistercities.com	Register.com	Information Technology	5230	2019-317	PCard Purchase	5/29/2019	5/28/2028	$ 455	Calbreath, Phil
Register.com	modestogov.com	Register.com	Information Technology	5230	2019-317	Pcard Purchase	8/23/2019	8/22/2023	$ 455	Calbreath, Phil
Register.com	ciudaddemodesto.net	Register.com	Information Technology	5230	219-317	Pcard	2/11/2020	2/11/2024	$ 455	Calbreath, Phil
Register.com	ciudaddemodesto.org	Register.com	Information Technology	5230	2019-317	Pcard	2/11/2020	2/12/2029	$ 455	Calbreath, Phil
Register.com	modestoyouth.org	Register.com	Information Technology	5230	2019-317	PCard	2/25/2020	2/25/2024	$ 455	Calbreath, Phil

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Register.com - businfo.org	businfo.org	Register.com	Information Technology	5230	2019-317	Pcard	5/15/2011	5/14/2023	$ 455	Calbreath, Phil
Register.com - centreplaza.com	centreplaza.com	register.com	Information Technology	5230	2019-317	Pcard	7/18/2011	7/17/2022	$ 455	Calbreath, Phil
Register.com - choosemodesto.com	choosemodesto.com	Register.com	Information Technology	5230	2019-317	PCard	4/12/2011	4/11/2023	$ 455	Calbreath, Phil
Register.com - colormodesto.com	colormodesto.com	Register.com	Information Technology	5230	2019-317	Pcard	5/15/2011	5/14/2023	$ 455	Calbreath, Phil
Register.com - golfmodesto.com	golfmodesto.com	Register.com	Information Technology	5230	2019-317	Pcard	10/24/2012	10/23/2022	$ 455	Calbreath, Phil
Register.com - investinmodesto.com	investinmodesto.com	Register.com	Information Technology	5230	2019-317	PCard	3/10/2012	3/10/2023	$ 455	Calbreath, Phil
Register.com - modairport.com	modairport.com	Register.com	Information Technology	5230	2019-317	Pcard	8/7/2012	8/6/2022	$ 455	Calbreath, Phil
Register.com - modesto.org	modesto.org	Register.com	Information Technology	5230	2019-317	Pcard	9/13/2012	9/12/2022	$ 455	Calbreath, Phil
Register.com - modestoareaexpress.com	modestoareaexpress.com	Register.com	Information Technology	5230	2019-317	Pcard	8/22/2012	8/21/2022	$ 455	Calbreath, Phil
Register.com - modestoca.us	modestoca.us	Register.com	Information Technology	5230	2019-317	Pcard	5/21/2011	5/20/2023	$ 455	Calbreath, Phil
Register.com - modestocalifornia.us	modestocalifornia.us	Register.com	Information Technology	5230	2019-317	Pcard	5/21/2011	5/20/2023	$ 455	Calbreath, Phil
Register.com - modestocares.com	modestocares.com	Register.com	Information Technology	5230	2019-317	Pcard	1/24/2019	1/23/2028	$ 455	Calbreath, Phil
Register.com - Modestoceresfire.org	modestoceresfire.org	Register.com	Information Technology	5230	2019-317	Pcard	9/26/2019	9/25/2028	$ 455	Calbreath, Phil
Register.com - modestocruiseroute.com	modestocruiseroute.com	Register.com	Information Technology	5230	2019-317	PCard	4/19/2011	4/18/2023	$ 455	Calbreath, Phil
Register.com - modestofire.com	modestofire.com	Register.com	Information Technology	5230	2019-317	Pcard	3/25/2012	3/24/2023	$ 455	Calbreath, Phil
Register.com - modestograffiticruiseroute.com	modestograffiticruiseroute.com	Register.com	Information Technology	5230	2019-317	PCard	4/19/2011	4/18/2023	$ 455	Calbreath, Phil
Register.com - modestopolice.com	modestopolice.com	Register.com	Information Technology	5230	2019-317	Pcard	8/17/2011	8/16/2023	$ 455	Calbreath, Phil
Register.com - modestorda.com	modestorda.com	Register.com	Information Technology	5230	2019-317	Pcard	7/29/2011	7/28/2022	$ 455	Calbreath, Phil
Register.com - modestorda.net	modestorda.net	Register.com	Information Technology	5230	2019-317	Pcard	7/29/2011	7/28/2022	$ 455	Calbreath, Phil
Register.com - modestorda.org	modestorda.org	Register.com	Information Technology	5230	2019-317	Pcard	7/29/2011	7/28/2022	$ 455	Calbreath, Phil
Register.com - nvr-recycledwater.com	nvr-recycledwater.com	Register.com	Information Technology	5230	2019-317	PCard	12/1/2011	11/30/2022	$ 455	Calbreath, Phil
Register.com - nvr-recycledwater.org	nvr-recycledwater.org	Register.com	Information Technology	5230	2019-317	PCard	12/1/2011	11/30/2022	$ 455	Calbreath, Phil
Register.com - partnersinpaint.net	partnersinpaint.net	Register.com	Information Technology	5230	2019-317	Pcard	9/25/2011	9/24/2022	$ 455	Calbreath, Phil
Register.com - partnersinpaint.org	partnersinpaint.org	Register.com	Information Technology	5230	2019-317	PCard	5/14/2011	5/13/2023	$ 455	Calbreath, Phil
Register.com - stancrimetips.com	stancrimetips.com	Register.com	Information Technology	5230	2019-317	Pcard	12/3/2013	12/3/2022	$ 455	Calbreath, Phil
Register.com - stancrimetips.org	stancrimetips.org	Register.com	Information Technology	5230	2019-317	PCard	12/4/2013	12/3/2022	$ 455	Calbreath, Phil
Register.com - stancsoc.com	stancsoc.com	Register.com	Information Technology	5230	2019-317	PCard	4/13/2011	4/12/2023	$ 455	Calbreath, Phil
Register.com - strgba.org	strgba.org	Register.com	Information Technology	5230	2019-317	Pcard	5/17/2013	5/16/2023	$ 455	Calbreath, Phil
Register.com - turlockgba.org	turlockgba.org	Register.com	Information Technology	5230	2019-317	PCard	10/20/2011	10/19/2022	$ 455	Calbreath, Phil

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Register.com - usamodesto.com	usamodesto.com	Register.com	Information Technology	5230	2019-317	Pcard	11/1/2011	10/31/2022	$ 455	Calbreath, Phil
Register.com eaststanirwm.org	eaststanirwm.org	Register.com	Information Technology	5230	2019-317	Pcard	7/9/2012	7/8/2022	$ 455	Calbreath, Phil
SANS Security Awareness Training	CityWide SANS Secuirty Training for all staff	SANS	Information Technology	5230			4/14/2023	4/16/2024	$ 7,590	Parker, Trisa
SANS Institute of Advanced Technologies, Inc.	Training - End User and Other	SANS Institute	Information Technology	5230	2019-317	181883	7/1/2020	7/1/2022	$ 6,930	Calbreath, Phil
IVR & IVR Remote Desktop	Phone IVR system used by Finance/Customer Services (Utilities) and CED/Building Safety to allow citizens to phone in and pay utility bill or schedule permit inspections, etc.	Selectron	Information Technology	5230	2019-317	164522	11/1/2021	10/31/2022	$ 26,312	Martin, Jennifer
Discovery Attender	2 licenses for Software tool for Public Records Requests, Subpoena's, and etc.	Sherpa	Information Technology	5230	2019-317	PCard Purchase - Phil	3/4/2021	3/3/2023	$ 1,023	Calbreath, Phil
Manage Engine Password Manager Pro	Manage Engine Password Manager Pro: 10 licenses	SHI	Information Technology	5230	2019-317	180144	5/18/2021	5/17/2023	$ 3,621	Calbreath, Phil
ManageEngine Service Desk	Service Desk Software - Track It Replacement	SHI	Information Technology	5230	New 2019	170547	11/28/2021	11/27/2022	$ 13,327	Corder, Wayne
Commvault	Comcell ID F8D9E	SHI International	Information Technology	5230	2019-317	181143	6/8/2021	6/7/2023	$ 35,425	Marc Avila
Nessus-Tenable	Vulnerability Scanner: 10 licenses	SHI International	Information Technology	5230	2019-317	162468	10/8/2021	10/7/2022	$ 2,387	Calbreath, Phil
Meraki	Mobile Device Management System Full Version	Telcion	Information Technology	5230		165596	9/6/2021	9/5/2022	$ 20,730	Corder, Wayne
Meraki	WiFi license for City Hall Plaza, 1st and 2nd floor	Telcion	Information Technology	5230			3/14/2020	2/13/2023	$ 1,314	Chavez, Larry
Vertex Payroll Tax Q Series	Online resource to download tax files for integration into Oracle HRMS for payroll processing.	Vertex	Information Technology	5230	2019-317	160164	9/1/2021	8/31/2022	$ 13,048	Maniscalco, Calogero
Liebert Uninterruptible Power Supply (UPS)	Liebert Uninteruptable Power Supply (UPS)	Vertiv	Information Technology	5230	2019-317	149956	3/1/2021	2/28/2023	$ 20,632	Harless, Kevin
ServiceDesk Plus	IT Helpdesk Work Order System	Zoho	Information Technology	5230			1/3/2023	1/2/2024	$ 15,400	Wayne Corder
PINS Advantage	Electronic Insurance Certificate Management System	PINS Advantage	Human Resources	5310	209-317	169499	10/27/2017	10/24/2022	$ 9,900	Holt, Derrick
Allison - Bus	Transit Maintenance Software for City Buses	Allison	Public Works	5400			8/29/2021	8/29/2022	$ 770	Barr, David
Allison - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Allison	Public Works	5400			10/1/2021	10/1/2022	$ 770	Barr, David
CAT diagnostic software	Fleet Maintenance Software for Corp Yard & Cop Shop	CAT diagnostic software	Public Works	5400			8/1/2021	8/1/2022	$ 5,610	Barr, David
Cummins - Bus	Transit Maintenance Software for City Buses	Cummins	Public Works	5400			2/21/2022	2/22/2023	$ 3,300	Barr, David
Cummins - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Cummins	Public Works	5400			10/1/2021	10/1/2022	$ 550	Barr, David
Detroit - Bus	Transit Maintenance Software for City Buses	Detroit	Public Works	5400			9/3/2021	9/3/2022	$ 770	Barr, David
Ford - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Ford	Public Works	5400			10/1/2021	10/1/2022	$ 1,870	Barr, David
John Deere - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	John Deere	Public Works	5400			10/1/2021	10/1/2022	$ 5,280	Barr, David
Mack/Volvo - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Mack/Volvo	Public Works	5400			10/1/2021	10/1/2022	$ 3,465	Barr, David
Mitchell 1 Diagnotic - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Mitchell 1 Diagnotic	Public Works	5400			10/28/2021	10/27/2022	$ 2,750	Barr, David
FA Suite Applications	Fleet Work Order System	AssetWorks	Public Works	5409	2019-317	169900	12/1/2021	11/30/2022	$ 41,150	Barr, David
Maintenance Connection CMMS - Public Works	Maintenance Connection - Annual Technical Support, including hosting, software maintenance, technical support, and upgrades, and 2 licenses; approx $4500/yr. MC Express support & maintenance (approx $610/yr).	Accruent	Public Works	5800	2019-317	203454, 209652	7/1/2021	6/30/2023	$ 6,580	Crowley, Patrick
LMC Data - eFax	Electronic fax services	LMC Data Via Consenus	Finance	4100/0100					$ 1,782	Martin, Jennifer

Exhibit A - Software Maintenance for Fiscal Year 2023-24 (Under $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Debt managemetnt	Management of debt and leases citywide	Debt Management	Finance	Various Funds			2/1/2024	2/1/2025	$ 16,500	Garnica, Maria
									$1,666,680	

Exhibit B - Software Maintenance for Fiscal Year 2023-24 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
NeoGov	Electronic Recruitment and Onboarding System including Modules: Perform, Custom Employee Integration, Insight, and Onboard	NeoGov	Human Resources	0100	2022-256	154814	2/15/2023	2/14/2024	$ 92,004	Dawn Kelley
Zoll Fire RMS & ePCR	Modesto Fire Department's Fire Records Management System and Electronic Patient Care Record	Zoll	Fire	0100	2020-277	156679	1/22/2019	7/18/2022	$ 56,483	Andrew Hunter
Officer Safety Plan 7	Officer Safety Plan - Evidence.com licensing 4 year contract - Year 2	Axon Enterprise	Police	0100	2020-538	207362	12/18/2020	5/13/2023	$ 624,363	Valencia, Ivan
Cellebrite Premium	Premum Annual License Renewal and Phone/devices cracking technology; Cell phone digital forensic tool UFED UPC Ultimate X3 & UFED Cloud Ananlyzer and Dongels	Cellebrite	Police	0100	2019-317	195960	2/14/2022	2/13/2023	$ 125,000	Meredith, Bob
CAD System Maintenance	CAD System Maintenance MPD share of 911 Communications Center -billed by Stanislaus County	Central Square Technologies	Police	0100	2019-317	N/A	4/30/2022	4/30/2023	$ 73,500	Smart, Jessica
ESRI - ArcGIS 10.6 (PD)	It is a powerful GIS authoring, editing, and geoprocessing application that allows you to create beautiful maps, edit and manage spatial data, and perform the full spectrum of analyses needed to turn your raw data into valuable information. Annual Licensing for ArcGIS Geo-Event Server (Windows) Up to four cores, 365-day Term License. Year 5 of 5	CyberTech	Police	0100	2019-317	180418	2/14/2022	2/13/2023	$ 57,750	Owen-Durant, Teri
ESRI Enterprise Advantage Program (EEAP)	Annual subscription for techincal assistance and access to training for the geospatial dashboards; ARC GIS	ESRI	Police	0100			3/1/2022	3/1/2023	$ 55,125	Smart, Jessica
Coplink 4.9.1	COPLINK is a mutli-agency data sharing platform. Modesto PD and Stanislaus County Sheriff's Office currently pay 50% each for the system that is housed at MPD. MPD, the Sheriffs's Office, and the PD's of Oakdale, Ceres, and Turlock all have access. From the LENS (modesto) node, any of these agenices can query against any other participating agency for persons, plates, locations, and document numbers. Annual renewal of Proprietary COPLINK Cloud Software licensing and Data Source Integration Maintenance with Forensic Logic.	ForensicLogic	Police	0100	2019-317	182397	4/1/2020	3/31/2023	$ 190,113	Smart, Jessica
Gray Shift - Gray Key	Forensic tool to extract data from Iphones	Gray Shift - Gary Key	Police	0100		228742	5/31/2022	8/5/2023	$ 48,295	Smart, Jessica
Vigilant	Software subscription for Vigilant software for the LPRs, Software license Key Fee for each camera, Commercial Data Fee and Data Source Fee; Additional 2 licences for mobile access to LPR Cameras $2000	Lehr	Police	0100		197918	3/31/2022	3/31/2023	$ 60,165	Smart, Jessica

Exhibit B - Software Maintenance for Fiscal Year 2023-24 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
GeoShield	GeoShield is a data integration and visualization platform, built on top of ESRI ArcGIS. GeoShield provides a map-based dashboard where Calls for Service, Records Management Incidents, Probationers, Police vehicle locations, cameras, and license plate readers are aggregated and displayed on an interactive map. GeoShield also contains full Crime Analysis tools that MPD is looking into replacing CrimeView with.	Spatialitics LLC	Police	0100	2022-063		2/1/2022	2/1/2025	$ 77,175	Smart, Jessica
E-Builder	e-Builder, Inc. Program Management Information System (Enterprise Capital Program license) unlimited licenses	e-Builder, Inc.	Utilities	1300	**2022-275**	**228060**	**7/15/2022**	**7/15/2023**	$ 79,013	**Kambel, Pete**
	LCP Tracker	Labor Compliance Softw	Utilities	1300	2022-166	224573	4/5/2022	4/5/2025	$ 13,577	Jones, Sherrie
Automated Parking System	NowCare Premium Support Agreement Tech support for automated parking system software & hardware	Amano McGann Inc	Public Works	4000	2019-317	173179	4/1/2020	3/31/2023	$ 55,000	Crowley, Patrick
Customer Information System	Naviline utility billing application. Naviline utility billing application includes Naviline Cash Receipts, Navline CIS, Naviline Land Management, Naviline Accounts Receivable, Naviline Mobile Service Orders, Naviline ICIS VR Credit Card interface, Naviline CIS Voice Response Interface, Naviline Document Management Services (DMS), Naviline CIS Work Orders, Fusion maintenance for online bill pay portal for AR and Utility Billing ($6,930)	CentralSquare (Formerly Superion)	Finance	4100 0100	2022-256		7/1/2023	6/30/2024	$ 122,000	Martin, Jennifer

Exhibit B - Software Maintenance for Fiscal Year 2023-24 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
ESRI - Water, Wastewater, Storm Drain	ESRI - GIS for new work order system (Lucity)	**Environmental Systems Research Institute**	Utilities	**4100, 4210**	2018-117	**137817 (AA)**	**3/13/2018**	**3/12/2023**	$ 62,000	**Owen-Durant, Teri**
HSQ - Phone Support	HSQ (SCADA)- CMMS manage and maintain regulatory process data	HSQ	Utilities	4100 4210	2021-325	**206759 (AA)**	11/1/2021	**10/31/2023**	$ 52,272	Reggiani, Nick
Linko Database Program	CROMEER Compliant Software	Linko Technology	Utilities	4210	020-516	194434	**4/1/2023**	**3/31/2024**	**$ 98,681**	Martinez, Jessica
CGI Advantage Performance Budgeting (PB)	Budget Software that is used for department budget entry and generation of the entire operating budget for the City of Modesto. The software is operated as a Software as a Service (SAAS).	CGI	Information Technology	5230	2019-317	176344	4/1/2022	3/31/2023	$ 112,200	Christensen, Stephan
Oracle E-Business Suite (COSMO) 4105695	City-wide ERP application for Finance and HR processes. Support# 4105695	Oracle	Information Technology	5230	2019-317	180213	6/1/2022	5/31/2023	$ 293,257	Christensen, DeAnna
Oracle Database	Support# 2344161	Oracle	Information Technology	5230	2019-317	180219	6/1/2022	5/31/2023	$ 145,666	Dotson, James
Oracle Financials Expansion	True-up based upon the City's Annual Operating Budget	Oracle	Information Technology	5230			4/13/2022	4/12/2023	$ 21,435	Dotson, James

Exhibit B - Software Maintenance for Fiscal Year 2023-24 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
ERP Project Costing	Support# 5163867	Oracle	Information Technology	5230	2019-317	181144	6/2/202	6/1/2023	$ 7,053	Gwarggis, Susan
Oracle Financials #1	Support# 5729309	Oracle	Information Technology	5230	2019-317	164492	11/21/2021	11/20/2022	$ 5,192	Gwarggis, Susan
Oracle Financials #2	Support# 18679065	Oracle	Information Technology	5230	2019-317	165168	8/9/2021	8/8/2022	$ 13,044	Gwarggis, Susan
Oracle Human Resources #1	Support# 5109761	Oracle	Information Technology	5230	2019-317	181147	7/1/2022	6/30/2023	$ 9,334	Gwarggis, Susan
Oracle Human Resources #2	Support# 5896965	Oracle	Information Technology	5230	2019-317	181145	7/1/2022	6/30/2023	$ 8,459	Gwarggis, Susan
Oracle Human Resources #3	Support# 6853126	Oracle	Information Technology	5230	2019-317	161856	8/3/2021	8/2/2022	$ 7,973	Gwarggis, Susan
Oracle Supply Chain Management	Support# 5137117	Oracle	Information Technology	5230	2019-317	181146	7/1/2022	6/30/2023	$ 2,102	Gwarggis, Susan
Oracle Tuning Pack	Support# 5721756	Oracle	Information Technology	5230	2019-317	162446	11/16/2021	11/15/2022	$ 3,124	Gwarggis, Susan
Hyland - OnBase Agenda	Agenda Management System	Hyland	Information Technology	5230	2019-474	165054	11/1/2021	10/31/2022	$ 39,600	Dotson, James
Hyland - SaaS Fees (Video Hosting)	Video Hosting for Agenda Management System	Hyland	Information Technology	5230	2019-474	169915	11/1/2021	10/31/2022	$ 10,692	Dotson, James
CommunityDev TRAKiT Permits	Cloud permit and case-tracking application used by many departments including CED, PW, UPP, etc.	CentralSquare	Community & Economic Dev.	5230			1/1/2022	1/1/2023	$ 235,274	Diaz, Oscar
Carahsoft Technology Corporation (eCivis)	City-wide Grant Management Software solution	Carahsoft Technology Corporation (eCivis)	Finance	5230	2023-014		1/10/2023	1/9/2028	$ 48,059	Christensen, DeAnna

Exhibit B - Software Maintenance for Fiscal Year 2023-24 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
McAfee Virus Scan Suite	Endpoint threat protection:Anti-malware COM/MPD: 1450 Grant Number 11971371-NAI	CDWG	Information Technology	5230	2019-317	180532	5/13/2021	5/12/2023	$ 20,900	Calbreath, Phil
Cisco Maintenance True-up Mid Agreement	Cisco SmartNET & Licensing Maintenance	Cisco	Information Technology	5230			7/1/2022	6/30/2023	$ 110,000	Kevin Harless
Compellent - SAN	SAN in server closet @ TSP	Dell	Information Technology	5230	2019-317	156369	4/20/2022	4/30/2023	$ 54,656	Chavez, Larry
Server M1000 Maintenance	Hardware Maintence support for Dell M1000 server platform	Dell	Information Technology	5230			6/1/2020	5/31/2023	$ 57,750	Harless, Kevin
Kovarus/Dell	Annual Maintenance for VXRail, SAN, comm.	Dell/Kovarus	Information Technology	5230			8/1/2021	7/31/2026	$ 275,000	Harless, Kevin
NEC 9300 SW	City Phone System	DTC	Information Technology	5230		150135	12/11/2018	12/28/2023	$ 46,825	Villaire, Doug
VMWare	Virtual Server Software	Kovarus	Information Technology	5230	2019-317	15439	3/27/2022	3/26/2023	$ 55,000	Harless, Kevin
Microsoft Enterprise Agreement	Microsoft 365, Windows	Microsoft	Information Technology	5230			5/1/2020	4/30/2023	$ 687,500	Harless, Kevin
Barracuda ArcTitan Message Archiver	Appliance that stores an archive of Exchange data: Model 650 Cloud Serial Number BAR-MA-585697	SHI	Information Technology	5230	2019-317	175358	2/17/2022	2/18/2023	$ 60,500	Calbreath, Phil
Siteimprove	Website quality assurance and ADA (American Diasabilities Act) compliance	Siteimprove	Information Technology	5230	2019-317	148308	12/5/2021	12/4/2024	$ 28,188	Parker, Trisa
Linux (Red Hat)	Red Hat Linux Licensing for Oracle EBS	Solid Networks	Information Technology	5230		114592	5/17/2017	5/16/2023	$ 33,000	Harless, Kevin
Cisco SmartNet	Licensing, support and maintence for enterprise communication equipment	Telcion	Information Technology	5230			9/14/2021	9/13/2024	$ 205,334	Harless, Kevin
Wordly	Council Interpreation System	Wordly	Information Technology	5230			8/1/2022	7/31/2023	$ 49,500	Kevin Harless
Payflow Pro	Paypal/Braintree Payment gateway for online payments for Parking Citations and payment gateway for IVR phone payments for Utility Billing.	PayPal	Finance	0100 4100	2022-256		7/1/2023	6/30/2024	$ 180,000	Martin, Jennifer
									$ 4,769,133	

$ -

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-254

RESOLUTION AFFIRMING THE CITY'S IN-KIND SPONSORSHIPS IDENTIFIED IN ADMINISTRATIVE DIRECTIVE 3.6 AND APPROVING COMMUNITY AND SPECIAL EVENT SPONSORSHIPS AND DIRECT CONTRIBUTIONS TO THE KING-KENNEDY MEMORIAL CENTER BOARD OF DIRECTORS (INCREASE), NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE MODESTO/STANISLAUS BRANCH, THE HOT WHEELS FOUNDATION OF MODESTO, CA, WEST MODESTO COMMUNITY COLLABORATIVE, DOWNTOWN MODESTO PARTNERSHIP, THE MIRACLE LEAGUE OF STANISLAUS COUNTY, AND VETERANS IN COMMUNITY ADVOCACY

WHEREAS, community and special events provide community and economic benefits to Modesto; and

WHEREAS, each year the City receives more requests for in-kind and direct contribution sponsorships; and

WHEREAS, the City implemented Administrative Directive Policy Number 3.6 for Community and Special Event Sponsorships for the application of new and one-time City sponsorships; and

WHEREAS, sponsorship criteria require events to have a social, educational, economic, or recreational benefit to the community; cannot be religious or political in nature or seek to support or oppose any religious or political viewpoints; and are held at a City-owned building, property or street(s); and

WHEREAS, **Exhibit A** of Administrative Directive Policy Number 3.6 has been updated to include new Community and Special Events sponsorships; and

WHEREAS, new requests for direct contributions over $500 require City Council approval; and

WHEREAS, staff recommends increasing its direct contribution to the King-Kennedy Memorial Center Board of Directors from $4,000 to $6,000; and

WHEREAS, six new applications for direct contributions have been received from:

1. $5,000 National Association for the Advancement of Colored People – Modesto/Stanislaus Branch (Freedom Fund Banquet and Community Services Awards)
2. $500 The Hot Wheels Foundation of Modesto, CA (2nd Annual Basketball Tour)
3. $,2500 West Modesto Community Collaborative (2024 Crab Feed Fundraiser)
4. $2,500 Downtown Modesto Partnership – Downtown Modesto Walls (2024 Mural Festival)
5. $3,000 The Miracle League of Stanislaus County
6. $2,500 Veterans in Community Advocacy (Dia de los Muertos/Day of the Dead Festival

WHEREAS, the direct contributions for each were presented to the Finance Committee at the Fiscal Year 2023-2024 Budget Workshop held on April 19, 2023, and

WHEREAS, General Fund funding for each direct contribution is budgeted in various Fiscal Year 2023-2024 operating budgets in Parks, Recreation and Neighborhoods ($18,500), Public Works ($1,000) and City Manager's Office ($1,000).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms the City's in-kind sponsorships identified in Administrative Directive Policy Number 3.6.

BE IT FURTHER RESOLVED that it approves and increase in the direct contribution to the King-Kennedy Memorial Center Board of Directors from $4,000 to $6,000.

BE IT FURTHER RESOLVED that it hereby approves City sponsorship and direct contributions to the following:

1. $5,000 National Association for the Advancement of Colored People – Modesto/Stanislaus Branch (Freedom Fund Banquet and Community Services Awards)
2. $500 The Hot Wheels Foundation of Modesto, CA (2nd Annual Basketball Tour)
3. $2500 West Modesto Community Collaborative (2024 Crab Feed Fundraiser)
4. $2500 Downtown Modesto Partnership - Downtown Modesto Walls (2024 Mural Festival)
5. $3000 The Miracle League of Stanislaus County
6. $2500 Veterans in Community Advocacy (Dia de los Muertos/Day of the Dead Festival

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit "A"
City of Modesto
Approved Annual* In-Kind & Direct Financial Contribution Sponsorships

IN-KIND SPONSORSHIPS

Event/Organization	Sponsoring Department	Description
American Graffiti Festival Parade/Cruise - North Modesto Kiwanis	MPD PW PW	Staffing; MPD Services / Application Fees, Street Services Equipment; Service Fees
Annual MLK Basketball Tour - Hot Wheels Foundation	PRND	Park Rental
Annual MLK Unity March - Silver Squares Lodge #66	PRND MPD MFD	Park/Trail Rental MPD Staff/Application Fees Tent/Propane Fees/Inspections
Asian Youth & Family Cultural Fair Day -Stanislaus Asian American Community Resources	PRND MPD	Park Rental MPD Application Fees
CDA Cares Modesto - California Dental Association	PW	Parking (MCP)
Cinco de Mayo Parade - South Modesto United Business	MPD	MPD Application Fees, Staff & Service Fees
Concerts in the Park (6) - MoBand	MPD PRND	Park/Bowl Rental / Staff Services MPD Application Fees
Dia de Los Muertos - Veterans in Community Advocacy	TSP JPA MPD	Plaza & Equipment Rental MPD Application Fees
Gala at Graceada -CANA	PRND MPD	Park and Equipment Rental MPD Application Fees
Graffiti Park & Shine - Mid Valley Chevy Club)	PW MPD	Parking MPD Application Fees
Haunted Mansion - Stanislaus Boys & Girls Clubs	PRND	Museum Rental
July 4th Parade, Park Picnic, & Festival - North Modesto Kiwanis Club	TSP JPA PW MPD PRND	Plaza Rental Street Services Outside Services/Application Fees Park Rental; Equipment; Staffing
Legends of the Cruise Walk of Fame – Modesto USA	TSP JPA PW MPD	Plaza Rental Equipment; Service Fee MPD Application Fees
Love Modesto	PW	Parking
Modesto Peace Officers Association Memorial Run - MPOA	PW MPD PRND	Service Fees MPD Application Fees Park Rental
Modesto Sister Cities	PRND	Facility Rental
Music in the Plaza (21 Fridays) - JPA	TSP JPA MPD PRND	Plaza Rental; Equipment Rental MPD Application Fees Equipment Rental
Rec Fest – Spring & Fall - Tuolumne River Trust	PRND	Park and Equipment Rental
Rockin' Holidays	TSP JPA PW PRND	Plaza and Equipment Rental Parking Equipment Rental
Shadow Chase Memorial Classic - Shadow Chase Running Club	PRND MPD	Park Rental MPD Application Fees
Star Wars Days - ModestoView	TSP JPA MPD	Plaza and Equipment Rental MPD Application Fees
Veteran's Day Parade	MPD MFD PW PRND	Staffing / Application Fees MFD Application Fees Service Fees Mancini Bowl Rental
Youth Sports Organizations	PRND	Facility Rental

Exhibit "A"
City of Modesto
Approved Annual* In-Kind & Direct Financial Contribution Sponsorships

Direct Financial Contributions

Organization	Sponsoring Department	Direct Contribution
King Kennedy Board of Directors	PRND	$6,000
MLK Peace Life	PRND	$3,500
Stanislaus Partners in Education	CMO MPD	$2,500 $150
Downtown Modesto Partnership – DOMO First Fridays	PRN	$250
Downtown Modesto Partnership – DOMO Walls	PRND	$2,500
Dia de Las Muertos	PRND	$2,500
NAACP – Stanislaus Branch	PRND	$5,000
Hot Wheels Foundation	PRND	$500
West Modesto Community Collaborative	PRND	$5,000

*Fiscal Year

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-255

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEASE AGREEMENTS WITH DEL RIO CC FOUNDATION (FIRST TEE – CENTRAL VALLEY) FOR LEASE OF PROPERTY LOCATED ON ROSELAWN AVENUE (APNS 037-036-007 AND 037-051-001) FOR OPERATION OF FIRST TEE YOUTH PROGRAMMING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City owns real property, APN 037-036-007 and APN 037-051-001 on Roselawn Avenue adjacent to the Dryden Golf Course (Dryden), and

WHEREAS, the City worked with the Boys and Girls Clubs of Stanislaus County (BG Club) and Del Rio CC Foundation, also known as First Tee – Central Valley (First Tee) to relocate both organization's youth programming operations to the real property site (Property); and

WHEREAS, both organizations share a mission to impact the lives of young people by providing educational programs that enable young people to reach their full potential as productive, caring and responsible adults; and

WHEREAS, on January 27, 2022, both organizations entered into a Memorandum of Understanding to form a partnership to relocate operations to the Property; and

WHEREAS, both organizations worked with the City on a three-phased development plan for the site:

Phase I — Relocation of BG Clubs' modular building to the site, grading, drainage, pedestrian access, utility connections and landscaping.

Phase II — BG Clubs' installation of a multi-purpose turf sports field, mini basketball court, and playground area.

Phase II First Tee's installation of a putting green, chipping green, sand trap, and three-hole golf course and practice area.

WHEREAS, by Resolution No. 2022-209, Council approved independent ten-year lease agreements with each organization ("Lease Agreement"); and

WHEREAS, First Tee is moving forward with Phase III and desires to amend the Lease Agreement to clarify its rights and obligations related to water use and irrigation on the lease premises; and

WHEREAS, the Lease Agreement shall be amended to:

1) Permit First Tee to connect to the City's well for irrigation of its landscaping and the greens; and
2) Require First Tee to install and isolation valve from the Dryden Golf Course system, submit an irrigation plan to the City for approval, and provide a water schedule compatible with the Dryden Golf Course System prior to any watering.

WHEREAS, First Tee shall be responsible for any and all work and labor costs associate with the water connection and well tie-in.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Lease Agreement with Del Rio CC Foundation, for operation of First Tee youth programming at APN 037-036-007 and 037-051-001.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First Amendment to the Lease Agreement, approved as to form by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-256

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH BROWN & CALDWELL, OF RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT IN THE AMOUNT OF $101,218, FOR AN AGREEMENT TOTAL NOT TO EXCEED $277,601; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on May 10, 2022, per Resolution No. 2022-222, Council approved an agreement with Brown & Caldwell for Design and Construction Support Services for the Grayson Well 69 (Replacing Well 274) Project, in an amount not to exceed $160,348, and $16,035 in additional services at the City Manager's discretion, and

WHEREAS, the project has experienced delays and changes that will affect the completion date, and

WHEREAS, staff is recommending a first amendment to the agreement with Brown & Caldwell, in the amount of $101,218, to cover the additional construction management and inspection services required to complete the project, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.2504(a) Exceptions to Formal Bidding Requirements, this amendment to the agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Brown & Caldwell, for Design and Construction Support Services in an amount not to exceed $101,218 for the identified scope of services, for a revised maximum total amount of $277,601.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-257

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT FROM 10% ($268,380) TO 15% ($402,570) OF THE ORIGINAL CONSTRUCTION CONTRACT AMOUNT OF $2,683,800 WITH W.M. LYLES CO., OF FRESNO, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for construction contracts of this dollar value, and

WHEREAS, given the nature of this project being located at a critical facility, as well as do to the construction constrains and unknown conditions of underlying materials, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($214,704) of the contract amount of $2,683,800, and

WHEREAS, on December 7, 2021, by Resolution No. 2021-474, Council authorized an increase in the Director's Authority to Issue Change Orders to 10% ($268,380) of the contract amount of $2,683,800, and

WHEREAS, the project has experienced delays and changes that will affect the completion date, and

WHEREAS, Staff is requesting an increase in the Director's Authority to Issue Change Orders to 15% ($402,570).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Utilities authority to issue change orders for the Grayson Well 69 (Replacing Well 274) Project from 10% ($268,380) to

15% ($402,570) of the construction contract price of $2,683,800 with W.M. Lyles Co., of Fresno, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-258

RESOLUTION AMENDING THE FISCAL YEAR 2022/23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $435,408 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $435,408, in order to fund the Grayson Well 69 (Replacing Well 274) Project, and

WHEREAS, the Fiscal Year 2022/23 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022/23 Capital Improvement Program Budget in the amount of $435,408.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-259

RESOLUTION AWARDING A PROGRESSIVE DESIGN-BUILD AGREEMENT WITH TELSTAR INSTRUMENTS, INC. CONCORD, CA FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM REPLACEMENT PROJECT IN THE AMOUNT OF $2,679,574 PLUS $267,957 IN CONTINGENCY, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $2,947,531 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 2015, the City solicited requests for proposals (RFPs) for Consultant Services to conduct a Supervisory Control and Data Acquisition (SCADA), System audit and staff recommended retaining EMA, who was the most qualified consultant, per Administrative Directive 3.1, and

WHEREAS, in 2016, by Resolution No. 2016-236, Council approved an agreement with EMA who conducted a City-wide SCADA System audit to independently review the existing SCADA system that concluded the City would have to migrate to another system to achieve the performance requirements for a functional, modern, secured, and reliable SCADA system, and

WHEREAS, in 2017, Council was informed about the SCADA System Audit issues and the need for developing a Master Plan for the SCADA System Upgrade, and

WHEREAS, in 2017, EMA Consulting Services was approved by Resolution No. 2017-429 for developing, the Master Plan for the SCADA System Upgrade, and

WHEREAS, Section 1307 of the City's Charter requires that public works projects involving an expenditure of City funds in excess of an amount established by an ordinance of the Council competitively bid. Under the Modesto Municipal Code (MMC), all public works projects in excess of $50,000 are competitively bid, unless the Council approves an exception for a particular project by ordinance, and

WHEREAS, in 2019, the City Ordinance amended Section 8-3.102(aa) of Article 1, of Chapter 3 of Title 8 of the MMC to authorize the use of Design-Build (D-B) procurement for the SCADA System Replacement Project in accordance with the requirements of Public Contract Code section 22160 *et seq*., and

WHEREAS, D-B is a method of contracting whereby a single entity is hired to both design and construct a project; and

WHEREAS, in 2020, by Resolution 2020-414, Council approved an agreement with Carollo Engineers, Inc for Design-Build Owner Advisor Services for the SCADA System Replacement Project and helped develop the D-B Request for Proposal (RFP), and

WHEREAS, staff recommends pursuing a D-B approach that expedites the design and construction process through implementation of a single D-B entity, and

WHEREAS, the D-B method minimizes risk with delivery of project, project schedule, procurement of bid items, decreased disputes, and improve communication, and

WHEREAS, in 2021, the City issued a D-B RFP via the Planet Bids website and received two RFPs, and

WHEREAS, in 2021, a committee consisting of City of Modesto Utilities Staff reviewed, scored, and ranked the two firms, and deemed TelStar Instruments, Inc (Concord, CA) and ArcSine Engineering (Redding, CA) the most qualified to provide Progressive Design-Build Services for the SCADA System Replacement Project, and

WHEREAS, the scope-of-work for the SCADA Project will be completed in two distinct phases under a single Progressive D-B Agreement between the City and D-B Team, and

WHEREAS, the TelStar Instruments will carry out the Pre-Construction (Phase I) of the agreement that entails design development and prepare & negotiate a commercial proposal for the Construction Phase Services for the new SCADA System Replacement Project that includes a Guaranteed Maximum Price (GMP), and

WHEREAS, the Pre-Construction (Phase I) of the SCADA System Replacement Project costs will be equally shared between the water fund and wastewater fund, and

WHEREAS, the City Council's approval of the GMP is required before the Construction Phase (Phase II) of the project may begin; and

WHEREAS, in accordance with Modesto Municipal Code (MMC) 8-3.102(aa) of Article 1, of Chapter 3 of Title 8 of the MMC authorizes the use of Design-Build procurement for the SCADA System Replacement Project, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow the formal bid procedures, and

WHEREAS, an Award of Proposal and Agreement for Progressive Design-Build Services for the Utilities Department with TelStar Instruments, Inc., of Concord, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and TelStar Instruments, Inc. was the highest ranked proposal based on the evaluation criteria, and

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Telstar Instruments, Inc of Concord, CA in the amount of $2,679,574, plus $267,957 in additional services (if needed), for a total amount

not to exceed $2,947,531 for the Design-Build Agreement for SCADA System Replacement Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-260

RESOLUTION APPROVING AN AGREEMENT WITH EMA, INC., TUCSON, AZ FOR TECHNICAL ADVISOR SERVICES IN THE AMOUNT OF $369,694 PLUS $36,969 IN CONTINGENCY, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $406,663 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City uses a Supervisory Control and Data Acquisition (SCADA) System to operate over 200 water, wastewater, and storm drain facilities, and

WHEREAS, on June 7, 2016, by Resolution No. 2016-236, Council approved an Agreement with EMA, Inc. (EMA), to conduct a SCADA Upgrade Study, which was intended to independently review the existing SCADA system and recommend if the City should continue with the HSQ system or migrate to another SCADA system, and

WHEREAS, the study concluded it is necessary for the City to migrate to another system to achieve the performance requirements of a functional, modern, and reliable SCADA system, and

WHEREAS, on November 8, 2017, by Resolution No. 2017-429, Council approved an Agreement with EMA for consultant services for the planning of the SCADA System Replacement for Water and Wastewater Utility Operations, and

WHEREAS, due to staffing and lack of in-house expertise of SCADA projects, as well as the size and complexity of the project, construction and engineering support during construction will be needed, and

WHEREAS, staff recommends approving the Agreement with EMA for technical support services during pre-construction and construction for the SCADA System Replacement Project, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with EMA, Inc., in the amount of $369,694, plus $36,969 in additional services (if needed), for a total amount not to exceed $406,663 for the SCADA System Replacement Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-261

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $6,453,441 TO BE TRANSFERRED INTO THE PROJECT FROM WATER AND WASTEWATER RESERVES TO FUND PHASE 1 OF THE PROGRESSIVE DESIGN-BUILD AGREEMENT FOR THE SCADA SYSTEM REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $6,453,441, in order to fund the Supervisory Control and Data Acquisition (SCADA) System Replacement Project, and

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022-23 Capital Improvement Program Budget in the amount of $6,453,441.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-262

RESOLUTION APPROVING A SOLE SOURCE AGREEMENT WITH WESTLAKE CORPORATION, HOUSTON, TX, FOR THE PROCUREMENT OF ACCU-TAB CHLORINATION TABLETS AND SYSTEMS, AND RELATED EQUIPMENT FOR AN ESTIMATED ANNUAL AMOUNT OF $125,000, AND A TOTAL NOT TO EXCEED $650,000 OVER FIVE (5) YEARS, AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE THE ABILITY TO ADD PARTS BASED ON THE DEPARTMENT'S NEEDS, ENSURING THE TOTAL AMOUNT DOES NOT EXCEED THE AUTHORIZED TOTAL, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Water Services Division, uses chlorine tablets and systems to treat various water well sites. Chlorination tablets and system services are necessary to ensure the water quality supply for the City's service areas and to meet all compliance requirements set forth by the California State Water Resources Control Board, which requires well water to be chlorinated, and

WHEREAS, on October 23, 2012, by Council Resolution 2012-423, Council authorized the award of sole source procurement for the purchase and delivery of Accu-Tab Calcium Hypochlorite tablets, PowerPro Chlorination Systems and related equipment to Pittsburgh Plate Glass Industries ("PPG"), and in January 2013, PPG merged with Georgia Gulf Corporation to become Axiall Corporation ("Axiall"); however, all other terms and conditions of the agreement remained the same, and

WHEREAS, on June 6, 2017, by Council Resolution 2017-212, Council authorized the award of sole source procurement for the purchase and delivery of Accu-Tab Calcium Hypochlorite tablets, PowerPro Chlorination Systems and related equipment to Axiall, and in September 2022, Axiall merged with Westlake Corporation ("Westlake"), Houston, TX, and

WHEREAS, the Accu-Tab chlorination systems are in place at approximately 30 domestic water well sites throughout the City and its outlying systems, and the use of any other tablets in an Accu-Tab feeder will void the warranty from Westlake, void the National Sanitation Foundation (NSF) certification issued to this system, and may also cause inadequate or over-chlorination due to variation in the dilution rate, and

WHEREAS, staff recommends establishing a new agreement with Westlake for the sole source procurement of Accu-Tab Calcium Hypochlorite tablets, PowerPro Chlorination Systems and related equipment, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases more than fifty thousand dollars to follow formal bidding procedures. However, MMC Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, Westlake is the original manufacturer for the Accu-Tab Calcium-Hypochlorite tablets, PowerPro Chlorination Systems, and related equipment, staff recommends that Westlake should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the a sole source agreement with Westlake Corporation, Houston, TX, for the procurement of Accu-Tab Chlorination Tablets and Systems, and related equipment for an estimated annual amount of $125,000, and a total not to exceed $650,000 over five (5) years, authorizing the Director of Finance or her designee the

ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-263

RESOLUTION APPROVING RENAMING MODESTO'S WATER QUALITY CONTROL FACILITIES TO THE CITY OF MODESTO REGIONAL WATER RECYCLING FACILITY SUTTER CAMPUS AND THE CITY OF MODESTO REGIONAL WATER RECYCLING FACILITY JENNINGS CAMPUS

WHEREAS, the City of Modesto owns and operates two wastewater treatment facilities: one on Sutter Avenue and one on Jennings Road. Modesto's wastewater is treated to meet the stringent Federal and State regulatory requirements for recycled water. An average of 20 million gallons of Modesto's wastewater is treated per day at the Sutter facility (Sutter). Of those, nearly 15 million gallons are further treated at the Jennings facility (Jennings) to tertiary (recycled water) levels, while the remaining wastewater is treated and stored at Jennings for irrigation of the Jennings Ranch; and

WHEREAS, in 1956, the wastewater treatment facility located on Sutter Avenue was referred to as "City of Modesto Sewage Treatment Plant"; and

WHEREAS, on April 1, 1970, it was dedicated as "Modesto's Water Quality Control Facility"; and

WHEREAS, in 1969, the City purchased property along the San Joaquin River and began developing what is now the second largest pond system in the US. This newer system is often referred to as the "Jennings Secondary Treatment Facility"; and

WHEREAS, over the years, both the Sutter and Jennings facilities have been referenced by various names in Resolutions and many other written documents and plans; and

WHEREAS, renaming the facilities to the "City of Modesto's Regional Water Recycling Facility" reflects their actual operational function; and

WHEREAS, the official name for each facility is recommended as follows:

City of Modesto Regional Water Recycling Facility Sutter Campus

City of Modesto Regional Water Recycling Facility Jennings Campus; and

WHEREAS, the cost for the new signage for Sutter is estimated at $14,000 and is already included in the new entrance project for the Sutter Campus in the Capital Improvement Program budget account 100372 - Sutter Plant Parking Lot/Security, and the cost for new signage for Jennings is estimated at approximately $3,000 and is budgeted in the Sewer Operations fund in FY 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renaming Modesto's Water Quality Control Facilities to the City of Modesto Regional Water Recycling Facility Sutter Campus and the City of Modesto Regional Water Recycling Facility Jennings Campus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-264

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL (FORMERLY NATIONAL JOINT POWERS ALLIANCE), WITH RAPIDVIEW, LLC, ROCHESTER, IN, UNDER THE AUTHORIZED DEALER JACK DOHENY COMPANY, NORTHVILLE, MI FOR A CLOSED-CIRCUIT TELEVISION (CCTV) CAMERA AND TRANSPORTER FOR A TOTAL AMOUNT NOT TO EXCEED $88,161; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, in March 2007, the consultant group, HDR, completed a "Waste Discharge Requirements Gap Analysis" for the City of Modesto with recommendations on maintaining compliance; and

WHEREAS, the WDR Gap Analysis recommended the purchase of an additional CCTV inspection unit (van); and

WHEREAS, on February 08, 2022, by Resolution No. 2022-087, the City Council approved the purchase of an additional CCTV Van from Jack Doheny Co., Northville, MI for a total cost not to exceed $264,154; and

WHEREAS, the CCTV Van was purchased as a complete operating unit, but the included camera and transporter are designed for use in smaller diameter pipelines; and

WHEREAS, in order to fully utilize the additional CCTV van, an additional camera and transporter capable of inspecting larger diameter pipelines, is necessary; and

WHEREAS, on April 05, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for a CCTV camera and transporter; and

WHEREAS, on October 19, 2021 Sourcewell issued Request for Proposal (RFP) #120721 for Underground Infrastructure Inspection and Rehabilitation Equipment and Related Services; and

WHEREAS, thirteen (13) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, four (4) contracts were awarded for this commodity which includes the CCTV Camera and Transporter; and

WHEREAS, based on the responsive and responsible proposal, City Staff recommends the award for purchase of CCTV Camera and Transporter to Jack Doheny Company, Northville, MI for an amount not to exceed $88,161; and

WHEREAS, Modesto Municipal Code 8-3.204(d) states "Where Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing Sourcewell the City is complying with the requirements defined under this code for the purchase of the CCTV Camera and Transporter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bid Process from Sourcewell (formerly National Joint Powers Alliance), with RapidView, LLC, Rochester, IN, under the authorized dealer Jack Doheny Company Northville, MI, for a Closed-Circuit Television (CCTV) Camera and Transporter for a total amount not to exceed $88,161.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-265

RESOLUTION APPROVING THE SALE OF ASSET # 20155-00, JWC COMPACTOR WITH AUGER AND GRINDER, TO THE CITY OF MANTECA FOR $6,500

WHEREAS, the City of Modesto Wastewater Division would like to sell Asset # 20155-00, to the City of Manteca, as they currently use the same make and model. Therefore, the City of Manteca can utilize the old asset as well as the remaining outdated mechanical seals that go with it; and

WHEREAS, Modesto Municipal Code Section 8-3.501(c) states that the Purchasing Manager, when designated by the City Manager, may also transfer any surplus personal property to another governmental agency or to a quasi-public agency by negotiated sale, exchange, loan, or gift; provided that gifts hereunder to any agency shall not exceed an aggregate value of five thousand dollars ($5,000.00) annually. "Quasi-public agency," as used in this subsection, means a tax-exempt nonprofit corporation which is currently engaged in a public project financed in whole or in part by public funds pursuant to contract or grant agreement with a governmental agency, whose assets, upon dissolution, will not be distributable to or for any private person or purpose; and

WHEREAS, Finance advised that the determination of a 'fair market value' would be a matter for the expert and/or experienced personnel associated with the item being valued. A fair price of $6,500 was set for the equipment based on its condition, age, and other factors. By selling through a traditional sales process rather than relying on the unpredictability of an auction, helps to ensure that the City gets a fair price for their equipment; and

WHEREAS, revenue received from the sale of this asset will be deposited into the Sewer Operations Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sale of Asset # 20155-00, JWC Compactor with Auger and Grinder, to the City of Manteca for $6,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-266

RESOLUTION APPROVING THE ADOPTION OF THE FISCAL YEAR 2023-24 ANNUAL AND MULTI-YEAR OPERATING BUDGETS AND THE 2023-24 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF MODESTO AND THE RELATED INTER-FUND TRANSFERS

WHEREAS, pursuant to the Charter of the City of Modesto, the City Manager presented the preliminary Draft Operating Budget and Capital Improvement Program for Fiscal Year 2023-24 to the Finance Committee at workshops held on April 17, April 18, and April 19, 2023, and

WHEREAS, the Finance Committee reviewed the preliminary Draft Operating and Multi-Year Operating Budgets and the Capital Improvement Program in a series of televised public workshops on April 17, April 18, and April 19, 2023, and at a joint Planning Commission/Finance Committee meeting held on May 15, 2023, and

WHEREAS, the Finance Committee recommended the City Manager's preliminary Draft Operating and Multi-Year Budgets to the full City Council for consideration, and

WHEREAS, the Finance Committee recommended the proposed Capital Improvement Program budget to the full City Council for consideration, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was scheduled on June 6, 2023, during which the City Council considered the recommendations of the Finance Committee relating to the preliminary Draft Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, prior to any discussion of the CIP budgets and prior to the final adoption, the City Council by separate motion considered each CIP project that could be

the source of a potential conflict of interest to one or more members of the City Council without the participation of those members, and

WHEREAS, the adoption of the Final Proposed Budget for FY 2023-24 includes the proposed Operating Budget, Multi-Year operating budget, Capital Improvement Program budget, approved adjustments, proposed Fiscal Year 2023-24 Measure H Spending Plan, approved addendums, transfers in and out, adoption of budget controls and financial policies, and

WHEREAS, the effective date of the adopted budget for FY 2023-24 shall be July 1, 2023, and

WHEREAS, copies of the Final Proposed Operating and Multi-year budgets and the Capital Improvement Program 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 that it hereby approves the adoption of the Final Proposed Operating Budget, Multi-Year Budget, and Capital Improvement Program Budget for Fiscal Year 2023-24 inclusive of the Mayor's Final Budget Modifications, Fiscal Year 2023-24 Measure H Spending Plan, adjustments, and addendums to be in effect July 1, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-267

RESOLUTION APPROVING THE BUDGET PRINCIPLES, POLICY ON GENERAL FUND UNASSIGNED CARRYOVER RESERVES, AND THE OPERATING BUDGET POLICY AS OUTLINED IN THE FISCAL YEAR 2023-24 FINAL PROPOSED BUDGET

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program and Budget Principles, and

WHEREAS, in the development of the FY 2023-24 Operating Budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget, Policy on the General Fund Unassigned Carryover Reserves, Budget Principles, and Operating Budget Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Proposed Budget, the Budget Principles, and Operating Budget Policy as shown in **Attachment 4** and **Exhibit 3**, which are incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget
A structurally balance budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2. Use of One-Time Resources
Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions
New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves
All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the Emergency Reserve amount, is currently $18.4 million and shall be maintained. Any use of the General Fund Emergency Reserves will require a majority vote of the Council.

5. Debt Issuance
Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation
Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects
Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8. Fees and Charges
The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants

Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan

The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement

All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

CITY OF MODESTO
OPERATING BUDGET POLICY

INTRODUCTION

The purpose of this policy is to identify roles, responsibilities, and actions related to the preparation and monitoring of the City of Modesto's annual operating budget. The operating budget is adopted annually at the fund level by the City Council. The budget provides a detailed estimate of how much the City needs to spend in its fiscal year to meet its ongoing financial obligations and provide programs and services.

RESPONSIBILITIES

Per the City Charter (Section 1302.1 through 1304), each year:

The City Manager shall, on or before December 15 of each year, submit to the Mayor and to the Council a five (5) year economic forecast of expenditures and revenues for each City Department.

On or before January 10, the members of the Council may submit individual written budget priorities to the Mayor for consideration. The Mayor shall, after consideration of any received written budget priorities, prepare and deliver to the Council the Mayor's Proposed Budget Priorities and Direction for both the City's Capital Budget and for the City's Operating Budget.

The Mayor shall, on or before February 15 of each year prepare and deliver to the Council the Mayor's Budget Message which shall include:

a) A statement of the fiscal priorities which the City should adopt for the ensuing fiscal year; and
b) Which City services, departments, offices or agencies the Mayor proposes to be expanded or reduced.

The Council shall hold a public hearing to consider the Final Mayor's Budget Message and to make any additions or revisions the Council deems advisable. Upon closing of the public hearing, the Council shall approve the Mayor's Budget Message as presented, or as revised.

The City Manager shall, on or before March 15 of each year, prepare and deliver to the Mayor and Council, a Capital and Operating Mid-Year Budget Report for each department, office, or agency.

By April 30 of each year, the City Manager shall send to Council a draft budget consisting of a careful estimate of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards, and commissions of the City, over which the City Manager has control during the next ensuing year. The City Manager shall also include in the draft budget an estimate of the amount of income/revenues that are to be included as part of the

draft budget. The draft budget shall accurately reflect the recommendations and priorities specified in the Final Mayor's Budget Message as adopted by the Council.

At least forty-five (45) days prior to the new fiscal year, the Mayor shall prepare and deliver to the Council the Mayor's Final Budget Modifications of the draft budget as submitted by the City Manager. Following the receipt of the Mayor's Final Budget Modifications, the Council shall consider and review the draft budget as submitted by the City Manager together with the Mayor's Final Budget Modifications and make such revisions as the Council may deem advisable. The resulting document shall be deemed the "Proposed Budget."

After the creation of the "Proposed Budget" document, the Council shall determine the time for the holding of a public hearing upon the "Proposed Budget" and a notice shall be posted not less than ten (10) days prior to said hearing. This public hearing will be used by the Council to allow for interested persons desiring to be heard an opportunity to speak upon the "Proposed Budget."

At the conclusion of the public hearing, the Council shall further consider the "Proposed Budget" and make any revisions that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Any revisions may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law or for debt service provided that no budget revision to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

The Mayor is responsible for preparing and delivering to the City Council the Mayor's Proposed Budget Priorities and Direction for capital and operating budgets, the Mayor's budget message, and final budget modifications.

The City Manager is responsible for preparing and delivering to the Mayor and Council a five-year forecast of expenditures and revenues, mid-year budget reports, and a draft budget.

The City Council is responsible for reviewing the proposed budget, holding a public hearing, revising the draft budget as needed, and approving the budget.

Under the Modesto Municipal Code (MMC) 2-3.401, the Budget Division is responsible for annually preparing and submitting to the City Manager a proposed preliminary budget prior to the beginning of the next succeeding fiscal year, and to ensuring monies are available and appropriated.

POLICY

<u>Budget Development</u>

1. It is the policy of the City of Modesto to prepare an annual budget using the accounting basis that is in conformance with generally accepted accounting principles (GAAP). To prepare the organization's budget, the Budget Manager shall gather proposed budget information from all Department directors (and others with budgetary responsibilities).
2. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years. All requests for additional personnel shall include a narrative explaining the need for an increase in staff potential duties for the new

employee and expected salary. All requests for capital shall include a narrative explaining the reason for the need of the respective item.

3. After appropriate revisions and a compilation of all department budgets a draft of the organization-wide budget is prepared by the Budget Manager. The appropriated budget is prepared by:
   - Fund (e.g. General Fund)
   - Department (e.g. Police).
   - Division (e.g. Field Operations)
   - Revenue/Expense Account (e.g. Sales and Use Tax/Office Supplies)
4. The draft of the organization-wide budget, individual departments' budgets as well as the narratives, and multi-year project budgets are presented to the City Manager for discussion, revision, and initial approval. Each individual capital request is evaluated to determine whether the capital item is needed to clear a safety issue a legal requirement or to improve customer service. This process is separate from the creation and adoption of the City's Capital Improvement Program (CIP). The policy for the CIP adoption follows a different set of guidelines. All request for additional staff are reviewed for viability based on the economic condition of the City.
5. At a public hearing the Mayor submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them. The proposed budget is presented to City Council for discussion, revision and adoption.
6. Public hearings are conducted at City Hall to obtain citizen input. Prior to July 1, the budget is adopted by motion of the City Council.
7. It is the policy of the City of Modesto to adopt a final budget prior to July 1 of the new fiscal year. The purpose of adopting a final budget at this time is to allow adequate time for the Budget Division to input the budget into the accounting system and establish appropriate budget and reporting procedures to ensure proper classification of activities and comparison of budget versus actual once the year begins.
8. The City will prepare and annually refine written goals and policies to guide the preparation of financing, spending, and performance plans for the City budget. Proposed budgets will comply with the adopted budget polices and Council priorities.
9. Department and program managers will not exceed the Council-approved appropriations in any fund. The City Council may approve modifications to these appropriations throughout the year as warranted by revenue collections and activity demands.
10. Enterprise funds and other non-general fund operations should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.
11. Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.
12. Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the managers of the two programs allowing the use of the budgeted amount as the basis for the charge.
13. Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.

<u>Inter-fund Transfers and Loans</u>

1. Ongoing operating program costs will not exceed the amount of ongoing revenue to finance those costs. Inter-fund loans will not be used as a funding mechanism to address ongoing gaps between revenues and costs. If a new program is added on an ongoing basis, an ongoing revenue source will be identified to fund the program costs. Any available carryover balance will only be used to offset one-time costs.
2. Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.
3. All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.
4. All inter-fund transfers between a fund and Capital or Non-Capital project shall not lapse at the end of the fiscal year but instead shall remain active until the project is completed and the funding is no longer needed. Inter-fund transfers will be evaluated at each year-end and then the remaining funds will be re-appropriated in the new fiscal year as the inter-fund transfer continues on for the continuing project.
5. Loans between funds and loans to other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date.
    a. Note that the terms and conditions for existing loans between the City and the former Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved and are subject to the laws put into place by recent redevelopment dissolution legislation passed by the State of California.

<u>Reserves</u>

1. *General Fund Reserve:* The Council has adopted a policy that uses the Fund Balance Guidelines for the General Fund that has been established by the Government Finance Officers Association (GFOA). The Council has established the following policies pertaining to General Fund reserves:

    - The General Fund's minimum reserve requirement should be maintained at a level of no less than two months of the General Fund's regular operating expenditures. The amount of General Fund reserves are to be calculated as the total of the Emergency Reserves category.
    - Any unassigned reserves/carryover in the General Fund at the end of a fiscal year will be distributed out based upon the following guidelines:
        - 1/4 of the unassigned reserves/carryover will be assigned to the Emergency Reserves category.

    - 1/4 of the unassigned reserves/carryover will be assigned to fund pension obligations (i.e. pension trust funding, etc.)
    - 1/4 of the unassigned reserves/carryover will be assigned to fund deferred maintenance.
    - 1/4 of the unassigned reserves/carryover will be assigned to the Innovation Fund category.

2. *Fund Replacement Reserves:* In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.

<u>Fund Balance Information Requirements</u>

1. The requirements of GASB Statement No. 54 are intended to enhance the usefulness, including the understandability, of fund balance information, in the financial statements. The City will spend the most restricted dollars before less restricted, given equal eligibility, in the following order:
    - Non-Spendable - if funds become spendable (inventories, prepaid amounts)
    - Restricted (grants, bond proceeds)
    - Committed (capital acquisitions, pending projects)
    - Emergency Reserves (set aside funds in the General Fund that can only be appropriated through Council action)
    - Assigned (purchase orders, encumbrances)
    - Unassigned (residual fund balance after deducting the other fund balance categories)

<u>Budget Adjustment Authority</u>

1. Any adjustment that would appropriate any amount from the General Fund Emergency Reserves must receive Council approval to be appropriated. The authority to approve any other type of budget adjustment in the amount of $25,000 or less is delegated to the Budget Manager. The authority to approve any other type budget adjustment between $25,001 and $50,000 is delegated to the City Manager.
2. Authority for any budget adjustment over $50,000 is delegated to the parties shown below with the exception of appropriations from the General Fund Emergency Reserves:

    - City Council
        - Appropriation of undesignated reserves
        - Appropriation of new revenues
            - Does not include Developer Payments
        - Budgeting inter-fund transfers
            - Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (v) under the City Manager's budget adjustment authority
        - Creation of inter-fund loans
        - Creation of, or increase in, any multi-year appropriation except for the allocation of interest
        - Addition of permanent staff positions
        - Appropriation of payments for new indebtedness including operating leases
        - All other budgetary actions not delegated to another official

- City Manager
    - Adjust appropriations between departments within a fund
    - Change any capital equipment appropriation
    - Appropriate reserves, excluding General Fund Emergency Reserves, for litigation on a case-by-case basis
    - Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than $50,000
    - Appropriate Developer Payments not previously budgeted
    - Annexation Deposits
    - Special District Formation Deposits
    - Developer Deposits to be recognized as revenue

- Budget Manager
    - Appropriate unbudgeted grant interest
    - Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected departments)
    - Changing any CIP line item appropriation
    - Revoke multi-year appropriations
    - Close Capital Improvement Program or Non-Capital projects
    - Make technical budget corrections to implement the intent of Council-approved actions and resolutions
    - Transfer fiscal appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases over $25,000)
    - Make adjustments to funds or cost centers when they are closed and encumbrances need to be cleared out and budgets need to be reduced to $0 as part of the close-out process to ensure all activity is closed out for audit purposes

- Department Director
    - Transfer appropriations within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program)
    - Acting as a designee of the City Manager, the Parks, Recreation, & Neighborhoods Director shall be authorized to appropriate private donations or grants made to the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for specified purposes up to $25,000

<u>Monitoring Performance</u>

1. It is the policy of the City of Modesto to monitor its financial performance by comparing and analyzing actual results with budgeted results. This function shall be performed periodically by the Budget Manager.
2. Budgetary review
    - Budget-to-actual comparisons are made on a monthly basis by the Budget Division.
    - Budget-to-actual comparisons are presented for City Council review at mid-year and on an as needed basis.
    - Budget-to-actual comparisons are provided in the annual comprehensive financial report (ACFR) for each individual governmental fund, for which an appropriated annual budget has been adopted.

3. The City maintains an encumbrance accounting system of purchase orders and contracts as a means of accomplishing budgetary control. Purchase orders are reviewed to ensure that funds are available and that requests are properly authorized prior to being released to vendors.

Fiscal Year 2023-24
Proposed Policies

1. Approve the modification of the General Fund Unassigned Carryover Reserves Policy to include an additional category of the Innovation Fund and modifying the current 1/3 policy to change the allocation of fiscal year-end General Fund Unassigned Carryover to be assigned 1/4 to the General Fund Emergency Reserves, 1/4 to the Pension Trust, 1/4 to Deferred Maintenance, and 1/4 to the Innovation Fund.

	CITY OF MODESTO **COUNCIL AGENDA REPORT**	**Budget Adoption**

Date: June 6, 2023

TO: Mayor and City Council

THROUGH: Joseph P. Lopez, City Manager

FROM: Stephan Christensen, Budget Manager

SUBJECT: General Fund Unassigned Carryover Reserves Policy

CONTACT: Stephan Christensen, Budget Manager, schristensen@modestogov.com, 209-577-5390

DESCRIPTION:
Consider providing policy direction regarding:

1. The modification of the General Fund Unassigned Carryover Reserves Policy to include an additional category of the Innovation Fund and modifying the current 1/3 policy to change the allocation of fiscal year-end General Fund Unassigned Carryover to be assigned 1/4 to the General Fund Emergency Reserves, 1/4 to the Pension Trust, 1/4 to Deferred Maintenance, and 1/4 to the Innovation Fund. (Funding Source: General Fund Unassigned Carryover)

STRATEGIC PLAN ELEMENT:
This item supports the City of Modesto 2020-2025 Strategic Plan focus on Governance and Service Delivery under Goal H: Achieve Financial Sustainability.

BACKGROUND:
The City Council establishes the reserve level for various funds based on the needs of the City. In the utility funds, the adopted reserve level is equal to 25% of operating costs to ensure sufficient funds are available to handle fluctuations in utility billing amounts. On the other hand, the General Fund's reserve level, for years, was set at five percent (5%), then it moved to eight percent (8%) for a time. The goal is now to reach the Government Finance Officers Association (GFOA) recommended level of no less than two months of the General Fund's regular operating expenditures (approximately $24 million).

Over time, the City has been able to build up its General Fund Emergency Reserve levels to reach the current amount of $18.4 million. Being just shy of the estimated goal of the GFOA recommended level and with the recent approval of the Measure H Sales Tax, and the additional revenue that it will bring into the City, staff feels that it is time to make a change to the categories of reserve funding that is potential allocated from the unassigned carryover at fiscal year-end.

Each fiscal year, there are typically some amounts of funds that are returned to the General Fund in the category of unassigned carryover. These funds are generated from a combination of additional revenues received above budgeted figures or additional expenditure savings usually from salary and benefit savings due to vacancies experienced throughout the fiscal year.

The current allocation of the unassigned carryover is a split as follows:

- 1/3 to General Fund Emergency Reserves
- 1/3 to the Pension Trust
- 1/3 to the Deferred Maintenance

The revised methodology would see the lowering of the amount split from 1/3 to ¼ but the additional of another category of the Innovation Fund. This Innovation Fund would be used to provide a source of funding that could be used for numerous projects or programs that Council would approve through a majority vote. Projects would be identified by staff or be brought back to Council for vetting at their discretion. The intent of these projects or expenditures would be for projects or plans that would result in meaningful transformation across the City of Modesto and impactful improvements on quality of life for the citizens of Modesto. The revised allocation would be as follows:

- 1/4 to General Fund Emergency Reserves
- 1/4 to the Pension Trust
- 1/4 to the Deferred Maintenance
- 1/4 to the Innovation Fund

FISCAL IMPACT:

Currently, the General Fund Emergency Reserves have a balance of $18.4 million. In the City's Section 115 Pension Trust Fund there is a balance current balance of $2.5 million. Of that amount, there was an initial deposit of $1 million from the General Fund. The remaining balance was the sum of contributions from other funds across the organization. The Deferred Maintenance fund currently does not have any contributions to date.

The change in this policy will bring upon the creation of the Innovation Fund and change the distribution of the amounts of General Fund Unassigned Carryover at fiscal year-end to 1/4 to each area noted below:

- General Fund Emergency Reserves
- Pension Trust
- Deferred Maintenance
- Innovation Fund

This distribution will be brought back to Council once the financials are completed at fiscal year-end and noted in the Annual Comprehensive Financial Report (ACFR) at which Council will make the determination on the distribution of the General Fund Unassigned Carryover for the fiscal year.

Approved by:

_____
Steve Christensen, Budget Manager

_____
Joseph P. Lopez, City Manager

CITY OF
MODESTO
CALIFORNIA

City of Modesto

Proposed Operating Budget
Fiscal Year 2023-2024

In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website at https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA

Fiscal Year 2023-24
Operating Budget

City Council

Sue Zwahlen, Mayor

Rosa Escutia-Braaton, Council Member - District 1
Eric Alvarez, Council Member - District 2
Chris Ricci, Council Member - District 3
Nick Bavaro, Council Member - District 4
Jeremiah Williams, Council Member - District 5
David Wright, Council Member - District 6

Council Appointees

Joseph Lopez, City Manager
Jose Sanchez, City Attorney
Diane Nayares-Perez, City Clerk
Vacant, City Auditor

Executive Team

Allison Van Guilder, Deputy City Manager
Vacant, Deputy City Manager
Andrew Gonzales, Public Relations and Legislative Affairs Manager
Diana Ruiz-Del Re, Community & Media Relations Officer
Jessica Hill, Interim Community & Economic Development Director
DeAnna Christensen, Finance Director
Christina Alger, Human Resources Director
Scott Conn, Chief Information Officer
Laurie Smith, Parks, Recreation, and Neighborhoods Director
Brandon Gillespie, Chief of Police
Alan Ernst, Fire Chief
Bill Sandhu, Public Works Director
Will Wong, Utilities Director

Budget Team

Stephan Christensen, Budget Manager

Kaceey Culbertson
Marvin Chan
Maria Garnica
Calogero (Cal) Maniscalco
Stacey Pratt

MISSION

A mission is a statement of the purpose of the organization. It fundamentally defines what the organization stands for and what it will do.

We are committed to the delivery of exceptional public services and building partnerships that promote economic prosperity and engaged neighborhoods.

CITY OF MODESTO ORGANIZATIONAL CHART

Legend
- *Elected*
- *Council Appointed*
- *City Manager Appointed*

CITIZENS OF MODESTO

CITY COUNCIL
Sue Zwahlen, Mayor
Rosa Escrutia-Bratton, District 1
Eric Alvarez, District 2
Chris Ricci, District 3
Nick Bavaro, District 4
Jeremiah Williams, District 5
David Wright, District 6

CITY ATTORNEY
Jose Sanchez

CITY AUDITOR
Vacant

CITY CLERK
Diane Nayares-Perez

MODESTO CITY MANAGER
Joseph P. Lopez

DEPUTY CITY MANAGER OPERATIONS
- PUBLIC WORKS
- UTILITIES
- PARKS, RECREATION & NEIGHBORHOODS
- COMMUNITY & ECONOMIC DEVELOPMENT

Healthy Economy, Vibrant Infrastructure & Sustainable Environment

Neighborhood Engagement, Utility and Infrastructure Maintenance and Repair, Recycling and Waste Removal, Community Programming and Neighborhood Development, Environmental Compliance, Construction Management, Economic Development, Transportation Management , Land Acquisition and Development

POLICE DEPARTMENT

FIRE DEPARTMENT

PUBLIC RELATIONS

Safe Neighborhoods

Emergency Service Calls, Dispatch, Rescue, Hazardous Materials Control, Fire Prevention, Safety Education, Crime Prevention and Mapping, Patrols, Traffic Enforcement, Gang Enforcement

DEPUTY CITY MANAGER SUPPORT
- BUDGET
- FINANCE
- HUMAN RESOURCES
- INFORMATION TECHNOLOGY
- INNOVATION & PERFORMANCE MANAGEMENT

Effective Responsive & Transparent Government

Driving Performance and Innovation, Recruitment and Testing, Customer Service Delivery, Innovation in Service delivery, Accessible Technology Implementation, Information Dissemination, Community Outreach

Table of Contents

Item	Page
Section: Intro	
Cover	
Mission Statement	4
Organizational Chart	5
Table of Contents	6
City Profile	7
Linking Council Goals and Strategies and Dept Objectives	12
Section A: Budget Message	
Mayor's Message	16
City Manager's Budget Message	18
Approved Non-Measure H Adjustments	25
Approved Measure H Adjustments	27
Employee Compensation	28
Position Allocation by Fund	30
Position Allocation by Department (FY22 through FY24)	31
Position Allocation by Fund and Classification	32
Position Allocation by Fund, Department, Cost Center, and Classification	42
Section B: Graphics & Schedules	
Fund Balance Changes	61
Fund Summary	64
Analysis of Fund Balances	68
Major Fund Proformas	70
Schedule of Revenues	85
Schedule of Expenditures	87
Transfer Analysis	89
Transfers (Sorted by Transfers Out)	90
Section C: Proposed Department Budgets	
City Overview	92
Police	101
Fire	107
Joint Powers Agency	111
Utilities	114
Public Works	119
Parks, Recreation and Neighborhoods	127
Community & Economic Development	136
City Auditor	144
Information Technology	147
Finance	151
Human Resources	156
City Council	161
City Manager's Office	164
City Attorney	169
City Clerk	173

Item	Page
Section D: Major Enterprise and Non-Capital Projects	
Overview by Fund	180
Non-Capital Projects	184
Section E: Internal Service Funds	
Fleet	190
Building Services	192
Information and Technology Services	194
Mail Services	196
Risk Management Overview	198
Liability Insurance	200
Workers Compensation	201
Property Insurance	202
CalPERS Unfunded Accrued Liability	203
Employee Benefit Fund Overview	204
Employee Benefit Fund Administration	205
Employee Benefits - Retirees	206
Section F: Debt Service Schedules	
Overview	207
Debt Limits	215
Annual Payments by Source	216
Bond Rating	219
Section G: Glossary	
Terminology	220
Section H: Appendices	
Overview and Recommended Budget Principles	224
Financial and Budget Policies	226
Budgetary Accounting	233
Financial Structure	236
Budget Preparation and Process Timeline	238
Summary of Key Revenue Assumptions	239
Financial & Statistical Tables	241
Appropriation Limit	242
Finance Committee Budget Workshop Minutes	245
List of Funds by Category	256
Description and Overview of Funds	258
Capital Improvement Program Request and Available Budget	264
Capital Improvement Program Planning Commission Minutes	271
Capital Improvement Program Planning Commission Resolution	273
List of Expenditure Categories	275
Status of 2019-20 Citywide Goals	282

City of Modesto

Community Profile

Mission Statement:

- We are committed to the delivery of exceptional public services and building partnerships that promote economic prosperity and engaged neighborhoods

City Profile:

History: Modesto was founded as one of the San Joaquin Valley's railroad towns in 1870.

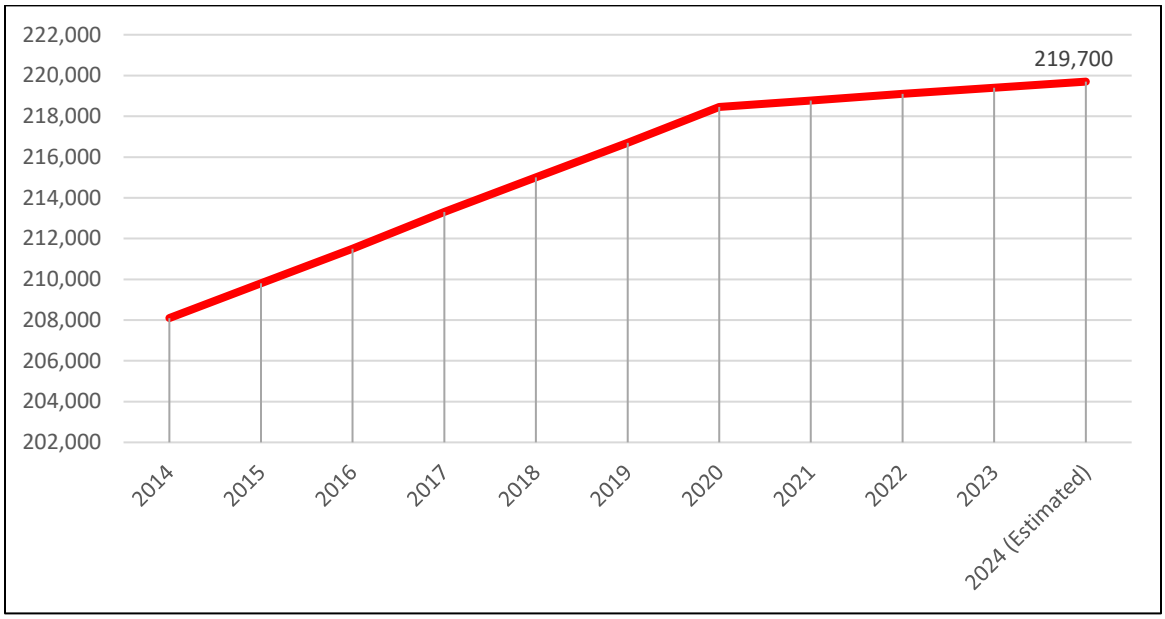
Today, Modesto is home to more than 219,000 residents and 13,000 businesses. Featuring a classic one-square-mile downtown center, Modesto encompasses a total incorporated area of 37 square miles and a total General Plan area of 66.7 square miles. Modesto is a relatively young and diverse community with the average age under 35 years. From 2012 to 2017 Modesto has grown about 5%; a healthy manageable rate. The city's population growth has been accommodated with faster job growth; between 2012 and 2017 the percentage of the population employed rose from 82% to over 90%. Businesses are prospering with commercial and industrial vacancy rates at historic lows. Modesto is an amazing community that has something to offer everyone: a vibrant downtown and unique neighborhoods, historic architecture, wonderful family-friendly parks, and abundant trees.

- City Government: The Modesto City Council is the City's legislative body. It sets policies, approves budgets, determines tax rates and passes ordinances and resolutions to govern the City. The Council also appoints citizen volunteers to more than 26 City advisory boards, committees, and commissions; and appoints and supervises the performance of the City Manager, City Attorney, City Auditor, and City Clerk.

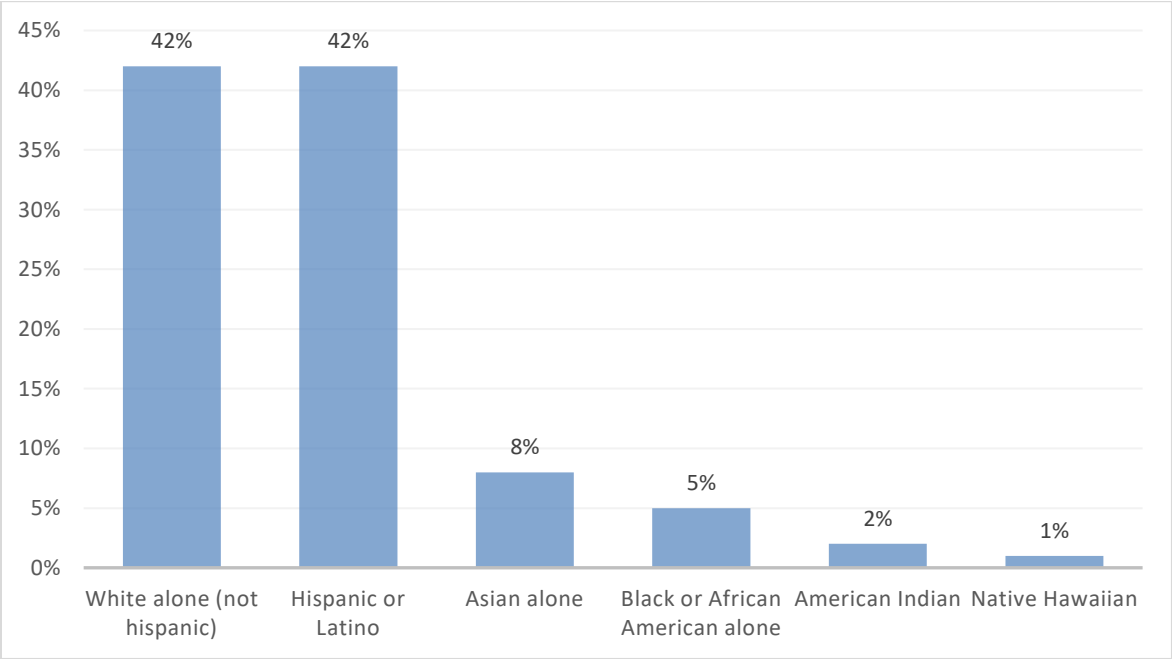
  The Modesto City Council is made up of 7 elected officials. The Mayor is elected at-large by the entire City, while the Council members are elected by residents in each of the six districts. The Mayor of Modesto is the presiding officer of all City Council meetings and is authorized to sign legal documents on behalf of the City. He represents the City on local, state and national levels. In his absence, his duties are performed by the Vice Mayor. Members of the City Council hold office for 4-year terms and are limited to 2 terms. Their terms of office expire in alternate odd numbered years, with a maximum of 4 Council seats up for election at any one time.

Key Data Points:

- City at a Glance:
  - Population 2024 (Estimated): 219,700



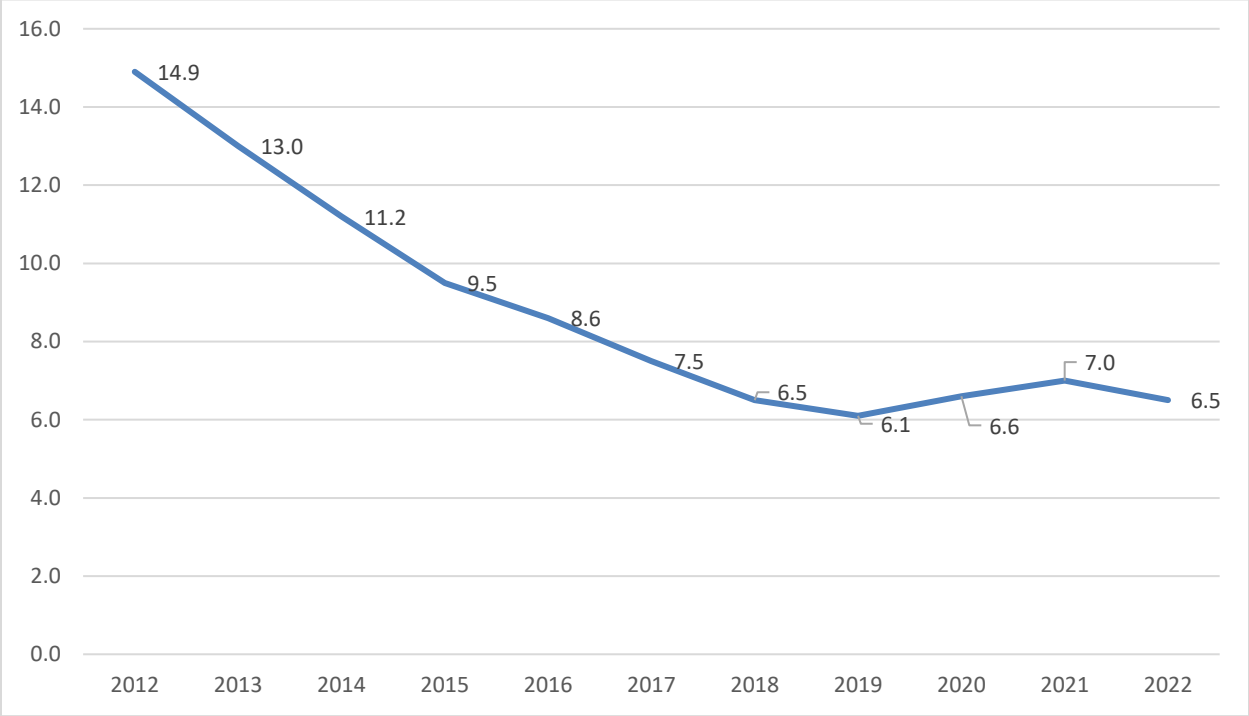
Ethnic Distribution:



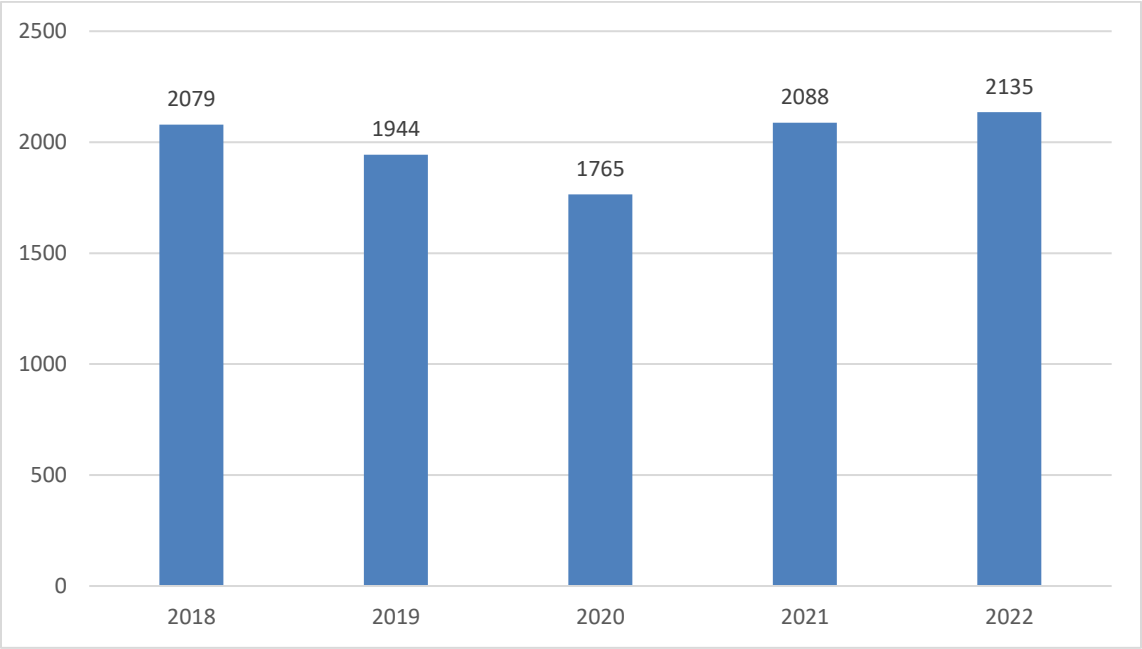
- Median Household Income: Based on the U.S. Census Bureau, the median household income in Modesto is $67,011. The table below shows the median household income for Modesto and its comparable cities:

2021	Household Income	Per Person Income
Modesto	**$67,011**	**$30,518**
Turlock	$66,646	$29,990
Stockton	$63,916	$26,403
Merced	$52,305	$22,520
Fresno	$57,211	$26,368
Sacramento	$71,074	$35,793
Tracy	$102,336	$36,104

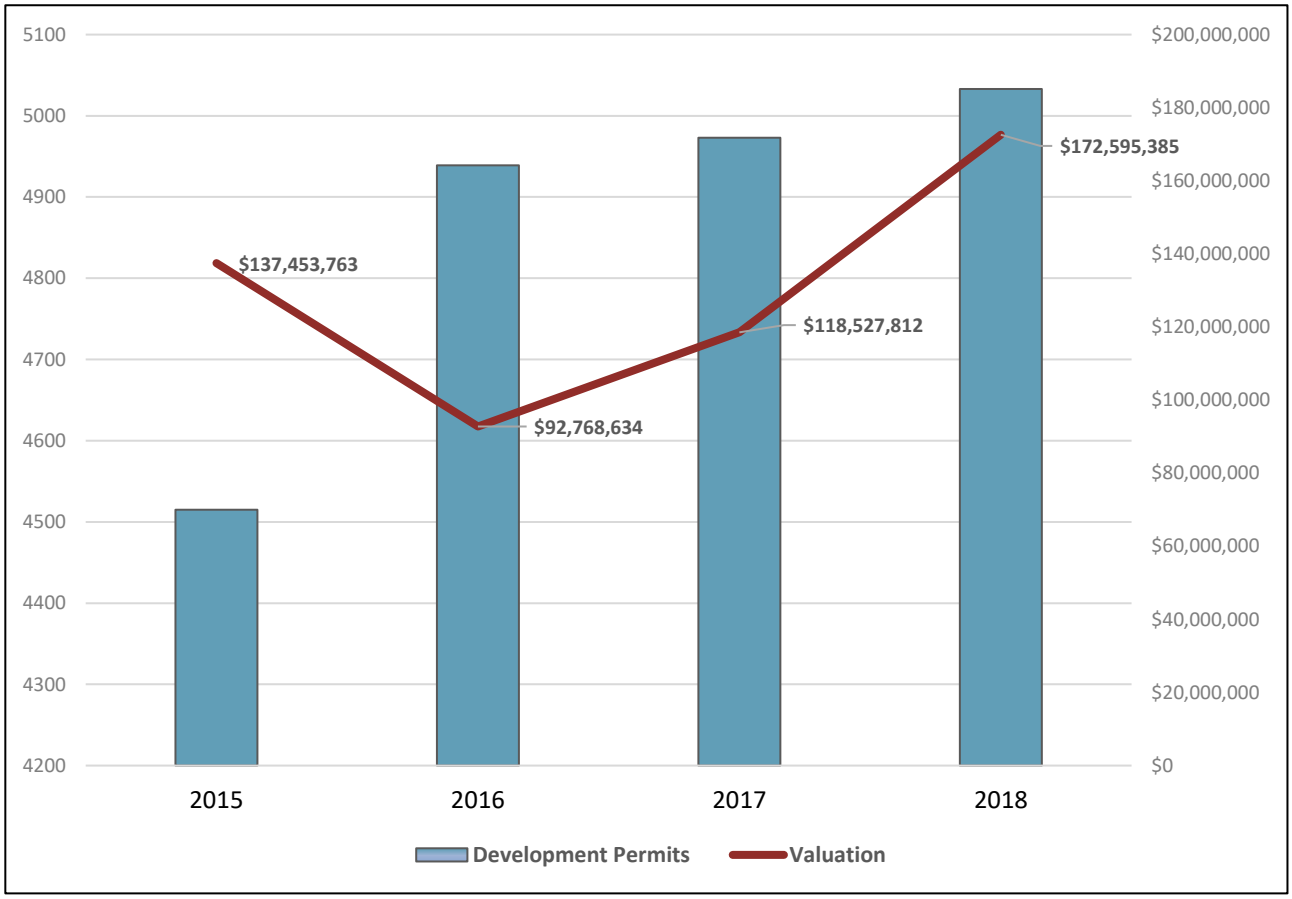
- Unemployment Rate: Unemployment in the city of Modesto has been steadily decreasing. However, as expected we saw a slight increase in 2021, but a decrease in 2022 based on the availability of data.



- Business licenses: The graph below shows the amount of new business licenses.



- Development Activity in Modesto: The graph below depicts the amount of development permits that were issued between 2015 and 2018 with the value of the development included in red.

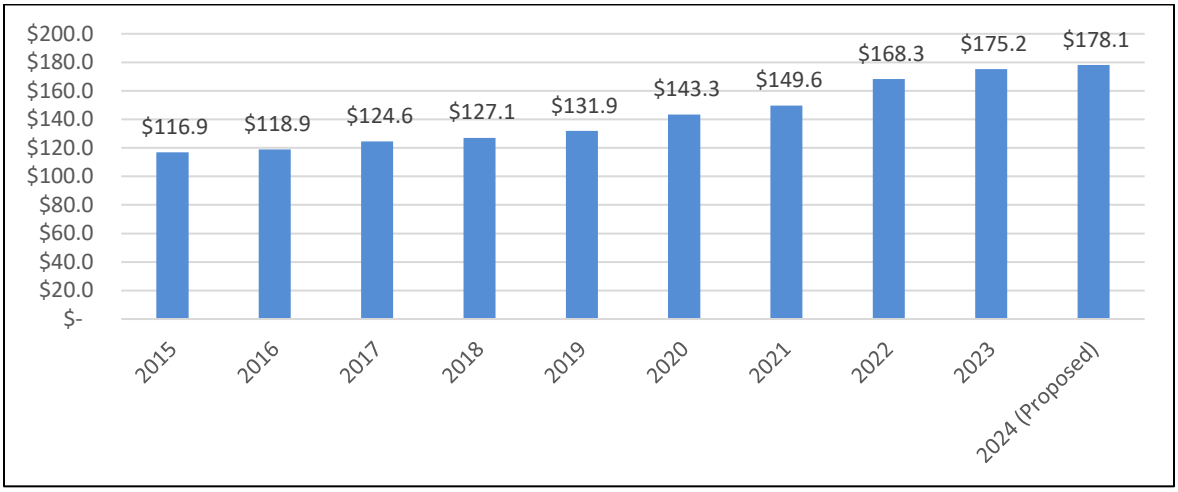


- Major Employers:

Company/ Organization Name	Number of Employees
E & J Gallo	6700
County of Stanislaus	4480
Modesto City Schools	3556
Doctors Medical Center	2600
Memorial Medical Center	2400
Del Monte Foods	2010
Stanislaus Foods	1875
Save Mart Supermarkets	1650
City of Modesto	1500
Stanislaus County Office of Education	1300

- Financial Status

  - General Fund Comparison: This graphic provides a 10-year history of the City's General Fund revenue that includes sales tax, property tax, transient occupancy tax, utility user tax, mill tax, and other revenue sources.



Additional information related to the Community profile can be found at: https://www.choosemodesto.com/

Linking Community Priorities to Department Workplans and the Budgeting Process

City Strategic Plan

The City of Modesto Strategic Plan (2020-2025) is the foundation of the City's efforts and investments for the community. The Plan defines the City's mission, vision, values, goals, objectives, and key performance indicators. The mission and vision statements articulate what the City's purpose is and what it strives to be. The values form the foundation on which City employees perform work and conduct themselves. The goals are broad areas of focus for the City supported by each mayoral department. Objectives are more specific, mid-term achievements that will help the City achieve its goals. Key performance indicators demonstrate the targets and results associated with the City's performance. The current City Strategic Plan focuses on Fiscal Years 2020-2025. With a five-year lifecycle, it is designed to be evaluated annually and updated as necessary. It provides the framework for City employees' activities and gives branches and departments the foundation necessary to develop more detailed tactical plans.

The City's Strategic Plan included robust engagement with key stakeholders to ensure the goals and priories of the plan were reflective of the community's interests. The engagement included meetings with the senior executive team, interviews with the Mayor and Council, focus groups with the Chairs and Vice Chairs of the City's various committees and commissions, focus groups with community leaders, a community survey, citywide townhall meetings in each of the council districts, and workgroups with the senior executive team and Mayor and Council.

From these engagement activities, staff identified the following priorities and goals for the City:

Quality of Life:
Engage partners across the community to ensure the safety, resilience, and attractiveness of Modesto.

- Goal 1: Improve community safety and quality of life through a combination of prevention and intervention efforts that address safety and its underlying issues.
- Goal 2: Increase pride in Modesto's diverse neighborhoods and business districts through beautification efforts and investing in community assets and amenities
- Goal 3: In partnership with public agencies and other key stakeholders, develop and implement a comprehensive housing and homelessness action plan.
- Goal 4: Provide safe, efficient, and reliable infrastructure through proactive community investment, maintenance and sustainability efforts.

Economic Vitality:
Retain and attract residential, commercial, and industrial development to meet the community's needs today and for the next generation.

- Goal 5: Drive the success of vibrant and economically sustainable business climate.
- Goal 6: Build and promote a recognizable and desirable identity for the City of Modesto.
- Goal 7: Make downtown Modesto a regional destination

Governance and Service Delivery:
Build community trust in City government through responsive, transparent and efficient service delivery.

- Goal 8: Achieve long-term financial sustainability.
- Goal 9: Promote trust and engagement between the community and the City.
- Goal 10: Build a high-performance organization.

Performance Management and Budgeting

The City of Modesto has adopted CityView as its internal initiative to become a more data-driven organization. The goal of CityView is to create a more strategically oriented organization that optimizes its operations to serve the City's residents most effectively and efficiently. CityView has supported the City with managing performance of various programs and processes – while also infusing accountability for performance into City services at every level of the organization, as well as improve communication throughout the City and support data-enabled decision-making. Performance management helps the City create and adhere to its goals and priorities while strategic planning enables the City to manage the resources necessary for achieving them.

The City has also infused these performance management efforts with these strategic priorities and the budgeting process. Successful programs and initiatives require the strategic allocation of resources through the budgeting process, and to ensure that they are successful they also require careful performance management as shown below:

Linking Community Priorities to Department Workplans

Quality of Life

Area of Focus

Quality of Life

Goals

Goal 1: Improve community safety and quality of life through a combination of prevention and intervention efforts that address safety and its underlying issues.

Goal 2: Increase pride in Modesto's diverse neighborhoods and business districts through beautification efforts and investing in community assets and amenities

Goal 3: In partnership with public agencies and other key stakeholders, develop and implement a comprehensive housing and homelessness action plan.

Goal 4: Provide safe, efficient, and reliable infrastructure through proactive community investment, maintenance and sustainability efforts.

Implementing Depts

Modesto Police

City Manager's Office

Public Works

Parks and Recreation

Economic Vitality

Area of Focus

Economic Vitality

Goals

Goal 5: Drive the success of vibrant and economically sustainable business climate.

Goal 6: Build and promote a recognizable and desirable identity for the City of Modesto.

Goal 7: Make downtown Modesto a regional destination

Implementing Depts

Community and Economic Development

City Manager's Office

Public Works

Parks and Recreation

Governance and Service Delivery

The complete City of Modesto Strategic Plan 2020-2025 can be found on the City of Modesto website:

https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3100

Sue Zwahlen, Mayor
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MAYOR'S BUDGET MESSAGE - FY 2023-2024
MAY 23, 2023

To the Citizens of Modesto and the Members of the City Council:

It is with great honor and respect that I present for your consideration the Proposed FY 2023-24 Operating, Multi-Year, and Capital Improvement Project Budget for the City of Modesto.

This budget reflects a coordinated effort between the City Council, City Manager, City staff, and myself, and is guided by the policies and priorities set forth in the City's Strategic Plan.

The City of Modesto has a tremendous opportunity to improve the quality of life of its residents with the passage of the Measure H general sales tax and this organization has a great responsibility to deliver that vision to the citizens of Modesto.

The additional revenue from Measure H has been incorporated into the proposed budget for Fiscal Year 2023-24 in various ways that will help to address the priorities that were established by the ballot language and by the residents that voted for the sales tax. It has been obligated to prioritize spending in the following areas:

- Funding to address homelessness.
- Funding to support neighborhood police patrols, gang, drug, and crime prevention.
- Funding to support fire prevention and paramedic/911 emergency response.
- Funding to fix and maintain roads and sidewalks.
- Funding to keep parks, recreation facilities, and public areas safe and clear of trash and litter.

The Measure H Spending Plan that has been developed includes funding that will see $10.4 million spent on numerous Parks Improvements across Modesto. An additional $11.4 million will be spent on Public Safety, Fire/Emergency Medical Services (EMS), and Homelessness. The spending plan will also include funding in the amount of $1.8 million for curb, gutter, and sidewalk repairs as well as an additional $1.6 million to combat blight across the city. These are just some of the highlights of the Measure H Spending Plan and I am excited to see what these changes will do for our community and the enjoyment of our residents.

In the proposed budget, the City's General Fund is facing a shortfall, with expenditures exceeding revenues by $6.2 million. Expenditure growth continues to outpace the growth of revenues, which has contributed to this shortfall. Measure H has helped to ease the burden of the ongoing budget deficit, and staff continues to heavily scrutinize the General Fund operating budgets to minimize the impact of the ongoing structural budget deficit.

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The Fiscal Year 2023-24 Proposed Budget also includes recommended changes to the General Fund Unassigned Reserves/Carryover policy. The current policy recommends placing 1/3 of the unassigned carryover at fiscal year-end into three different areas. 1/3 to Emergency Reserves, 1/3 to the Pension Trust, and 1/3 to Deferred Maintenance. The recommended change would see a fourth category added and the split changed to 1/4. The additional category would be an Innovation Fund. This new category would allow General Fund unassigned carryover to be set aside for future use for things like economic development projects, homelessness programs, or other innovative initiatives that the Council agrees to use the funds on. The idea would be to have these funds ready to go for these inventive investment opportunities for Modesto that could create a remarkable benefit for the residents.

As Mayor, the Charter dictates that I prepare and deliver to the Council any Final Budget Modifications to the Draft Budget. At this time, I have no modifications and recommend that the Draft Budget, which has been a coordinated effort between the Councilmembers, City staff, and myself, be moved forward for consideration by the Council in June as the Proposed Budget.

I look forward to a successful collaboration with my Council colleagues, and to the partnerships with individuals and organizations throughout the city to address issues like homelessness and blight and to continue the work on economic development, public safety, and affordable housing.

Thank you to our Council, staff and community for the support I have received as Mayor of our City and for all you have done to improve the quality of life in Modesto. I sincerely appreciate you all.

Sue Zwahlen

Sue Zwahlen, Mayor

P.O. Box 642, Modesto, CA 95353 *www.modestogov.com* *Phone: (209) 571-5169 • Fax: (209) 571-5128*

June 6, 2023

Honorable Mayor and Members of the City Council:

I consider it an honor and a privilege to submit the Proposed Fiscal Year 2023-24 City of Modesto Operating and Capital Improvement Program Budget. For many of my years as City Manager I have had to write this message conveying the hard decisions that had to be made during a demanding budget process filled with service reductions and strategies to minimize impacts to the citizens of Modesto. With the passing of Measure H, I now get to communicate a different kind of message. One that looks towards a brighter future for the City of Modesto and this organization. One that looks towards improvement and innovation rather than limitation and status quo brought on by financial constraints. The Proposed Budget for Fiscal Year 2023-24 will be a turning point for the City of Modesto. This organization has been given a great opportunity by the citizens of Modesto and it is now our responsibility to work together to deliver upon those expectations and improve the quality of life for all of those that live here in Modesto.

PROPOSED GENERAL FUND

The City of Modesto's General Fund budget continues to move forward and recover from the COVID-19 pandemic that affected the lives of the many residents and business owners of Modesto. General Fund revenues have continued to rebound after the recession during the shutdowns and drastic decreases during the pandemic years. Total Revenues for Fiscal Year 2023-24 are budgeted at $178.1 million. Property Tax, Transient Occupancy Tax, and Business License/Mill Tax all continue to have steady increases in Fiscal Year 2023-24 budgeted revenues.

Revenue Category	FY 22-23 Budget	FY 23-24 Proposed	% Inc
Property Tax - Property	$ 21,029,000	$ 21,948,430	4%
Property Tax- VLF Swap	$ 20,799,001	$ 21,637,453	4%
Transient Occupancy Tax	$ 3,578,441	$ 3,680,000	3%
Business License/Mill Tax	$ 15,650,000	$ 16,492,771	5%

Overall budgeted revenues in Fiscal Year 2023-24 are increasing approximately 2% when compared to the budgeted revenues for Fiscal Year 2022-23.

As revenues have begun to increase, so have expenditures. The total expenditures for the General Fund in Fiscal Year 2023-24 are approximately $184.3 million. The expenditures are increasing by approximately 4% overall from the Fiscal Year 2022-23 total expenditures. The increases are mainly due to increases in pension costs as well as increased discretionary costs for items like parts, fuel, and professional services due to inflation. While the City is seeing a rebound in revenue growth, there is still the issue that the growth of those sources is being outpaced by the increased expenditure costs.

MEASURE H SPENDING PLAN

The true defining portion of the Fiscal Year 2023-24 Proposed Budget related to the General Fund is the Measure H Spending Plan. With the passage of the general sales tax, Measure H, the City's budget has taken on a new outlook and has been revitalized. We can truly begin to look beyond just "getting by" and begin to look towards making sustainable and substantial improvements to services for the residents of Modesto. It cannot be stated in any simpler terms. The passage of Measure H by the residents is transformative.

Measure H funds will be used to make Modesto a safer and more vibrant community. These funds will allow this organization to provide services to the people of Modesto that they not only need but that they deserve.

Measure H is estimated to bring in additional sales tax revenue of approximately $41.8 million in Fiscal Year 2023-24. These funds will be critical in improving not only services but infrastructure as well. As part of addressing these various needs, the Proposed Budget includes the Fiscal Year 2023-24 Measure H Spending Plan that works toward achieving those goals and improving the quality of life for residents.

The proposed Measure H Spending Plan will appropriate $27.1 million in Measure H funds across various categories to address recommended types of expenditures that were included with the Measure H ballot language. The expenditures in the first year of the spending plan will support the following:

- *Supporting neighborhood police patrols, gang, drug, and crime prevention.*
- *Supporting fire protection, paramedic/911 emergency response.*
- *Addressing homelessness.*
- *Fixing and maintaining roads and sidewalks.*
- *Keeping parks, recreation facilities, and public areas safe and clear of trash and litter.*

The following chart provides a breakdown of the categorical spending for areas mentioned above and included in the proposed Fiscal Year 2023-24 Measure H Spending Plan:

Category	Amount
Parks Improvements	$ 9,408,424
Public Safety	$ 5,751,547
Fire/EMS	$ 4,107,920
Forestry	$ 2,345,127
Equipment	$ 2,213,405
Sidewalk	$ 1,800,000
Blight	$ 151,656
Homelessness	$ 595,290
Measure H Admin Support	$ 385,037
Deferred Maintenance	$ 358,037
Totals	$ 27,116,443

The transformation that this funding will bring for Modesto is truly monumental and the responsibility and trust that the community has placed upon this organization to enact that vision will be handled with the upmost respect and transparency.

Modesto's Budget and the Strategic Plan

City staff has worked to ensure an apportionment of resources to align with Council's priorities and vision for the city, all while aligning the budget to realistic expectations based on conservative assumptions. The Strategic Plan provides the basic framework for resource allocation, and the City has set forth a vision and associated General Fund budget that focuses on three core focus areas:

1. *Quality of Life:* Engaging partners across the community to ensure the safety, resilience, and attractiveness of Modesto by: Improving community safety and quality of life through a combination of prevention and intervention efforts that address safety and its underlying issues; Increasing pride in Modesto's diverse neighborhoods and business districts through beautification efforts and by investing in community assets and amenities; In partnership with public agencies and other key stakeholders, develop and implement a comprehensive housing and

homelessness action plan; Providing safe, efficient, and reliable infrastructure through proactive community investment, maintenance, and sustainability efforts. **GENERAL FUND - $160.8 MILLION (87% OF TOTAL GENERAL FUND BUDGET)**

2. *Economic Vitality:* Retaining and attracting residential, commercial, and industrial development to meet the community's needs today and for the next generation by: Driving the success of a vibrant and economically sustainable business climate; Building and promoting a recognizable and desirable identity for the City of Modesto. Making downtown Modesto a regional destination. **GENERAL FUND - $7.4 MILLION (4% OF TOTAL GENERAL FUND BUDGET); WATER FUND - $67.4 MILLION; WASTEWATER FUND - $48.8 MILLION; SURFACE TRANSPORTATION FUND - $15.4 MILLION; STORM DRAIN FUND - $8.4 MILLION**

3. *Governance and Service Delivery*: Building community trust in City government through responsive, transparent, and efficient service delivery by: Achieving long-term financial sustainability; Promoting trust and engagement between the community and the City; and Building a high-performance organization. **GENERAL FUND - $15.5 MILLION (8% OF TOTAL GENERAL FUND BUDGET)**

Overview of the FY23/24 Proposed Budget

The total city operating expense budget for all funds, including certain Joint Power Authorities, for Fiscal Year 2023-24 is $526 million. There are four major funds within the city's budget: General, Water, Wastewater, and Internal Services. There are also several smaller funds, including Golf, Modesto Centre Plaza, Storm Drainage, Surface Transportation, Parking, and Airport Funds. The information in the following table summarizes the city's primary funds:

Fund Name		Amount
General Fund	**$**	**184,289,630**
Internal Service Funds	$	93,956,124
Water Enterprise Funds	$	67,378,280
Wastewater Enterprise Funds	$	48,786,777
Other Funds	$	31,228,273
Measure H Fund	$	27,116,443
Insurance Funds	$	23,167,660
Solid Waste Funds	$	16,711,353
Surface Transportation Funds	$	15,368,774
Storm Drainage Fund	$	8,423,088
Golf Fund	$	3,809,332
Parking Fund	$	2,471,686
Centre Plaza Fund	$	1,842,734
Airport Fund	$	1,423,620
TOTAL FUNDS	$	525,973,774

General Fund

As the City continues to deal with the changing economic conditions that have been brought on by the recent surges in inflation that look to continue in the next fiscal year, initial budget projections continue to show a shortfall between revenue and expenses for the General Fund. The initial projected gap for the Fiscal Year 2023-24 General Fund Operating Budget is approximately $6.1 million. Staff continues to reduce this structural deficit even as additional revenue continues to be received through increases in Property Tax, Transient Occupancy Tax, Business License/Mill Tax, and Sales Tax. Measure H Sales Tax revenue will help to propel the city forward with improved services across the organization and allow for critical infrastructure improvements to be made for the benefit of all residents. However, this funding will not just be a remedy for all the City's former financial constraints, and we will continue to be good stewards of the public funds that have been entrusted to us by the citizens.

In Fiscal Year 2023-24, it is projected that General Fund revenues (including Transfers In) will be $178.1 million. The City has experienced a recovery of revenues as it has moved away from the COVID-19 pandemic years that were stressed by shutdowns and economic uncertainties. Current revenues show steady increases in the city's Property Tax (both the property and Vehicle License Fee Swap portions), Transient Occupancy Tax, Business License/Mill Tax and Sales Tax. Property Tax revenue is estimated to increase 4% from Fiscal Year 2022-23 to Fiscal Year 2023-24. Transient Occupancy Tax and Business License/Mill Tax are also projected to show growth in Fiscal Year 2023-24. Sales Tax revenues show an increase of 1.3% over Fiscal Year 2022-23. Utility User Tax revenues continue to grow in terms of actual revenues received. These are conservatively estimated at $21.6 million for Fiscal Year 2023-24. Below is a chart that shows the details for all General Fund revenues that are being budgeted in the new budget year:

Revenue Category	Amount (in Millions)	
Property Tax (Property & VLF Swap)	$	43.59
Sales Tax	$	41.71
Utility User Tax	$	21.55
Transient Occupancy Tax	$	3.68
Business License/Mill Tax	$	16.49
Franchise Fees	$	5.58
Motor Vehicle Fees	$	0.39
Construction Revenues	$	2.62
Departmental Revenues*	$	37.58
Cannabis Tax	$	4.00
Cannabis Admin Fee	$	0.30
Transfers In	$	0.63
TOTAL GENERAL FUND REVENUES	**$**	**178.11**

*Departmental Revenues include Contract revenues for Fire Services with Oakdale, Ceres, Stanislaus Consolidated, Turlock and Salida.

Total General Fund expenditures, including Transfers Out, in the Proposed Budget are $184.3 million, inclusive of a variance factor of 5% which equates to savings of $7.5 million. Public Safety (Police and Fire) continues to be the primary spending priority of the General Fund with $143.9 million or 78% of its resources being allocated to support this function.

Fund Name		Amount
General Fund	$	184,289,630
Internal Service Funds	$	93,956,124
Water Enterprise Funds	**$**	**67,378,280**
Wastewater Enterprise Funds	$	48,786,777
Other Funds	$	31,228,273
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Parking Fund	$	2,471,686
Centre Plaza Fund	$	1,842,734
Airport Fund	$	1,423,620
TOTAL FUNDS	$	525,973,774

Water Fund

The City provides drinking water to residents in the areas of Modesto, Empire, Salida, Grayson, Del Rio, parts of Ceres and Turlock, and County areas adjacent to the city system equating to approximately 260,000 residents. The City provides drinking water from its 92 groundwater wells and purchased treated surface water from the Modesto Irrigation District, and has over 900 miles of pipe and 11 storage tanks. The City collects monthly service charges from the residents within the service area, which represent the primary source of revenue for the Fund. Beginning in FY16/17, the City embarked on water conversation efforts in response to the drought. Governor Brown mandated a statewide 25% reduction in urban water use, based on 2013 levels. The City established a 25% reduction goal and was successful in achieving a 27% cumulative savings.

In addition, during Fiscal Year 2016-17, the City successfully increased water rates with proposed increases scheduled until Fiscal Year 2020-21. With its annual review of the rates, the City has adjusted its rates and re-prioritized its projects, within the Proposition 218 requirements, which has generated $104 million of revenues over the 5 past years, which equipped the Fund to meet its commitment to bondholders, construct several necessary capital improvement projects, and support day-to-day operations of the water system. Total revenue for Fiscal Year 2023-24 is estimated to be $87.1 million The City is currently in the process of updating its Water Rates, which will be effective from Fiscal Year 2023-24 through Fiscal Year 2027-28.

Fund Name		Amount
General Fund	$	184,289,630
Internal Service Funds	$	93,956,124
Water Enterprise Funds	$	67,378,280
Wastewater Enterprise Funds	**$**	**48,786,777**
Other Funds	$	31,228,273
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Centre Plaza Fund	$	1,842,734
Airport Fund	$	1,423,620
TOTAL FUNDS	$	525,973,774

Wastewater Fund

The Wastewater Fund provides wastewater services to customers in the City of Modesto, the community of Empire, a portion North of Ceres, and unincorporated County “Islands” within the City Limits. This service area equates to over 200,000 residents. The system consists of approximately 70 miles of trunk lines, over 670 miles of sanitary lines, and 40 wastewater lift stations. The City’s treatment facilities consist of two treatment plants, the Sutter Plant and the Jennings Plant, which operate in series to provide increasing levels of treatment, up to tertiary levels. Recognizing the value of the high-quality water produced from tertiary treatment, the City developed a program to recycle the water and since December 2017, has been selling recycled water to an irrigation district for agricultural use instead of discharging it to the river.

Wastewater Fund revenues come from monthly service charges to residents at rates established by the

Council. During Fiscal Year 2021-22, the City successfully increased wastewater rates with an annual increase of 3.5% rate increase for residential/commercial customers and a 2.5% rate increase for the Canneries until Fiscal Year 2026-27. With its annual review of the rates, the City has adjusted its rates and re-prioritized its projects, within the Proposition 218 requirements, which has generated $288.61 million of revenues over the 5 past years. This equipped the Fund to meet its commitment to bondholders, construct several necessary capital improvement projects, and support day-to-day operations of the wastewater system. Total revenue for Fiscal Year 2023-24 is estimated to be $63.26million.

Fund Name		Amount
General Fund	$	184,289,630
Internal Service Funds	$	93,956,124
Water Enterprise Funds	$	67,378,280
Wastewater Enterprise Funds	$	48,786,777
Other Funds	$	31,228,273
Measure H Fund	$	27,116,443
Insurance Funds	**$**	**23,167,660**
Solid Waste Funds	$	16,711,353
Surface Transportation Funds	$	15,368,774
Storm Drainage Fund	$	8,423,088
Golf Fund	$	3,809,332
Parking Fund	$	2,471,686
Centre Plaza Fund	$	1,842,734
Airport Fund	$	1,423,620
TOTAL FUNDS	$	525,973,774

Internal Service Fund

Internal Service Funds (ISF) are used to contain revenues and expenditures for services that are provided between departments. Types of internal service funds include Fleet services, Information Technology services, Building services, Mail services, Property and Liability Insurance, and Employee Benefit services. City departments bill out for the various services they provide and collect back those fees as revenues to pay for the cost of providing said services. This has become more critical as the city has moved onward and outward from the Great Recession and through the COVID-19 pandemic.

The City will continue to closely monitor the expenses and fund balances of each Internal Service Fund and ensure that appropriate levels are maintained. When balances begin to grow beyond necessity, those funds will be considered for return to the original contributing fund.

In Closing

This time last year, I was creating the budget message with thoughts about what this organization might become and what this city could look like in the future. Down one path, there was a lifeless outcome filled with status quo, that held little improvements followed by drastic reductions and substantial decreases to services that would have impacted every resident. Down the other path, was a vibrant optimistic outcome that allowed for a quality of life full of expanded programs, park improvements, public safety funding, blight abatement, homelessness services, improved public facilities, and much more. I am thrilled to be on the path with the community that chose to "DO" something different and move this city towards being "What we want to be".

Now that Measure H has been approved and the funding will be coming to the City, it is our turn to ensure that the trust that you the residents have given this organization is not misplaced. This is an obligation that I take seriously, and I know our organization is ready to meet the challenge. As the year progresses, you may begin noticing signs of improvements throughout Modesto made possible by the additional local Measure H sales tax dollars. Improvements are ready to be made and I am eager to begin this journey toward a future Modesto where residents can be provided with enhanced services and a higher quality of life.

"The best way to predict the future is to create it."

- Abraham Lincoln

In accordance with MMC Section 1302.2 of the city's Charter, I submit the FY 2023-24 Proposed Budget to Council for consideration.

My thanks to those responsible for the preparation of this year's Proposed Budget. This document represents a tremendous amount of time and effort by the City's Budget Division, Department Directors, and key members of their staff. I also wish to extend my gratitude to the City Council for its support of our workforce and their time and effort during this budget process.

Joseph P. Lopez

City Manager

Fiscal Year 2023-24 Non-Measure H Approved Adjustment List FY 2023-24 Non-Measure H Approved Adjustment
General Fund

Department	Adjustment Number	Description of Adjustment	Fund	Fund Name	Cost Center	Account	One-Time/Ongoing	FTE	Amount
City Manager's Office	CMO-001	Addition of Two Fellowships in the City Manager's Office	0100	General Fund	02010	51040	Ongoing		$ 100,000
Community and Economic Development	CED-005	Addition of 1.0 Business Analyst Position (Salary)	0100	General Fund	14210	51401	Ongoing	1.00	$ 84,062
Community and Economic Development	CED-005	Addition of 1.0 Business Analyst Position (Benefits)	0100	General Fund	14210	51901	Ongoing		$ 33,625
Community and Economic Development	CED-006	Addition of 1.0 Development Services Technician and 1.0 Admin Analyst I/II (Salaries)	0100	General Fund	14410	51401	Ongoing	2.00	$ 137,439
Community and Economic Development	CED-006	Addition of 1.0 Development Services Technician and 1.0 Admin Analyst I/II (Benefits)	0100	General Fund	14410	51901	Ongoing		$ 54,975
Finance Department	FIN-001	Addition of 1.0 Account Clerks Positions in Business License (Salary)	0100	General Fund	12430	51401	Ongoing	1.00	$ 47,992
Finance Department	FIN-001	Addition of 1.0 Account Clerks Positions in Business License (Benefits)	0100	General Fund	12430	51901	Ongoing		$ 28,740
Finance Department	FIN-001	Addition of 1.0 Account Clerks Positions in Business License (Increase of Business License Revenue)	0100	General Fund	12430	41402	Ongoing		$ (76,732)
Finance Department	FIN-004	Reallocate one P/T Account Clerk II to a 0.75 Senior Account Clerk (Salary)	0100	General Fund	12430	51401	Ongoing	0.75	$ 40,463
Finance Department	FIN-004	Reallocate one P/T Account Clerk II to a 0.75 Senior Account Clerk (Benefits)	0100	General Fund	12430	51901	Ongoing		$ 19,637
Finance Department	FIN-004	Reallocate one P/T Account Clerk II to a 0.75 Senior Account Clerk (Reduction of Part-Time Expense)	0100	General Fund	12430	51040	Ongoing		$ (35,000)
Finance Department	FIN-004	Reallocate one P/T Account Clerk II to a 0.75 Senior Account Clerk (Increase of Business License Revenue)	0100	General Fund	12430	41402	Ongoing		$ (25,100)
Fire Department	MFD-007	Fire Department Chief Reorganization (Removal of 1.0 Battalion Chief - Salary)	0100	General Fund	18210	51401	Ongoing	-1.00	$ (142,766)
Fire Department	MFD-007	Fire Department Chief Reorganization (Removal of 1.0 Battalion Chief - Benefits)	0100	General Fund	18210	51901	Ongoing		$ (95,178)
Fire Department	MFD-007	Fire Department Chief Reorganization (Addition of 1.0 Deputy Fire Chief - Salary)	0100	General Fund	18110	51401	Ongoing	1.00	$ 150,806
Fire Department	MFD-007	Fire Department Chief Reorganization (Addition of 1.0 Deputy Fire Chief - Benefits)	0100	General Fund	18110	51901	Ongoing		$ 100,538
Fire Department	MFD-007	Fire Department Chief Reorganization (Removal of 2.0 Deputy Fire Chiefs - Salary)	0100	General Fund	18110	51401	Ongoing	-2.00	$ (347,676)
Fire Department	MFD-007	Fire Department Chief Reorganization (Removal of 2.0 Deputy Fire Chiefs - Benefits)	0100	General Fund	18110	51901	Ongoing		$ (231,784)
Fire Department	MFD-007	Fire Department Chief Reorganization (Addition of 2.0 Assistant Fire Chiefs - Salary)	0100	General Fund	18110	51401	Ongoing	2.00	$ 347,676
Fire Department	MFD-007	Fire Department Chief Reorganization (Addition of 2.0 Assistant Fire Chiefs - Benefits)	0100	General Fund	18110	51901	Ongoing		$ 231,784
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Part-Time Staff Expense Increase)	0100	General Fund	33030	51040	One-Time/Ongoing		$ 23,460
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Discretionary Budget Increases)	0100	General Fund	33030	52200	One-Time/Ongoing		$ 5,765
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Discretionary Budget Decrease)	0100	General Fund	33030	52015	One-Time/Ongoing		$ (275)
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Discretionary Budget Increases)	0100	General Fund	33030	53030	One-Time/Ongoing		$ 8,950
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Discretionary Budget Increases)	0100	General Fund	33030	53306	One-Time/Ongoing		$ 3,000
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Additional Program Revenues)	0100	General Fund	33030	43534	One-Time/Ongoing		$ (12,850)
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Increase of .75 Recreation Coordinator to 1.0 FTE - Salary)	0100	General Fund	33030	51401	One-Time/Ongoing	0.25	$ 9,922
Parks, Recreation & Neighborhoods	PRN-013	Programming Additions to the Recreation Division (Increase of .75 Recreation Coordinator to 1.0 FTE - Benefits)	0100	General Fund	33030	51901	One-Time/Ongoing		$ 6,614
Parks, Recreation & Neighborhoods	PRN-014	Additional Funding for the Youth Commission Project	0100	General Fund	33030	53030	Ongoing		$ 5,000
							Totals	**5.00**	**$ 473,087**

Fiscal Year 2023-24 Non-Measure H Approved Adjustment List FY 2023-24 Non-Measure H Approved Adjustment
Non-General Fund

Department	Adjustment Number	Description of Adjustment	Fund	Fund Name	Cost Center	Account	One-Time/Ongoing	FTE	Amount
Community and Economic Development	CED-007	Addition of 1.0 Community Development Program Specialist Position (Salary)	1133	HUD Administration Fund	14111	51401	Ongoing	1.00	$ 64,384
Community and Economic Development	CED-007	Addition of 1.0 Community Development Program Specialist Position (Benefits)	1133	HUD Administration Fund	14111	51901	Ongoing		$ 25,754
Finance Department	FIN-003	Addition of 2.0 Account Clerk Positions in Utility Billing (Salaries)	4100	Water Fund	12470	51401	Ongoing	2.00	$ 95,984
Finance Department	FIN-003	Addition of 2.0 Account Clerk Positions in Utility Billing (Benefits)	4100	Water Fund	12470	51901	Ongoing		$ 57,479
Finance Department	FIN-006	Addition of 1.0 Storekeeper Position (Salary)	5110	Central Stores Fund	12530	51401	Ongoing	1.00	$ 48,187
Finance Department	FIN-006	Addition of 1.0 Storekeeper Position (Benefits)	5110	Central Stores Fund	12530	51901	Ongoing		$ 17,742
Finance Department	FIN-006	Addition of 1.0 Storekeeper Position (Decrease in Part-Time Expense)	5110	Central Stores Fund	12530	51040	Ongoing		$ (21,903)
Finance Department	FIN-006	Addition of 1.0 Storekeeper Position (Increase in Inventory Revenues)	5110	Central Stores Fund	12530	45023	Ongoing		$ (44,026)
Parks, Recreation & Neighborhoods	PRN-001	Addition of 0.75 Lead Service Worker Position - Limited Term (Reduction of Part-Time Expense)	4700	Centre Plaza Fund	34200	51040	Ongoing		$ (34,944)
Parks, Recreation & Neighborhoods	PRN-001	Addition of 0.75 Lead Service Worker Position - Limited Term (Salary)	4700	Centre Plaza Fund	34200	51401	Ongoing	0.75	$ 20,966
Parks, Recreation & Neighborhoods	PRN-001	Addition of 0.75 Lead Service Worker Position - Limited Term (Benefits)	4700	Centre Plaza Fund	34200	51901	Ongoing		$ 13,978
Public Works	PW-CGS-001	Logistical Concrete Recycling Operations - Additional Equipment (Crew Truck Purchase)	1700	Surface Transportation Fund	53142	57003	One-Time		$ 137,500
Public Works	PW-CGS-001	Logistical Concrete Recycling Operations - Additional Equipment (Crew Truck Annual Maintenance)	1700	Surface Transportation Fund	53142	54550	Ongoing		$ 17,894
Public Works	PW-CGS-001	Logistical Concrete Recycling Operations - Additional Equipment (14 Yard Dump Truck Purchase)	1700	Surface Transportation Fund	53142	57003	One-Time		$ 210,000
Public Works	PW-CGS-001	Logistical Concrete Recycling Operations - Additional Equipment (14 Yard Dump Truck Maintenance)	1700	Surface Transportation Fund	53142	54550	Ongoing		$ 23,408
Public Works	PW-CGS-002	Logistical Concrete Recycling Operators - Second Team Addition of 3.0 Equipment Operator I/II Positions (Salaries)	1700	Surface Transportation Fund	53142	51401	Ongoing	3.00	$ 167,502
Public Works	PW-CGS-002	Logistical Concrete Recycling Operators - Second Team Addition of 3.0 Equipment Operator I/II Positions (Benefits)	1700	Surface Transportation Fund	53142	51901	Ongoing		$ 43,374
Public Works	PW-SW-001	Convert two P/T S&M Aides into 1.0 Solid Waste Outreach Specialist Position (Salary)	4891	Solid Waste Fund	56010	51401	Ongoing	1.00	$ 64,251
Public Works	PW-SW-001	Convert two P/T S&M Aides into 1.0 Solid Waste Outreach Specialist Position (Benefits)	4891	Solid Waste Fund	56010	51901	Ongoing		$ 32,974
Public Works	PW-SW-001	Convert two P/T S&M Aides into 1.0 Solid Waste Outreach Specialist Position (Decrease in Part-Time Expense)	4891	Solid Waste Fund	56010	51040	Ongoing		$ (20,000)
Public Works	PW-SW-001	Convert two P/T S&M Aides into 1.0 Solid Waste Outreach Specialist Position (Decrease in Promotion Expense)	4891	Solid Waste Fund	56010	53176	Ongoing		$ (16,480)
Public Works	PW-FLT-003	Addition of 1.0 Heavy Equipment Mechanic I/II Position (Salary)	5400	Fleet Fund	53255	51401	Ongoing	1.00	$ 62,998
Public Works	PW-FLT-003	Addition of 1.0 Heavy Equipment Mechanic I/II Position (Benefits)	5400	Fleet Fund	53255	51901	Ongoing		$ 29,535
							Totals	**9.75**	**$ 996,557**

Proposal #	Description of Adjustment	Department	Ongoing/ One-Time	ARPA/Measure H /Neither	Categories	FTE	Amount
PRN-002	Addition of 1.0 Head Groundskeeper Position	Parks, Recreation & Neighborhoods	Ongoing	Measure H	Parks Improvements	1.00	$ 99,587
PRN-004	Funding for Annual Spring Cleanups along Major Roadways	Parks, Recreation & Neighborhoods	Ongoing	Measure H	Parks Improvements		$ 151,000
PRN-006	Park Watering increase to 3x per week	Parks, Recreation & Neighborhoods	Ongoing	Measure H	Parks Improvements		$ 500,000
PRN-009	Measure H - High Priority Deferred Maintenance Needs - Large Projects (Year 1)	Parks, Recreation & Neighborhoods	One-Time	Measure H	Parks Improvements		$ 6,100,000
PRN-010	Measure H - High Priority Preventative Maintenance Needs - Large Projects (Year 1)	Parks, Recreation & Neighborhoods	One-Time	Measure H	Parks Improvements		$ 2,170,000
PRN-012	Parks Planning Division Restructure Addition of 2.0 Senior Landscape Architect Positions	Parks, Recreation & Neighborhoods	Ongoing	Measure H	Parks Improvements	2.00	$ 199,852
PRN-023	Ballfield/Soccerfield Turf Renovation Equipment	Parks, Recreation & Neighborhoods	One-Time	Measure H	Parks Improvements		$ 87,985
PRN-026	Funding for Park Drinking Fountains/Bottle Fillers	Parks, Recreation & Neighborhoods	One-Time	Measure H	Parks Improvements		$ 100,000
Measure H Spending Plan - Parks Improvements Total						**3.00**	**$ 9,408,424**
CAO-001	Addition of 1.0 Deputy City Attorney III	City Attorney's Office	Ongoing	Measure H	Public Safety	1.00	$ 174,488
CAO-002	Addition of 1.0 Legal Secretary II	City Attorney's Office	Ongoing	Measure H	Public Safety	1.00	$ 87,506
CED-002	Funding for Rental Housing Safety Program	Community and Economic Development	Ongoing	Measure H	Public Safety		$ 451,200
IT-011	Addition of 1.0 Public Safety Principal Systems Engineer Position	Information Technology	Ongoing	Measure H	Public Safety	1.00	$ 138,648
PRN-033	Security for PRN sites with Public-entry	Parks, Recreation & Neighborhoods	Ongoing	Measure H	Public Safety		$ 100,000
MPD-001	Addition of 15.0 Police Officer Recruit Positions	Police Department	Ongoing	Measure H	Public Safety	15.00	$ 1,170,345
MPD-002	Addition of 5.0 Community Service Officer Positions	Police Department	Ongoing	Measure H	Public Safety	5.00	$ 418,510
MPD-003	Addition of 1.0 Civilian Investigator Position	Police Department	Ongoing	Measure H	Public Safety	1.00	$ 72,000
MPD-007	Addition of 1.0 Animal Control Officer Position	Police Department	Ongoing	Measure H	Public Safety	1.00	$ 76,121
MPD-008	Addition of 1.0 Police Civilian Supervisor Position	Police Department	Ongoing	Measure H	Public Safety	1.00	$ 103,852
MPD-013	Addition of 1.0 Administrative Office Assistant III Confidential Position	Police Department	Ongoing	Measure H	Public Safety	1.00	$ 68,600
MPD-018	Update Downtown Entertainment District (DED) Camera System	Police Department	One-Time	Measure H	Public Safety		$ 500,000
MPD-027	Additional Part-Time Funding	Police Department	Ongoing	Measure H	Public Safety		$ 150,000
MPD-029	Addition of 1.0 Police Lieutenant Position (Area Command)	Police Department	Ongoing	Measure H	Public Safety	1.00	$ 240,277
MPD-XX1	Additional Funding for Dispatch Project	Police Department	One-Time	Measure H	Public Safety		$ 2,000,000
Measure H Spending Plan - Public Safety Total						**28.00**	**$ 5,751,547**
MFD-003	Addition of 1.0 Hazmat Inspector Position	Fire Department	Ongoing	Measure H	Fire/EMS	1.00	$ 7,930
MFD-004	Addition of 1.0 Public Safety Business Services Analyst	Fire Department	Ongoing	Measure H	Fire/EMS	0.00	$ 16,277
MFD-008	Funding for Emergency Medical Services (EMS) Division	Fire Department	Ongoing	Measure H	Fire/EMS	5.00	$ 1,003,713
MFD-016	Station Runner Vehicle	Fire Department	One-Time	Measure H	Fire/EMS		$ 80,000
MFD-XX1	Fire Station 1 Funding	Fire Department	One-Time	Measure H	Fire/EMS		$ 3,000,000
Measure H Spending Plan - Fire/EMS Total						**6.00**	**$ 4,107,920**
PW-FGW-001	Addition of 1.0 Administrative Office Assistant II Position	Public Works	Ongoing	Measure H	Forestry	1.00	$ 40,480
PW-FGW-004	Additional Pruning Crew (Addition of Operation Crew Leader, Tree Trimmer Crew Leader, and Maintenance Worker II)	Public Works	Ongoing	Measure H	Forestry	3.00	$ 343,173
PW-FGW-007	Additional Forestry Crew (Addition of 4.0 Tree Trimmer II Positions)	Public Works	Ongoing	Measure H	Forestry	4.00	$ 411,474
PW-FGW-008	Outside Contractor - Tree Services	Public Works	Ongoing	Measure H	Forestry		$ 1,550,000
Measure H Spending Plan - Forestry Total						**8.00**	**$ 2,345,127**
PRN-020	Vehicles for New Park Maintenance Staff	Parks, Recreation & Neighborhoods	One-Time	Measure H	Equipment		$ 622,000
MPD-028	Additional Equipment for Additional Positions Requested	Police Department	One-Time	Measure H	Equipment		$ 1,201,405
PW-FGW-006	Additional Forestry Bucket Truck/Chipper and Two F150 Pickups	Public Works	One-Time	Measure H	Equipment		$ 390,000
Measure H Spending Plan - Equipment Total						**0.00**	**$ 2,213,405**
PW-CGS-003	Curb, Gutter, & Sidewalk (CGS) - Contractor Assistance Funding	Public Works	One-Time	Measure H	Sidewalk		$ 1,800,000
Measure H Spending Plan - Sidewalk Total						**0.00**	**$ 1,800,000**
CED-003	Addition of 2.0 Code Enforcement Officers	Community and Economic Development	Ongoing	Measure H	Blight	2.00	$ 151,656
Measure H Spending Plan - Blight Total						**2.00**	**$ 151,656**
CED-XX1	Additional Downtown Streets Team Funding	Community and Economic Development	One-Time	Measure H	Homelessness		$ 350,000
MPD-005	Addition of 4.0 Park Ranger Positions	Police Department	Ongoing	Measure H	Homelessness	4.00	$ 245,290
Measure H Spending Plan - Homelessness Total						**4.00**	**$ 595,290**
CCO-001	Unfreeze Deputy City Clerk Position	City Clerk's Office	Ongoing	Measure H	Measure H Admin Support	1.00	$ 75,728
CMO-003	Additional Funding for Marketing/Communications Budget	City Manager's Office	Ongoing	Measure H	Measure H Admin Support		$ 100,000
FIN-05	Restore 1.0 Full-time Assistant Buyer	Finance Department	Ongoing	Measure H	Measure H Admin Support	1.00	$ 74,786
FIN-11	Addition of 1.0 Full-time Account Clerk Position	Finance Department	Ongoing	Measure H	Measure H Admin Support	1.00	$ 66,178
HR-001	Addition of 1.0 HR Assistant Position	Human Resources	Ongoing	Measure H	Measure H Admin Support	1.00	$ 68,345
Measure H Spending Plan - Measure H Admin Support Total						**4.00**	**$ 385,037**
PW-BLDG-002	Facility Condition Assessment - City-wide (excludes Utilities)	Public Works	One-Time	Measure H	Deferred Maintenance		$ 358,037
Measure H Spending Plan - Deferred Maintenance Total						**0.00**	**$ 358,037**
Measure H Spending Plan Grand Total						**55.00**	**$27,116,443**

- Modesto City Employees Association (MCEA) signed a contract effective March 9, 2019 and will expire on June 30, 2023. Employees were granted a 2% salary adjustment effective November 12, 2019, 2% effective June 23, 2020, 2% effective June 22, 2021, and 2% effective June 21, 2022. Identified positions in the market study were approved to be brought within 7.5% of the market, to be implemented over a three-year period. Changes to Boot Allowance, Tool Allowance, Meal Allowance, Shift Differential, and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on November 5th, 2019.

- Modesto Confidential and Management Association (MCMA) signed a contract effective July 1, 2019 that will expire on June 30, 2023. Employees were granted a 2% salary adjustment effective November 26, 2019, 2% effective June 23, 2020, 2% effective June 22, 2021, and 2% effective June 21, 2022. Identified positions in the market study were approved to be brought within 7.5% of the market, to be implemented over a three-year period. Changes to Overtime Meal Allowance, Education Incentive, Notary Incentive Pay, Uniform Allowance, Bilingual Compensation, Boot Allowance, and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on November 26th, 2019.

- The Modesto Police and Fire Non-Sworn Association (MPNSA) signed a contract effective July 1, 2019 that will expire on June 30, 2023. Employees were granted a 2% salary adjustment effective October 29, 2019, 2% effective June 23, 2020, 2% effective June 22, 2021, and 2% effective June 21, 2022. Identified positions in the market study were approved to be brought within 7.5% of the market, to be implemented over a three-year period. Changes to Uniform Allowance and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on October 22th, 2019.

- The Modesto City Fire Fighters Association (MCFFA) signed a contract effective July 1, 2018 that will expire on June 30, 2021. Employees were granted a 3% salary adjustment effective April 16, 2019, 3% effective June 25, 2019, and 3% effective June 23, 2020. Effective the first full pay period following the adoption of this contract, each employee shall contribute 1.0% of salary to an agreed upon Base as noted in the CalPERS Schedule of Amortization. Changes to Education Pay, Longevity Pay, Vacation Board, Uniform Allowance, and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on April 9th, 2019. On July 14, 2020, an extension of MOU was approved by Council. This extension of MOU approved 2.5% salary adjustment effective June 22, 2021 and June 21,2022.

- Unrepresented Sworn Fire Personnel (Fire Chiefs); The City has historically implemented terms and conditions of employment for these Unrepresented Sworn Fire Personnel consistent with the terms and conditions of employment covering employees in the MCFAA bargaining unit, with appropriate modifications. Employees were granted a 3% salary adjustment effective April 16, 2019, 3% effective June 25, 2019, and 3% effective June 23, 2020. Effective the first full pay period following the adoption of this contract, each employee shall contribute 1.0% of salary to an agreed upon Base as noted in the CalPERS Schedule of Amortization. Changes to Education Pay, Longevity Incentive, and Uniform Allowance were also agreed upon. This contract was approved by the City Council on April

9th, 2019. On July 14, 2020, an extension of MOU was approved by Council. This extension of MOU approved 2.5% salary adjustment effective June 22, 2021 and June 21,2022

- The Modesto Police Officers Association (MPOA) and Modesto Police Management Association (MPMA) merged into one bargaining unit, MPOA. The contract between MPOA and the City became effective on July 1, 2019 that will expire on June 30, 2023. Employees were granted a 3% salary adjustment effective June 23, 2020, 3% effective June 22, 2021, and 3% effective June 21, 2022. Effective June 25, 2019, each employee shall contribute 1.5% of salary to an agreed upon Base as noted in the CalPERS Schedule of Amortization. Changes to Sick Leave to HSA Conversion, Retention Bonus, Master Police Officer Pay, Education Incentive, FTO Pay, and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on June 25th, 2019.

- Unrepresented Sworn Police Personnel (Police Chief and Police Captains); The City has historically implemented terms and conditions of employment for these Unrepresented Sworn Police Personnel consistent with the terms and conditions of employment covering employees in the MPOA bargaining unit, with appropriate modifications. Employees were granted a 3% salary adjustment effective June 23, 2020, 3% effective June 22, 2021, and 3% effective June 21, 2022. Effective the first full pay period following adoption of the MPOA contract, each employee shall contribute 1.5% of salary to an agreed upon Base as noted in the CalPERS Schedule of Amortization. Changes to Sick Leave to HSA Conversion, Retention Bonus, and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on June 25th, 2019.

- Unrepresented Non-Sworn Employees (Manager, Confidential Employees, City Manager, Deputy City Managers, Department Directors, and Deputy Department Directors). The City has historically implemented terms and conditions of employment for these Unrepresented Non-Sworn Employees consistent with the terms and conditions of employment covering employees in the MCMA bargaining unit, with appropriate modifications. Employees were granted a 2% salary adjustment effective November 26, 2019, 2% effective June 23, 2020, 2% effective June 22, 2021, and 2% effective June 21, 2022. Identified positions in the market study were approved to be brought within 7.5% of the market, to be implemented over a three-year period. Changes to Education Incentive and City contribution to medical, dental, and vision were also agreed upon. This contract was approved by the City Council on November 26th, 2019.

FY2023-24 Position Allocation by Fund

Position	FY24 Starting	Move	New	Reclass	Total
Proposed Budget					
0100 - General Fund	694.75	(13.00)	5.00	-	686.75
1133 - Grants - CDBG Direct Program	11.00		1.00		12.00
1300 - Capital Improvement Support	31.00	(31.00)			-
1341 - Grants - Operation Grants Reimbursed	9.00				9.00
1342 - Grants - Police	4.00				4.00
1381 - Non-Capital Public Works (Non-Grant)	2.00				2.00
1390 - American Rescue Grants Fund	8.00				8.00
1610 - Traffic Offender Fund	1.00				1.00
1700 - Surface Transportation Fund	61.00	(1.00)	3.00		63.00
3220 - Infrastructure Financing Program Administration	8.00				8.00
4000 - Parking Fund	7.00				7.00
4100 - Water Fund	133.00	-	2.00		135.00
4210 - Sewer Operations Fund	139.00	-			139.00
4310 - Airport Operating Fund	6.00				6.00
4480 - Storm Drainage Fund	6.00				6.00
4700 - Community Center Operations Fund	5.00		0.75		5.75
4890 - Compost Fund	9.00				9.00
4891 - Solid Waste Fund	10.00		1.00		11.00
4892 - Green Waste Fund	45.00				45.00
5110 - Inventory Purchases Fund	6.00		1.00		7.00
5120 - Mail Services ISF Fund	2.00				2.00
5230 - Information Technology Fund	36.00				36.00
5310 - Insurance - Administration Fund	5.00				5.00
5400 - Fleet Management Fund	50.00	-	1.00		51.00
5520 - Employee Benefits Administration Fund	2.00				2.00
5800 - P/R Building Services Fund	7.00				7.00
5810 - 10th Street Place Building Services	1.00				1.00
Proposed Budget Total	**1,298.75**	**(45.00)**	**14.75**	**-**	**1,268.50**
Addendum (New Request)					
0100 - General Fund		13.00	2.00	-	15.00
1300 - Capital Improvement Support		32.00			32.00
1700 - Surface Transportation Fund				-	-
4100 - Water Fund				-	-
4210 - Sewer Operations Fund				-	-
4892 - Green Waste Fund				-	-
5120 - Mail Services ISF Fund				-	-
5400 - Fleet Management Fund				-	-
Addendum (New Request) Total		**45.00**	**2.00**	**-**	**47.00**
Total	**1,298.75**	**-**	**16.75**	**-**	**1,315.50**

FY21-2022 through FY2023-24 Position Allocation by Department

Position	FY22 Ending	FY23 Current	FY 24 Starting	Move	New	Reclass	FY 24 Ending
Proposed Budget							
City Attorney's Office	5.00	5.00	5.00				5.00
City Clerk's Office	5.00	5.00	5.00				5.00
City Council	8.00	8.00	8.00				8.00
City Manager's Office	14.00	13.00	14.00				14.00
Community & Economic Development Department	70.00	72.00	74.00	(27.00)	4.00		51.00
Finance Department	60.00	61.00	61.00		4.75	-	65.75
Human Resources	18.00	18.00	19.00				19.00
Information Technology	36.00	36.00	36.00				36.00
Modesto Fire Department	211.00	215.00	227.00				227.00
Modesto Police Department	314.00	310.00	317.00				317.00
Office of the City Auditor	3.00	3.00	3.00				3.00
Parks, Recreation & Neighborhoods Department	52.75	53.75	54.75		1.00		55.75
Public Works Department	203.00	203.00	206.00	(1.00)	5.00		210.00
Utilities Department	271.00	269.00	269.00	(17.00)			252.00
Proposed Budget Total	**1,270.75**	**1,271.75**	**1,298.75**	**(45.00)**	**14.75**	**-**	**1,268.50**
Addendum (New Request)							
City Clerk's Office	-					-	-
Human Resources	-					-	-
Modesto Fire Department	-					-	-
Modesto Police Department				8.00		-	8.00
Utilities						-	-
Parks and Recreations Neighborhood						-	-
Public Works						-	-
Engineering Services Department				37.00	2.00		39.00
Addendum (New Request) Total				**45.00**	**2.00**	**-**	**47.00**
Total			**1,298.75**	**-**	**16.75**	**-**	**1,315.50**

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Proposed Budget					
0100 - General Fund					
Account Clerk I	5.00		1.75		6.75
Account Clerk II	2.00				2.00
Account Clerk II (Confidential)	1.00				1.00
Account Technician II	3.00				3.00
Account Technician II (Confidential)	1.00				1.00
Accounting Manager	1.00				1.00
Administrative Analyst I	4.00		1.00		5.00
Administrative Analyst II	4.00				4.00
Administrative Office Assistant II	5.00	(3.00)			2.00
Administrative Office Assistant II Conf	1.00				1.00
Administrative Office Assistant III	7.00	(1.00)			6.00
Administrative Office Assistant III Conf	3.00				3.00
Animal Control Supervisor	1.00				1.00
Assistant Chief of Police	1.00				1.00
Assistant City Clerk	1.00				1.00
Assistant Planner	2.00				2.00
Associate Engineer	1.00	(1.00)			-
Auditor II	1.00				1.00
Budget Manager	1.00				1.00
Building Inspector I	3.00				3.00
Building Inspector II	1.00				1.00
Building Safety Program Coordinator	1.00				1.00
Business Analyst	1.00		1.00		2.00
Buyer	4.00				4.00
Chief Building Official	1.00				1.00
Chief of Police	1.00				1.00
City Attorney	1.00				1.00
City Auditor	1.00				1.00
City Clerk	1.00				1.00
City Engineer	1.00	(1.00)			-
City Manager	1.00				1.00
Code Enforcement Officer I - NPU	1.00	(1.00)			-
Code Enforcement Officer II - NPU	4.00	(3.00)			1.00
Communications and Media Relations Officer	1.00	-			1.00
Council Member	6.00				6.00
Cultural Services Program Manager	1.00				1.00
Custodian I	1.00				1.00
Custodian II	1.00				1.00
Deputy City Attorney III	1.00				1.00
Deputy City Clerk	1.00				1.00
Deputy Fire Marshal	1.00				1.00
Development Services Technician I	1.00		1.00		2.00
Development Services Technician II	2.00	(1.00)			1.00
Director of Community and Economic Development	1.00				1.00
Director of Finance	1.00				1.00
Director of Human Resources	1.00				1.00
Director of Parks Recreation & Neighborhoods	1.00				1.00
Economic Development Manager	1.00				1.00
Economic Development Marketing Specialist	1.00				1.00
Employee Relations Officer	1.00				1.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Engineering Assistant II	1.00	(1.00)			-
Events Coordinator	1.00				1.00
Executive Assistant	5.00				5.00
Executive Assistant to the City Council	1.00				1.00
Executive Assistant to the City Manager	1.00				1.00
Financial Analyst I	1.00				1.00
Financial Analyst II	6.00				6.00
Financial Analyst III	4.00				4.00
Fire Battalion Chief	10.00			(1.00)	9.00
Fire Captain	56.00				56.00
Fire Captain 80 Hr	1.00				1.00
Fire Chief	1.00				1.00
Fire Deputy Chief	6.00			(1.00)	5.00
Fire Engineer	58.00				58.00
Fire Engineer Special Assignment	2.00				2.00
Fire Fighter	63.00				63.00
Fire Fighter Trainee	8.00				8.00
Fire Prevention Inspector I	4.00				4.00
Fire Prevention Inspector II	1.00				1.00
Head Groundskeeper	1.00				1.00
Human Resources Analyst I	1.00				1.00
Human Resources Analyst II	2.00				2.00
Human Resources Assistant	1.00				1.00
Human Resources Manager	1.00				1.00
Human Resources Technician I	2.00				2.00
Maintenance Worker I	3.00				3.00
Maintenance Worker II	15.00				15.00
Management Analyst	1.00				1.00
Mayor	1.00				1.00
Multimedia Designer	1.00	-			1.00
Neighborhood Preservation Supervisor	1.00	(1.00)			-
Operations Manager	1.00				1.00
Operations Supervisor	3.00				3.00
Organizational Development Coordinator	1.00				1.00
Paralegal	2.00				2.00
Parking Adjudication Program Coordinator	1.00				1.00
Parks Maintenance Crewleader	2.00				2.00
Parks Maintenance Mechanic	2.00				2.00
Parks Planning and Development Manager	1.00				1.00
Parks Project Coordinator	4.00				4.00
Planning Manager	1.00				1.00
Plans Examiner	2.00				2.00
Police Administrator	1.00				1.00
Police Animal Control Officer II	2.00				2.00
Police Cadet I	3.00				3.00
Police Cadet II	3.00				3.00
Police Captain	3.00				3.00
Police Civilian Manager	2.00				2.00
Police Civilian Supervisor	6.00				6.00
Police Community Service Officer I	11.00				11.00
Police Community Service Officer II	14.00				14.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Police Crime & Intelligence Analyst II	1.00				1.00
Police Crime and Intelligence Analyst I	2.00				2.00
Police Crime and Intelligence Analyst II	3.00				3.00
Police Detective	7.00				7.00
Police Evidence & Property Technician I	1.00				1.00
Police Evidence & Property Technician II	2.00				2.00
Police Evidence and Property Technician I	1.00				1.00
Police Evidence and Property Technician II	1.00				1.00
Police Identification Technician I	1.00				1.00
Police Identification Technician II	2.00				2.00
Police Lieutenant	9.00				9.00
Police Officer	143.00				143.00
Police Officer Recruit	8.00				8.00
Police Officer Trainee	12.00				12.00
Police Sergeant	24.00				24.00
Police Support Specialist I	3.00				3.00
Police Support Specialist II	20.00				20.00
Police Support Specialist II (Confidential)	1.00				1.00
Police Technician	3.00				3.00
Principal Planner	2.00				2.00
Public Relations and Legislative Affairs Manager	1.00	-			1.00
Public Safety Business Services Analyst	1.00				1.00
Public Safety Information Coordinator	1.00				1.00
Purchasing Manager	1.00				1.00
Recreation and Neighborhoods Services Manager	1.00				1.00
Recreation Coordinator	6.75		0.25		7.00
Recreation Supervisor	2.00				2.00
Revenue Collections and Compliance Manager	1.00				1.00
Senior Account Clerk	2.00				2.00
Senior Administrative Office Assistant	1.00				1.00
Senior Administrative Office Assistant Conf	3.00				3.00
Senior Auditor	1.00				1.00
Senior Building Inspector	1.00				1.00
Senior Business Analyst	1.00				1.00
Senior Buyer	1.00				1.00
Senior Crime and Intelligence Analyst	1.00				1.00
Senior Financial Analyst	2.00				2.00
Senior Human Resources Assistant	1.00				1.00
Senior Planner	2.00				2.00
Storeskeeper	1.00				1.00
Assistant Fire Chief				2.00	2.00
0100 - General Fund Total	**694.75**	**(13.00)**	**5.00**	**-**	**686.75**
1133 - Grants - CDBG Direct Program					
Administrative Analyst I	2.00				2.00
Community Development Program Specialist II	3.00		1.00		4.00
Housing and Urban Development Supervisor	1.00				1.00
Housing Financial Specialist	1.00				1.00
Housing Rehabilitation Specialist I	1.00				1.00
Housing Rehabilitation Supervisor	1.00				1.00
Senior Community Development Program Specialist	2.00				2.00
1133 - Grants - CDBG Direct Program Total	**11.00**		**1.00**		**12.00**
1300 - Capital Improvement Support					

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Administrative Analyst II	2.00	(2.00)			-
Administrative Office Assistant III	2.00	(2.00)			-
Assistant City Engineer	1.00	(1.00)			-
Assistant Engineer	3.00	(3.00)			-
Associate Civil/Traffic Engineer	1.00	(1.00)			-
Associate Engineer	2.00	(2.00)			-
Associate/Civil Traffic Engineer	1.00	(1.00)			-
Construction Inspection Supervisor	1.00	(1.00)			-
Construction Inspector	5.00	(5.00)			-
Engineering Assistant II	3.00	(3.00)			-
Engineering Assistant Trainee	1.00	(1.00)			-
Senior Civil Engineer	4.00	(4.00)			-
Senior Land Surveyor	1.00	(1.00)			-
Sr Construction Inspector	2.00	(2.00)			-
Survey Party Chief	2.00	(2.00)			-
1300 - Capital Improvement Support Total	**31.00**	**(31.00)**			**-**
1341 - Grants - Operation Grants Reimbursed					
Fire Fighter	8.00				8.00
Fire Fighter Trainee	1.00				1.00
1341 - Grants - Operation Grants Reimbursed Total	**9.00**				**9.00**
1342 - Grants - Police					
Homeless Outreach Specialist	4.00				4.00
1342 - Grants - Police Total	**4.00**				**4.00**
1381 - Non-Capital Public Works (Non-Grant)					
Administrative Analyst I	1.00				1.00
Administrative Services Technician II	1.00				1.00
1381 - Non-Capital Public Works (Non-Grant) Total	**2.00**				**2.00**
1390 - American Rescue Grants Fund					
Homeless Outreach Specialist	2.00				2.00
Maintenance Worker I	2.00				2.00
Police Cadet I	2.00				2.00
Police Cadet II	2.00				2.00
1390 - American Rescue Grants Fund Total	**8.00**				**8.00**
1610 - Traffic Offender Fund					
Police Officer	1.00				1.00
1610 - Traffic Offender Fund Total	**1.00**				**1.00**
1700 - Surface Transportation Fund					
Administrative Analyst II	1.00				1.00
Administrative Office Assistant III	2.00				2.00
Administrative Office Assistant III Conf	1.00				1.00
Administrative Services Technician II	1.00				1.00
Associate Engineer	1.00				1.00
Director of Public Works	1.00				1.00
Electrical Supervisor	1.00				1.00
Electrician - Traffic and Buildings	7.00				7.00
Electrician Assistant I	1.00				1.00
Electrician Assistant III	2.00				2.00
Electrician Crewleader	1.00				1.00
Engineering Assistant I	1.00				1.00
Equipment Operator I	14.00		3.00		17.00
Equipment Operator II	8.00				8.00
Executive Assistant	1.00				1.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Maintenance Worker I	1.00				1.00
Maintenance Worker II	1.00				1.00
Operations Crewleader	3.00				3.00
Operations Supervisor	2.00				2.00
Senior Equipment Operator	3.00				3.00
Streets Manager	1.00				1.00
Traffic Engineer	1.00	(1.00)			-
Traffic Operations Engineer	1.00				1.00
Traffic Operations Technician	4.00				4.00
Traffic Striping Crewleader	1.00				1.00
1700 - Surface Transportation Fund Total	**61.00**	**(1.00)**	**3.00**		**63.00**
3220 - Infrastructure Financing Program Administration					
Administrative Analyst I	1.00				1.00
Administrative Analyst II	1.00				1.00
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Administrative Services Technician II	1.00				1.00
Community Development Manager	1.00				1.00
Infrastructure Financing Program Supervisor	1.00				1.00
Senior Administrative Office Assistant	1.00				1.00
3220 - Infrastructure Financing Program Administration Total	**8.00**				**8.00**
4000 - Parking Fund					
Maintenance Worker I	2.00				2.00
Maintenance Worker II	2.00				2.00
Parking Enforcement Officer	1.00				1.00
Parking Services Crewleader	1.00				1.00
Parking Services Supervisor	1.00				1.00
4000 - Parking Fund Total	**7.00**				**7.00**
4100 - Water Fund					
Account Clerk I	3.00		2.00		5.00
Account Clerk II	8.00				8.00
Account Technician II	3.00				3.00
Administrative Analyst I	1.00				1.00
Administrative Analyst II	1.00				1.00
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	5.00				5.00
Administrative Services Officer	1.00				1.00
Administrative Services Technician II	3.00				3.00
Associate Civil/Traffic Engineer	2.00				2.00
Associate Engineer	3.00				3.00
Director of Utilities	1.00				1.00
Electrical and Instrumentation Technician	2.00				2.00
Engineering Assistant II	2.00				2.00
Executive Assistant	1.00				1.00
Financial Analyst III	1.00				1.00
Maintenance Worker II	1.00				1.00
Property Agent	1.00				1.00
Revenue Collections and Compliance Manager	1.00				1.00
Senior Account Clerk	4.00				4.00
Senior Administrative Office Assistant Conf	1.00				1.00
Senior Civil Engineer	1.00				1.00
Senior Utilities Plant Operator	3.00				3.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Senior Utilities Services Worker	5.00				5.00
Sr Civil Engineer	1.00				1.00
Utilities Plant Operations Supervisor	2.00				2.00
Utilities Plant Operator II	12.00				12.00
Utilities Services Supervisor	3.00				3.00
Utilities Services Worker I	12.00				12.00
Utilities Services Worker II	16.00	-			16.00
Utilities Services Worker III	24.00				24.00
Utility Dispatch Supervisor	1.00				1.00
Water Conservation Specialist	2.00				2.00
Water Division Manager	1.00				1.00
Water Resources Analyst	2.00				2.00
Water Superintendent	2.00				2.00
4100 - Water Fund Total	**133.00**	**-**	**2.00**		**135.00**
4210 - Sewer Operations Fund					
Administrative Analyst II	3.00				3.00
Administrative Office Assistant II	2.00				2.00
Administrative Office Assistant III	3.00				3.00
Administrative Services Technician II	3.00	-			3.00
Assistant Engineer	1.00				1.00
Associate Civil / Traffic Engineer	1.00				1.00
Associate Civil/Traffic Engineer	1.00				1.00
Electrical and Instrumentation Technician	7.00	-			7.00
Electrical Supervisor - Utilities	1.00	-			1.00
Electrician Crewleader	1.00	-			1.00
Engineering Assistant II	1.00				1.00
Engineering Division Manager	1.00				1.00
Environmental Compliance Inspector I	3.00				3.00
Environmental Compliance Inspector II	3.00				3.00
Environmental Regulatory Compliance Superintendent	1.00	-			1.00
Environmental Services Supervisor	1.00				1.00
Laboratory Analyst I	2.00				2.00
Laboratory Analyst II	2.00				2.00
Laboratory Analyst III	1.00				1.00
Laboratory Supervisor	1.00				1.00
Plant Maintenance Planner	1.00	-			1.00
Plant Maintenance Superintendent	1.00	-			1.00
Plant Maintenance Supervisor	2.00	-			2.00
Plant Mechanic I	4.00	-			4.00
Plant Mechanic II	13.00	-			13.00
plant mechanic Trainee	1.00				1.00
Senior Administrative Office Assistant Conf	1.00				1.00
Senior Civil Engineer	1.00				1.00
Senior Plant Mechanic	5.00	-			5.00
Senior Utilities Plant Operator	8.00				8.00
Senior Utilities Services Worker	3.00				3.00
Utilities Plant Operations Supervisor	2.00				2.00
Utilities Plant Operator I	4.00				4.00
Utilities Plant Operator II	5.00				5.00
Utilities Plant Operator Trainee	3.00				3.00
Utilities Services Supervisor	3.00				3.00
Utilities Services Worker I	11.00				11.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Utilities Services Worker II	12.00				12.00
Utilities Services Worker III	15.00				15.00
Utility Dispatch Supervisor	1.00				1.00
Wastewater Collections Systems Superintendent	1.00	-			1.00
Wastewater Division Manager	1.00				1.00
Water Resources Analyst	1.00	-			1.00
WQC Superintendent-Chief Plant Operator	1.00	-			1.00
4210 - Sewer Operations Fund Total	**139.00**	**-**			**139.00**
4310 - Airport Operating Fund					
Administrative Office Assistant III	1.00				1.00
Airport Maintenance Crewleader	1.00				1.00
Airport Maintenance Worker	3.00				3.00
Airport Manager	1.00				1.00
4310 - Airport Operating Fund Total	**6.00**				**6.00**
4480 - Storm Drainage Fund					
Equipment Operator II	6.00				6.00
4480 - Storm Drainage Fund Total	**6.00**				**6.00**
4700 - Community Center Operations Fund					
Administrative Office Assistant III	1.00				1.00
Building Maintenance Technician	1.00				1.00
Events Coordinator	1.00				1.00
Production Technician	1.00				1.00
Senior Events Coordinator	1.00				1.00
Lead Service Worker - Limited Term			0.75		0.75
4700 - Community Center Operations Fund Total	**5.00**		**0.75**		**5.75**
4890 - Compost Fund					
Administrative Office Assistant III	1.00				1.00
Compost Facility Supervisor	1.00				1.00
Equipment Operator II	3.00				3.00
Maintenance Worker II	2.00				2.00
Operations Crewleader	1.00				1.00
Senior Equipment Operator	1.00				1.00
4890 - Compost Fund Total	**9.00**				**9.00**
4891 - Solid Waste Fund					
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Administrative Services Technician II	1.00				1.00
Integrated Waste Program Manager	1.00				1.00
Maintenance Worker I	2.00				2.00
Recycling Program Coordinator	1.00				1.00
Solid Waste Enforcement Officer	2.00				2.00
Solid Waste Enforcement Supervisor	1.00				1.00
Solid Waste Outreach Specialisty			1.00		1.00
4891 - Solid Waste Fund Total	**10.00**		**1.00**		**11.00**
4892 - Green Waste Fund					
Administrative Office Assistant III	1.00				1.00
Equipment Operator I	3.00				3.00
Equipment Operator II	7.00				7.00
Maintenance Worker II	12.00				12.00
Materials Management Superintendent/City Arborist	1.00				1.00
Operations Crewleader	3.00				3.00
Operations Supervisor	2.00				2.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Tree Trimmer Crewleader	2.00				2.00
Tree Trimmer I	5.00				5.00
Tree Trimmer II	9.00				9.00
4892 - Green Waste Fund Total	**45.00**				**45.00**
5110 - Inventory Purchases Fund					
Assistant Buyer	1.00				1.00
Central Stores Supervisor	1.00				1.00
Senior Buyer	1.00				1.00
Senior Storeskeeper	2.00				2.00
Storeskeeper	1.00		1.00		2.00
5110 - Inventory Purchases Fund Total	**6.00**		**1.00**		**7.00**
5120 - Mail Services ISF Fund					
Administrative Office Assistant I	2.00				2.00
5120 - Mail Services ISF Fund Total	**2.00**				**2.00**
5230 - Information Technology Fund					
Chief Information Officer	1.00				1.00
Executive Assistant	1.00				1.00
Information Technology Manager	2.00				2.00
Information Technology Security Officer	1.00				1.00
Principal Systems Engineer	1.00				1.00
Senior Software Analyst	7.00				7.00
Senior Systems Engineer	3.00				3.00
Senior Systems Technician	3.00				3.00
Software Analyst I	2.00				2.00
Software Analyst II	5.00				5.00
Systems Engineer I	1.00				1.00
Systems Engineer II	5.00				5.00
Systems Technician I	1.00				1.00
Systems Technician II	3.00				3.00
5230 - Information Technology Fund Total	**36.00**				**36.00**
5310 - Insurance - Administration Fund					
Risk Analyst I	1.00				1.00
Risk Manager	1.00				1.00
Safety Officer	1.00				1.00
Safety Specialist	1.00				1.00
Senior Administrative Office Assistant Conf	1.00				1.00
5310 - Insurance - Administration Fund Total	**5.00**				**5.00**
5400 - Fleet Management Fund					
Administrative Office Assistant III	1.00				1.00
Administrative Services Technician I	1.00				1.00
Administrative Services Technician II	1.00	-			1.00
Equipment Service Technician	2.00				2.00
Fleet Manager	1.00				1.00
Fleet Procurement Technician	3.00				3.00
Heavy Equipment Mechanic Crewleader	5.00				5.00
Heavy Equipment Mechanic I	11.00		1.00		12.00
Heavy Equipment Mechanic II	15.00				15.00
Maintenance Worker I	5.00				5.00
Operations Manager	1.00				1.00
Operations Supervisor	3.00				3.00
Welder/Fabricator	1.00				1.00
5400 - Fleet Management Fund Total	**50.00**	**-**	**1.00**		**51.00**

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
5520 - Employee Benefits Administration Fund					
Employee Benefits Technician	1.00				1.00
Human Resources Assistant	1.00				1.00
5520 - Employee Benefits Administration Fund Total	**2.00**				**2.00**
5800 - P/R Building Services Fund					
Administrative Analyst I	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Building Maintenance Specialist	2.00				2.00
Building Maintenance Technician	1.00				1.00
Facilities Manager	1.00				1.00
Maintenance Worker II	1.00				1.00
5800 - P/R Building Services Fund Total	**7.00**				**7.00**
5810 - 10th Street Place Building Services					
Administrative Office Assistant III	1.00				1.00
5810 - 10th Street Place Building Services Total	**1.00**				**1.00**
Proposed Budget Total	**1,298.75**	**(45.00)**	**14.75**	**-**	**1,268.50**
Addendum (New Request)					
0100 - General Fund					
Administrative Analyst II				(1.00)	(1.00)
Administrative Office Assistant II		3.00			3.00
Administrative Office Assistant III		1.00	1.00		2.00
Associate Engineer		1.00			1.00
Code Enforcement Officer I - NPU		1.00			1.00
Code Enforcement Officer II - NPU		3.00			3.00
Development Services Technician II		1.00			1.00
Engineering Assistant II		1.00			1.00
Executive Assistant			1.00		1.00
Human Resources Assistant				(1.00)	(1.00)
Neighborhood Preservation Supervisor		1.00			1.00
Parks Project Coordinator				(4.00)	(4.00)
Public Safety Business Services Analyst				1.00	1.00
Senior Administrative Office Assistant Conf				(1.00)	(1.00)
Senior Human Resources Assistant				1.00	1.00
Police Hiring Supervisor				1.00	1.00
Associate Landscape Architect				2.00	2.00
Landscape & Facilities Designer				2.00	2.00
Director of Engineering/City Enginer		1.00			1.00
0100 - General Fund Total		**13.00**	**2.00**	**-**	**15.00**
1300 - Capital Improvement Support					
Administrative Analyst II		2.00			2.00
Administrative Office Assistant III		2.00			2.00
Assistant City Engineer		1.00			1.00
Assistant Engineer		3.00			3.00
Associate Civil/Traffic Engineer		1.00			1.00
Associate Engineer		2.00			2.00
Associate/Civil Traffic Engineer		1.00			1.00
Construction Inspection Supervisor		1.00			1.00
Construction Inspector		5.00			5.00
Engineering Assistant II		3.00			3.00
Engineering Assistant Trainee		1.00			1.00
Senior Civil Engineer		4.00			4.00
Senior Land Surveyor		1.00			1.00

FY2023-24 Position Allocation by Fund and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Sr Construction Inspector		2.00			2.00
Survey Party Chief		2.00			2.00
Traffic Engineer		1.00			1.00
1300 - Capital Improvement Support Total		**32.00**			**32.00**
1700 - Surface Transportation Fund					
Electrician Assistant I				(1.00)	(1.00)
Electrician Assistant III				(2.00)	(2.00)
Electrician I/II				3.00	3.00
1700 - Surface Transportation Fund Total				**-**	**-**
4100 - Water Fund					
Administrative Office Assistant III				(1.00)	(1.00)
Property Agent				(1.00)	(1.00)
Senior Administrative Office Assistant				1.00	1.00
Utilities Services Worker III				(1.00)	(1.00)
Engineering Project Coordinator				1.00	1.00
Process Control System Technician II				1.00	1.00
4100 - Water Fund Total				**-**	**-**
4210 - Sewer Operations Fund					
Electrician Crewleader				(1.00)	(1.00)
Environmental Compliance Inspector II				(1.00)	(1.00)
Plant Mechanic II				(3.00)	(3.00)
Process Control System Technician II				2.00	2.00
Senior Process Control System Technician				1.00	1.00
Senior Electrical and Instrumentation Technician				1.00	1.00
Senior Environmental Compliance Inspector				1.00	1.00
4210 - Sewer Operations Fund Total				**-**	**-**
4892 - Green Waste Fund					
Materials Management Superintendent/City Arborist				(1.00)	(1.00)
Forestry Manager				1.00	1.00
4892 - Green Waste Fund Total				**-**	**-**
5120 - Mail Services ISF Fund					
Administrative Office Assistant I				(2.00)	(2.00)
Administrative Office Assistant II				2.00	2.00
5120 - Mail Services ISF Fund Total				**-**	**-**
5400 - Fleet Management Fund					
Heavy Equipment Mechanic II				1.00	1.00
Operations Manager				(1.00)	(1.00)
Welder/Fabricator				(1.00)	(1.00)
Senior Operations Manager				1.00	1.00
5400 - Fleet Management Fund Total				**-**	**-**
Addendum (New Request) Total		**45.00**	**2.00**	**-**	**47.00**
Total	**1,298.75**	**-**	**16.75**	**-**	**1,315.50**

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Proposed Budget					
0100 - General Fund					
City Attorney's Office					
04010 - CAO - City Attorney's Office					
Administrative Office Assistant III Conf	1.00				1.00
City Attorney	1.00				1.00
Deputy City Attorney III	1.00				1.00
Paralegal	2.00				2.00
04010 - CAO - City Attorney's Office Total	**5.00**				**5.00**
City Attorney's Office Total	5.00				5.00
City Clerk's Office					
05010 - CCO - City Clerk's Office					
Assistant City Clerk	1.00				1.00
City Clerk	1.00				1.00
Deputy City Clerk	1.00				1.00
05010 - CCO - City Clerk's Office Total	**3.00**				**3.00**
City Clerk's Office Total	3.00				3.00
City Council					
01010 - CCM - City Council of Modesto					
Council Member	6.00				6.00
Executive Assistant to the City Council	1.00				1.00
Mayor	1.00				1.00
01010 - CCM - City Council of Modesto Total	**8.00**				**8.00**
City Council Total	8.00				8.00
City Manager's Office					
02010 - CMO - City Manager's Office					
Administrative Office Assistant II Conf	1.00				1.00
City Manager	1.00				1.00
Communications and Media Relations Officer	1.00	-1.00			0.00
Deputy City Manager	2.00				2.00
Executive Assistant to the City Manager	1.00				1.00
Management Analyst	1.00				1.00
Multimedia Designer	1.00	-1.00			0.00
Public Relations and Legislative Affairs Manager	1.00	-1.00			0.00
02010 - CMO - City Manager's Office Total	**9.00**	**-3.00**			**6.00**
02015 - CMO - Communications and Legislative Affairs					
Communications and Media Relations Officer		1.00			1.00
Multimedia Designer		1.00			1.00
Public Relations and Legislative Affairs Manager		1.00			1.00
02015 - CMO - Communications and Legislative Affairs Total		**3.00**			**3.00**
02110 - CMO - Budget Division					
Budget Manager	1.00				1.00
Financial Analyst III	2.00				2.00
Senior Financial Analyst	1.00				1.00
02110 - CMO - Budget Division Total	**5.00**				**5.00**
City Manager's Office Total	14.00	0.00			14.00
Finance Department					
12110 - FIN - Accounting					
Account Clerk II	2.00				2.00
Account Clerk II (Confidential)	1.00				1.00
Account Technician II	1.00				1.00
Account Technician II (Confidential)	1.00				1.00
Accounting Manager	1.00				1.00
Financial Analyst I	1.00				1.00
Financial Analyst II	5.00				5.00
Financial Analyst III	1.00				1.00
Senior Financial Analyst	1.00				1.00
12110 - FIN - Accounting Total	**14.00**				**14.00**

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
12115 - FIN - Accounts Receivable (Accounting)					
Account Clerk I	1.00				1.00
Account Technician II	1.00				1.00
Financial Analyst III	1.00				1.00
12115 - FIN - Accounts Receivable (Accounting) Total	**3.00**				**3.00**
12210 - FIN - Administration					
Director of Finance	1.00				1.00
Executive Assistant	1.00				1.00
12210 - FIN - Administration Total	**2.00**				**2.00**
12430 - FIN - Licensing					
Account Clerk I	4.00		1.75		5.75
Account Technician II	1.00				1.00
Code Enforcement Officer II - NPU	1.00				1.00
Revenue Collections and Compliance Manager	1.00				1.00
Senior Account Clerk	1.00				1.00
12430 - FIN - Licensing Total	**8.00**		**1.75**		**9.75**
12450 - FIN - Citation Processing Services					
Parking Adjudication Program Coordinator	1.00				1.00
Senior Account Clerk	1.00				1.00
12450 - FIN - Citation Processing Services Total	**2.00**				**2.00**
12510 - FIN - Purchasing					
Buyer	4.00				4.00
Purchasing Manager	1.00				1.00
Senior Buyer	1.00				1.00
12510 - FIN - Purchasing Total	**6.00**				**6.00**
Finance Department Total	35.00		1.75		36.75
Human Resources					
17210 - HR - HR Administration					
Director of Human Resources	1.00				1.00
Employee Relations Officer	1.00				1.00
Executive Assistant	1.00				1.00
Human Resources Analyst I	1.00				1.00
Human Resources Analyst II	2.00				2.00
Human Resources Assistant	1.00				1.00
Human Resources Manager	1.00				1.00
Human Resources Technician I	2.00				2.00
Organizational Development Coordinator	1.00				1.00
Senior Human Resources Assistant	1.00				1.00
17210 - HR - HR Administration Total	**12.00**				**12.00**
Human Resources Total	12.00				12.00
Modesto Fire Department					
18110 - MFD - Administration & Officers					
Administrative Analyst I	1.00				1.00
Administrative Analyst II	1.00				1.00
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Executive Assistant	1.00				1.00
Fire Battalion Chief	1.00				1.00
Fire Chief	1.00				1.00
Fire Deputy Chief	2.00		-1.00		1.00
Assistant Fire Chief			2.00		2.00
18110 - MFD - Administration & Officers Total	**9.00**		**1.00**		**10.00**
18210 - MFD - Suppression					
Fire Battalion Chief	6.00		-1.00		5.00
Fire Captain	36.00				36.00
Fire Captain 80 Hr	1.00				1.00
Fire Engineer	39.00				39.00
Fire Fighter	41.00				41.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Fire Fighter Trainee	1.00				1.00
18210 - MFD - Suppression Total	**124.00**			**-1.00**	**123.00**
18211 - MFD - Fire Services for Consolidated					
Fire Deputy Chief	1.00				1.00
18211 - MFD - Fire Services for Consolidated Total	**1.00**				**1.00**
18212 - MFD - Fire Services for Oakdale					
Fire Captain	9.00				9.00
Fire Engineer	9.00				9.00
Fire Fighter	7.00				7.00
Fire Fighter Trainee	3.00				3.00
18212 - MFD - Fire Services for Oakdale Total	**28.00**				**28.00**
18213 - MFD - Fire Services for Ceres					
Fire Battalion Chief	3.00				3.00
Fire Captain	9.00				9.00
Fire Deputy Chief	1.00				1.00
Fire Engineer	7.00				7.00
Fire Fighter	14.00				14.00
Fire Prevention Inspector I	1.00				1.00
18213 - MFD - Fire Services for Ceres Total	**35.00**				**35.00**
18214 - MFD - Fire Service for Turlock					
Fire Deputy Chief	1.00				1.00
18214 - MFD - Fire Service for Turlock Total	**1.00**				**1.00**
18217 - MFD - Fire Service for Salida					
Fire Captain	1.00				1.00
Fire Engineer	3.00				3.00
Fire Fighter	1.00				1.00
Fire Fighter Trainee	4.00				4.00
18217 - MFD - Fire Service for Salida Total	**9.00**				**9.00**
18510 - MFD - Fire Prevention Bureau					
Administrative Office Assistant III	1.00				1.00
Deputy Fire Marshal	1.00				1.00
Fire Deputy Chief	1.00				1.00
Fire Prevention Inspector I	3.00				3.00
Fire Prevention Inspector II	1.00				1.00
18510 - MFD - Fire Prevention Bureau Total	**7.00**				**7.00**
18520 - MFD - Fire Investigations					
Fire Captain	1.00				1.00
Fire Engineer Special Assignment	2.00				2.00
18520 - MFD - Fire Investigations Total	**3.00**				**3.00**
18610 - MFD - Facilities & Fleet					
Storeskeeper	1.00				1.00
18610 - MFD - Facilities & Fleet Total	**1.00**				**1.00**
Modesto Fire Department Total	218.00			0.00	218.00
Modesto Police Department					
19110 - MPD - Administration					
Administrative Analyst I	1.00				1.00
Administrative Analyst II	1.00				1.00
Administrative Office Assistant III Conf	1.00				1.00
Assistant Chief of Police	1.00				1.00
Chief of Police	1.00				1.00
Executive Assistant	1.00				1.00
Police Crime & Intelligence Analyst II	1.00				1.00
Police Crime and Intelligence Analyst I	2.00				2.00
Police Crime and Intelligence Analyst II	3.00				3.00
Police Lieutenant	1.00				1.00
Police Officer	2.00				2.00
Police Sergeant	2.00				2.00
Police Support Specialist II (Confidential)	1.00				1.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Public Safety Business Services Analyst	1.00				1.00
Public Safety Information Coordinator	1.00				1.00
Senior Administrative Office Assistant Conf	1.00				1.00
Senior Crime and Intelligence Analyst	1.00				1.00
19110 - MPD - Administration Total	**22.00**				**22.00**
19220 - MPD - Investigative Services					
Administrative Office Assistant III Conf	1.00				1.00
Police Cadet I	2.00				2.00
Police Cadet II	1.50				1.50
Police Captain	1.00				1.00
Police Civilian Manager	1.00				1.00
Police Community Service Officer II	4.00				4.00
Police Detective	7.00				7.00
Police Identification Technician I	1.00				1.00
Police Identification Technician II	2.00				2.00
Police Lieutenant	2.00				2.00
Police Officer	42.00				42.00
Police Sergeant	6.00				6.00
Police Support Specialist II	4.00				4.00
19220 - MPD - Investigative Services Total	**74.50**				**74.50**
19320 - MPD - Field Operations					
Maintenance Worker II	1.00				1.00
Police Cadet I	1.00				1.00
Police Cadet II	1.50				1.50
Police Captain	1.00				1.00
Police Community Service Officer I	11.00				11.00
Police Community Service Officer II	6.00				6.00
Police Lieutenant	5.00				5.00
Police Officer	95.00				95.00
Police Officer Recruit	8.00				8.00
Police Officer Trainee	12.00				12.00
Police Sergeant	15.00				15.00
Police Technician	1.00				1.00
19320 - MPD - Field Operations Total	**157.50**				**157.50**
19330 - MPD - Traffic Safety Program					
Police Community Service Officer II	1.00				1.00
Police Officer	4.00				4.00
Police Sergeant	1.00				1.00
19330 - MPD - Traffic Safety Program Total	**6.00**				**6.00**
19420 - MPD - Records and Support					
Police Administrator	1.00				1.00
Police Captain	1.00				1.00
Police Civilian Manager	1.00				1.00
Police Civilian Supervisor	6.00				6.00
Police Community Service Officer II	2.00				2.00
Police Evidence & Property Technician I	1.00				1.00
Police Evidence & Property Technician II	2.00				2.00
Police Evidence and Property Technician I	1.00				1.00
Police Evidence and Property Technician II	1.00				1.00
Police Lieutenant	1.00				1.00
Police Support Specialist I	3.00				3.00
Police Support Specialist II	16.00				16.00
Police Technician	2.00				2.00
Senior Administrative Office Assistant Conf	1.00				1.00
19420 - MPD - Records and Support Total	**39.00**				**39.00**
19450 - MPD - Animal Control					
Animal Control Supervisor	1.00				1.00
Police Animal Control Officer II	2.00				2.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
19450 - MPD - Animal Control Total	**3.00**				**3.00**
19460 - MPD - Police Abandoned Vehicles					
Police Community Service Officer II	1.00				1.00
19460 - MPD - Police Abandoned Vehicles Total	**1.00**				**1.00**
19490 - MPD - Building Services					
Custodian I	1.00				1.00
Custodian II	1.00				1.00
Operations Supervisor	1.00				1.00
19490 - MPD - Building Services Total	**3.00**				**3.00**
Modesto Police Department Total	306.00				306.00
Community and Economic Development					
14110 - CED - Administration					
Business Analyst	1.00				1.00
Director of Community and Economic Development	1.00				1.00
Executive Assistant	1.00				1.00
14110 - CED - Administration Total	**3.00**				**3.00**
14180 - CED - Economic Development					
Economic Development Manager	1.00				1.00
Economic Development Marketing Specialist	1.00				1.00
Senior Business Analyst	1.00				1.00
14180 - CED - Economic Development Total	**3.00**				**3.00**
14210 - CED - Building Safety					
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Building Inspector I	3.00				3.00
Building Inspector II	1.00				1.00
Building Safety Program Coordinator	1.00				1.00
Business Analyst			1.00		1.00
Chief Building Official	1.00				1.00
Development Services Technician I	1.00				1.00
Development Services Technician II	1.00				1.00
Plans Examiner	2.00				2.00
Senior Building Inspector	1.00				1.00
14210 - CED - Building Safety Total	**13.00**		**1.00**		**14.00**
14220 - CED - Neighborhood Preservation					
Administrative Office Assistant II	3.00	-3.00			0.00
Code Enforcement Officer I - NPU	1.00	-1.00			0.00
Code Enforcement Officer II - NPU	3.00	-3.00			0.00
Neighborhood Preservation Supervisor	1.00	-1.00			0.00
14220 - CED - Neighborhood Preservation Total	**8.00**	**-8.00**			**0.00**
14310 - CED - Land Development Engineering					
Administrative Office Assistant III	1.00	-1.00			0.00
Associate Engineer	1.00	-1.00			0.00
City Engineer	1.00	-1.00			0.00
Development Services Technician II	1.00	-1.00			0.00
Engineering Assistant II	1.00	-1.00			0.00
14310 - CED - Land Development Engineering Total	**5.00**	**-5.00**			**0.00**
14410 - CED - Planning					
Administrative Analyst I			1.00		1.00
Administrative Office Assistant III	1.00				1.00
Assistant Planner	2.00				2.00
Development Services Technician I			1.00		1.00
Planning Manager	1.00				1.00
Principal Planner	2.00				2.00
Senior Administrative Office Assistant Conf	1.00				1.00
Senior Planner	2.00				2.00
14410 - CED - Planning Total	**9.00**		**2.00**		**11.00**
Community and Economic Development Total	41.00	-13.00	3.00		31.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Parks and Recreations Neighborhood					
31005 - PRN - Grogan Park					
Head Groundskeeper	1.00				1.00
Maintenance Worker II	1.00				1.00
31005 - PRN - Grogan Park Total	**2.00**				**2.00**
31010 - PRN - Administration					
Administrative Analyst II	2.00				2.00
Director of Parks Recreation & Neighborhoods	1.00				1.00
31010 - PRN - Administration Total	**3.00**				**3.00**
32020 - PRN - Parks Planning and Development					
Administrative Analyst I	1.00				1.00
Parks Planning and Development Manager	1.00				1.00
Parks Project Coordinator	4.00				4.00
32020 - PRN - Parks Planning and Development Total	**6.00**				**6.00**
33030 - PRN - Recreation Administration					
Administrative Analyst I	1.00				1.00
Recreation and Neighborhoods Services Manager	1.00				1.00
Recreation Coordinator	1.00		0.25		1.25
Recreation Supervisor	1.00				1.00
33030 - PRN - Recreation Administration Total	**4.00**		**0.25**		**4.25**
33040 - PRN - Guest Services					
Administrative Office Assistant III	2.00				2.00
33040 - PRN - Guest Services Total	**2.00**				**2.00**
33120 - PRN - Senior and Children's Services					
Recreation Coordinator	2.00				2.00
33120 - PRN - Senior and Children's Services Total	**2.00**				**2.00**
33130 - PRN - Sports and Aquatics Services					
Recreation Coordinator	2.00				2.00
33130 - PRN - Sports and Aquatics Services Total	**2.00**				**2.00**
33320 - PRN - Maddux Youth Center					
Recreation Coordinator	0.75				0.75
Recreation Supervisor	1.00				1.00
33320 - PRN - Maddux Youth Center Total	**1.75**				**1.75**
33330 - PRN - Neighborhood Center At Marshall Park					
Recreation Coordinator	1.00				1.00
33330 - PRN - Neighborhood Center At Marshall Park Total	**1.00**				**1.00**
34110 - PRN - Historical Properties					
Cultural Services Program Manager	1.00				1.00
Events Coordinator	1.00				1.00
34110 - PRN - Historical Properties Total	**2.00**				**2.00**
35170 - PRN - Graffiti Abatement					
Maintenance Worker II	2.00				2.00
35170 - PRN - Graffiti Abatement Total	**2.00**				**2.00**
35220 - PRN - Operations Services Administration					
Maintenance Worker I	3.00				3.00
Maintenance Worker II	11.00				11.00
Operations Manager	1.00				1.00
Operations Supervisor	2.00				2.00
Parks Maintenance Crewleader	2.00				2.00
Parks Maintenance Mechanic	2.00				2.00
Senior Administrative Office Assistant	1.00				1.00
35220 - PRN - Operations Services Administration Total	**22.00**				**22.00**
Parks and Recreations Neighborhood Total	49.75		0.25		50.00
City Auditor's Office					
06010 - AUD - City Auditor					
Auditor II	1.00				1.00
City Auditor	1.00				1.00
Senior Auditor	1.00				1.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
06010 - AUD - City Auditor Total	**3.00**				**3.00**
City Auditor's Office Total	3.00				3.00
0100 - General Fund Total	**694.75**	**-13.00**	**5.00**	**0.00**	**686.75**
1133 - Grants - CDBG Direct Program					
Community and Economic Development					
14111 - CED - HUD Administration					
Administrative Analyst I	2.00				2.00
Community Development Program Specialist II	3.00		1.00		4.00
Housing and Urban Development Supervisor	1.00				1.00
Housing Financial Specialist	1.00				1.00
Housing Rehabilitation Specialist I	1.00				1.00
Housing Rehabilitation Supervisor	1.00				1.00
Senior Community Development Program Specialist	2.00				2.00
14111 - CED - HUD Administration Total	**11.00**		**1.00**		**12.00**
Community and Economic Development Total	11.00		1.00		12.00
1133 - Grants - CDBG Direct Program Total	**11.00**		**1.00**		**12.00**
1300 - Capital Improvement Support					
Utilities					
42020 - UPP - Construction Administration					
Administrative Analyst II	1.00	-1.00			0.00
Administrative Office Assistant III	2.00	-2.00			0.00
Assistant Engineer	1.00	-1.00			0.00
Construction Inspection Supervisor	1.00	-1.00			0.00
Construction Inspector	5.00	-5.00			0.00
Engineering Assistant II	1.00	-1.00			0.00
Senior Civil Engineer	1.00	-1.00			0.00
Senior Land Surveyor	1.00	-1.00			0.00
Sr Construction Inspector	2.00	-2.00			0.00
Survey Party Chief	2.00	-2.00			0.00
42020 - UPP - Construction Administration Total	**17.00**	**-17.00**			**0.00**
Utilities Total	17.00	-17.00			0.00
Community and Economic Development					
14610 - CED - Transportation Engineering and Design					
Administrative Analyst II	1.00	-1.00			0.00
Assistant City Engineer	1.00	-1.00			0.00
Assistant Engineer	2.00	-2.00			0.00
Associate Civil/Traffic Engineer	1.00	-1.00			0.00
Associate Engineer	2.00	-2.00			0.00
Associate/Civil Traffic Engineer	1.00	-1.00			0.00
Engineering Assistant II	2.00	-2.00			0.00
Engineering Assistant Trainee	1.00	-1.00			0.00
Senior Civil Engineer	3.00	-3.00			0.00
14610 - CED - Transportation Engineering and Design Total	**14.00**	**-14.00**			**0.00**
Community and Economic Development Total	14.00	-14.00			0.00
1300 - Capital Improvement Support Total	**31.00**	**-31.00**			**0.00**
1341 - Grants - Operation Grants Reimbursed					
Modesto Fire Department					
18216 - MFD - 2020 FEMA SAFER Grant					
Fire Fighter	8.00				8.00
Fire Fighter Trainee	1.00				1.00
18216 - MFD - 2020 FEMA SAFER Grant Total	**9.00**				**9.00**
Modesto Fire Department Total	9.00				9.00
1341 - Grants - Operation Grants Reimbursed Total	**9.00**				**9.00**
1342 - Grants - Police					
Modesto Police Department					
19205 - MPD - HUD ESG Outreach Division					
Homeless Outreach Specialist	4.00				4.00
19205 - MPD - HUD ESG Outreach Division Total	**4.00**				**4.00**

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Modesto Police Department Total	4.00				4.00
1342 - Grants - Police Total	**4.00**				**4.00**
1381 - Non-Capital Public Works (Non-Grant)					
Public Works					
51019 - PW - City Services for StanRta-Citywide areement and Temp St					
Administrative Analyst I	1.00				1.00
Administrative Services Technician II	1.00				1.00
51019 - PW - City Services for StanRta-Citywide areement and Temp St Total	**2.00**				**2.00**
Public Works Total	2.00				2.00
1381 - Non-Capital Public Works (Non-Grant) Total	**2.00**				**2.00**
1390 - American Rescue Grants Fund					
Modesto Police Department					
19206 - MPD - ARPA Outreach					
Homeless Outreach Specialist	2.00				2.00
19206 - MPD - ARPA Outreach Total	**2.00**				**2.00**
19225 - MPD - Park Ranger Program					
Police Cadet I	2.00				2.00
Police Cadet II	2.00				2.00
19225 - MPD - Park Ranger Program Total	**4.00**				**4.00**
Modesto Police Department Total	6.00				6.00
Public Works					
56018 - PW - Blight ARPA					
Maintenance Worker I	2.00				2.00
56018 - PW - Blight ARPA Total	**2.00**				**2.00**
Public Works Total	2.00				2.00
1390 - American Rescue Grants Fund Total	**8.00**				**8.00**
1610 - Traffic Offender Fund					
Modesto Police Department					
19390 - MPD - Traffic Safety Impound					
Police Officer	1.00				1.00
19390 - MPD - Traffic Safety Impound Total	**1.00**				**1.00**
Modesto Police Department Total	1.00				1.00
1610 - Traffic Offender Fund Total	**1.00**				**1.00**
1700 - Surface Transportation Fund					
Public Works					
53110 - PW - Street Services Administration					
Administrative Office Assistant III	2.00				2.00
Streets Manager	1.00				1.00
53110 - PW - Street Services Administration Total	**3.00**				**3.00**
53130 - PW - Street Maintenance					
Equipment Operator I	11.00				11.00
Equipment Operator II	7.00				7.00
Maintenance Worker I	1.00				1.00
Operations Crewleader	2.00				2.00
Operations Supervisor	1.00				1.00
Senior Equipment Operator	2.00				2.00
53130 - PW - Street Maintenance Total	**24.00**				**24.00**
53134 - PW - Transportation Gas Tax Fund Level Expense					
Administrative Analyst II	1.00				1.00
Administrative Office Assistant III Conf	1.00				1.00
Director of Public Works	1.00				1.00
Executive Assistant	1.00				1.00
53134 - PW - Transportation Gas Tax Fund Level Expense Total	**4.00**				**4.00**
53142 - PW - Curbs, Gutter, & Sidewalks					
Equipment Operator I	3.00		3.00		6.00
Equipment Operator II	1.00				1.00
Maintenance Worker II	1.00				1.00
Operations Crewleader	1.00				1.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Operations Supervisor	1.00				1.00
Senior Equipment Operator	1.00				1.00
53142 - PW - Curbs, Gutter, & Sidewalks Total	**8.00**		**3.00**		**11.00**
53510 - PW - Traffic Engineering					
Associate Engineer	1.00				1.00
Engineering Assistant I	1.00				1.00
Traffic Engineer	1.00	-1.00			0.00
Traffic Operations Engineer	1.00				1.00
53510 - PW - Traffic Engineering Total	**4.00**	**-1.00**			**3.00**
53540 - PW - Electrical Division					
Administrative Services Technician II	1.00				1.00
Electrical Supervisor	1.00				1.00
Electrician - Traffic and Buildings	7.00				7.00
Electrician Assistant I	1.00				1.00
Electrician Assistant III	2.00				2.00
Electrician Crewleader	1.00				1.00
53540 - PW - Electrical Division Total	**13.00**				**13.00**
53550 - PW - Traffic Operations					
Traffic Operations Technician	4.00				4.00
Traffic Striping Crewleader	1.00				1.00
53550 - PW - Traffic Operations Total	**5.00**				**5.00**
Public Works Total	61.00	-1.00	3.00		63.00
1700 - Surface Transportation Fund Total	**61.00**	**-1.00**	**3.00**		**63.00**
3220 - Infrastructure Financing Program Administration					
Community and Economic Development					
14160 - CED - Infrastructure Financing Programs (IFP)					
Administrative Analyst I	1.00				1.00
Administrative Services Technician II	1.00				1.00
Infrastructure Financing Program Supervisor	1.00				1.00
14160 - CED - Infrastructure Financing Programs (IFP) Total	**3.00**				**3.00**
14165 - CED - Community Development Administration					
Administrative Analyst II	1.00				1.00
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Community Development Manager	1.00				1.00
Senior Administrative Office Assistant	1.00				1.00
14165 - CED - Community Development Administration Total	**5.00**				**5.00**
Community and Economic Development Total	8.00				8.00
3220 - Infrastructure Financing Program Administration Total	**8.00**				**8.00**
4000 - Parking Fund					
Public Works					
53250 - PW - Parking Services					
Maintenance Worker I	2.00				2.00
Maintenance Worker II	2.00				2.00
Parking Services Crewleader	1.00				1.00
Parking Services Supervisor	1.00				1.00
53250 - PW - Parking Services Total	**6.00**				**6.00**
53257 - PW - Parking Enforcement					
Parking Enforcement Officer	1.00				1.00
53257 - PW - Parking Enforcement Total	**1.00**				**1.00**
Public Works Total	7.00				7.00
4000 - Parking Fund Total	**7.00**				**7.00**
4100 - Water Fund					
Finance Department					
12460 - FIN - Cashiering					
Account Clerk I	2.00				2.00
Account Clerk II	2.00				2.00
Account Technician II	1.00				1.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Senior Account Clerk	1.00				1.00
12460 - FIN - Cashiering Total	**6.00**				**6.00**
12470 - FIN - Utilities and Collections					
Account Clerk I	1.00		2.00		3.00
Account Clerk II	6.00				6.00
Account Technician II	2.00				2.00
Financial Analyst III	1.00				1.00
Revenue Collections and Compliance Manager	1.00				1.00
Senior Account Clerk	3.00				3.00
12470 - FIN - Utilities and Collections Total	**14.00**		**2.00**		**16.00**
Finance Department Total	20.00		2.00		22.00
Utilities					
41010 - UPP - Administration					
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Administrative Services Officer	1.00				1.00
Administrative Services Technician II	1.00				1.00
Director of Utilities	1.00				1.00
Executive Assistant	1.00				1.00
41010 - UPP - Administration Total	**6.00**				**6.00**
42024 - UTL - Water Engineering Design					
Associate Civil/Traffic Engineer	1.00				1.00
Associate Engineer	1.00				1.00
Engineering Assistant II	2.00				2.00
Property Agent	1.00				1.00
Senior Civil Engineer	1.00				1.00
42024 - UTL - Water Engineering Design Total	**6.00**				**6.00**
43060 - UPP - Capital Planning					
Associate Civil/Traffic Engineer	1.00				1.00
Associate Engineer	2.00				2.00
Sr Civil Engineer	1.00				1.00
43060 - UPP - Capital Planning Total	**4.00**				**4.00**
45010 - UPP - Water Services Administration					
Administrative Analyst I	1.00				1.00
Administrative Analyst II	1.00				1.00
Administrative Office Assistant III	3.00				3.00
Administrative Services Technician II	1.00				1.00
Senior Administrative Office Assistant Conf	1.00				1.00
Utility Dispatch Supervisor	1.00				1.00
Water Division Manager	1.00				1.00
Water Superintendent	2.00				2.00
45010 - UPP - Water Services Administration Total	**11.00**				**11.00**
45020 - UPP - Water System Maintenance					
Senior Utilities Services Worker	1.00				1.00
Utilities Services Supervisor	1.00				1.00
Utilities Services Worker I	5.00				5.00
Utilities Services Worker II	5.00				5.00
Utilities Services Worker III	5.00				5.00
45020 - UPP - Water System Maintenance Total	**17.00**				**17.00**
45040 - UPP - Water Construction					
Senior Utilities Services Worker	2.00				2.00
Utilities Services Supervisor	1.00				1.00
Utilities Services Worker I	4.00				4.00
Utilities Services Worker II	4.00				4.00
Utilities Services Worker III	8.00				8.00
45040 - UPP - Water Construction Total	**19.00**				**19.00**
45050 - UPP - Water Wells and Tanks					
Electrical and Instrumentation Technician	2.00				2.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Maintenance Worker II	1.00				1.00
Senior Utilities Plant Operator	2.00				2.00
Utilities Plant Operations Supervisor	1.00				1.00
Utilities Plant Operator II	12.00				12.00
45050 - UPP - Water Wells and Tanks Total	**18.00**				**18.00**
45055 - UPP - Water Quality					
Administrative Services Technician II	1.00				1.00
Senior Utilities Plant Operator	1.00				1.00
Senior Utilities Services Worker	1.00				1.00
Utilities Plant Operations Supervisor	1.00				1.00
Utilities Services Worker I	1.00				1.00
Utilities Services Worker II	4.00				4.00
Utilities Services Worker III	3.00				3.00
Water Resources Analyst	2.00				2.00
45055 - UPP - Water Quality Total	**14.00**				**14.00**
45060 - UPP - Water Service and Meters					
Senior Utilities Services Worker	1.00				1.00
Utilities Services Supervisor	1.00				1.00
Utilities Services Worker I	2.00				2.00
Utilities Services Worker II	2.00	1.00			3.00
Utilities Services Worker III	8.00				8.00
45060 - UPP - Water Service and Meters Total	**14.00**	**1.00**			**15.00**
45065 - UPP - Water Conservation					
Administrative Office Assistant III	1.00				1.00
Utilities Services Worker II	1.00	-1.00			0.00
Water Conservation Specialist	2.00				2.00
45065 - UPP - Water Conservation Total	**4.00**	**-1.00**			**3.00**
Utilities Total	113.00	0.00			113.00
4100 - Water Fund Total	**133.00**	**0.00**	**2.00**		**135.00**
4210 - Sewer Operations Fund					
Utilities					
42026 - UTL - Wastewater Engineering Design					
Assistant Engineer	1.00				1.00
Associate Civil / Traffic Engineer	1.00				1.00
Associate Civil/Traffic Engineer	1.00				1.00
Engineering Assistant II	1.00				1.00
Senior Civil Engineer	1.00				1.00
42026 - UTL - Wastewater Engineering Design Total	**5.00**				**5.00**
42300 - UPP - Capital Improvement Services					
Administrative Analyst II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Administrative Services Technician II	1.00				1.00
Engineering Division Manager	1.00				1.00
42300 - UPP - Capital Improvement Services Total	**4.00**				**4.00**
44010 - UPP - Wastewater Services Administration					
Administrative Analyst II	2.00				2.00
Administrative Office Assistant II	2.00				2.00
Administrative Office Assistant III	2.00				2.00
Administrative Services Technician II		2.00			2.00
Senior Administrative Office Assistant Conf	1.00				1.00
Utility Dispatch Supervisor	1.00				1.00
Wastewater Division Manager	1.00				1.00
Water Resources Analyst		1.00			1.00
44010 - UPP - Wastewater Services Administration Total	**9.00**	**3.00**			**12.00**
44110 - UPP - Laboratory and Environmental Services Administration					
Administrative Services Technician II	1.00	-1.00			0.00
Environmental Regulatory Compliance Superintendent	1.00	-1.00			0.00
44110 - UPP - Laboratory and Environmental Services Administration Total	**2.00**	**-2.00**			**0.00**

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
44112 - UPP - Laboratory Services					
Laboratory Analyst I	2.00				2.00
Laboratory Analyst II	2.00				2.00
Laboratory Analyst III	1.00				1.00
Laboratory Supervisor	1.00				1.00
Water Resources Analyst	1.00	-1.00			0.00
44112 - UPP - Laboratory Services Total	**7.00**	**-1.00**			**6.00**
44113 - UPP - Environmental Services					
Environmental Compliance Inspector I	3.00				3.00
Environmental Compliance Inspector II	3.00				3.00
Environmental Regulatory Compliance Superintendent		1.00			1.00
Environmental Services Supervisor	1.00				1.00
44113 - UPP - Environmental Services Total	**7.00**	**1.00**			**8.00**
44210 - UPP - Wastewater Collections Administration					
Wastewater Collections Systems Superintendent	1.00	-1.00			0.00
44210 - UPP - Wastewater Collections Administration Total	**1.00**	**-1.00**			**0.00**
44211 - UPP - Sewer Collections					
Senior Utilities Services Worker	3.00				3.00
Utilities Services Supervisor	3.00				3.00
Utilities Services Worker I	11.00				11.00
Utilities Services Worker II	12.00				12.00
Utilities Services Worker III	15.00				15.00
Wastewater Collections Systems Superintendent		1.00			1.00
44211 - UPP - Sewer Collections Total	**44.00**	**1.00**			**45.00**
44310 - UPP - Wastewater Operations Administration					
Administrative Services Technician II	1.00	-1.00			0.00
Plant Maintenance Planner	1.00	-1.00			0.00
Plant Maintenance Superintendent	1.00	-1.00			0.00
WQC Superintendent-Chief Plant Operator	1.00	-1.00			0.00
44310 - UPP - Wastewater Operations Administration Total	**4.00**	**-4.00**			**0.00**
44312 - UPP - Wastewater Plant Operations					
Senior Utilities Plant Operator	8.00				8.00
Utilities Plant Operations Supervisor	2.00				2.00
Utilities Plant Operator I	4.00				4.00
Utilities Plant Operator II	5.00				5.00
Utilities Plant Operator Trainee	3.00				3.00
WQC Superintendent-Chief Plant Operator		1.00			1.00
44312 - UPP - Wastewater Plant Operations Total	**22.00**	**1.00**			**23.00**
44313 - UPP - Sutter Plant Maintenance					
Electrical and Instrumentation Technician		7.00			7.00
Electrical Supervisor - Utilities		1.00			1.00
Electrician Crewleader		1.00			1.00
Plant Maintenance Planner		1.00			1.00
Plant Maintenance Superintendent		1.00			1.00
Plant Maintenance Supervisor	1.00	1.00			2.00
Plant Mechanic I		4.00			4.00
Plant Mechanic II	8.00	5.00			13.00
plant mechanic Trainee	1.00				1.00
Senior Plant Mechanic	3.00	2.00			5.00
44313 - UPP - Sutter Plant Maintenance Total	**13.00**	**23.00**			**36.00**
44314 - UPP - Jennings Plant Maintenance					
Plant Maintenance Supervisor	1.00	-1.00			0.00
Plant Mechanic I	4.00	-4.00			0.00
Plant Mechanic II	5.00	-5.00			0.00
Senior Plant Mechanic	2.00	-2.00			0.00
44314 - UPP - Jennings Plant Maintenance Total	**12.00**	**-12.00**			**0.00**
44410 - UPP - Wastewater Electrical Services					
Electrical and Instrumentation Technician	7.00	-7.00			0.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Electrical Supervisor - Utilities	1.00	-1.00			0.00
Electrician Crewleader	1.00	-1.00			0.00
44410 - UPP - Wastewater Electrical Services Total	**9.00**	**-9.00**			**0.00**
Utilities Total	139.00	0.00			139.00
4210 - Sewer Operations Fund Total	**139.00**	**0.00**			**139.00**
4310 - Airport Operating Fund					
Public Works					
53312 - PW - Airport Services					
Administrative Office Assistant III	1.00				1.00
Airport Maintenance Crewleader	1.00				1.00
Airport Maintenance Worker	3.00				3.00
Airport Manager	1.00				1.00
53312 - PW - Airport Services Total	**6.00**				**6.00**
Public Works Total	6.00				6.00
4310 - Airport Operating Fund Total	**6.00**				**6.00**
4480 - Storm Drainage Fund					
Public Works					
53150 - PW - Street Sweeping					
Equipment Operator II	6.00				6.00
53150 - PW - Street Sweeping Total	**6.00**				**6.00**
Public Works Total	6.00				6.00
4480 - Storm Drainage Fund Total	**6.00**				**6.00**
4700 - Community Center Operations Fund					
Parks and Recreations Neighborhood					
34200 - PRN - Cultural Services Administration					
Administrative Office Assistant III	1.00				1.00
Building Maintenance Technician	1.00				1.00
Events Coordinator	1.00				1.00
Senior Events Coordinator	1.00				1.00
Lead Service Worker - Limited Term			0.75		0.75
34200 - PRN - Cultural Services Administration Total	**4.00**		**0.75**		**4.75**
34210 - PRN - Technical Services					
Production Technician	1.00				1.00
34210 - PRN - Technical Services Total	**1.00**				**1.00**
Parks and Recreations Neighborhood Total	5.00		0.75		5.75
4700 - Community Center Operations Fund Total	**5.00**		**0.75**		**5.75**
4890 - Compost Fund					
Public Works					
56030 - PW - Compost Operations					
Administrative Office Assistant III	1.00				1.00
Compost Facility Supervisor	1.00				1.00
Equipment Operator II	3.00				3.00
Maintenance Worker II	2.00				2.00
Operations Crewleader	1.00				1.00
Senior Equipment Operator	1.00				1.00
56030 - PW - Compost Operations Total	**9.00**				**9.00**
Public Works Total	9.00				9.00
4890 - Compost Fund Total	**9.00**				**9.00**
4891 - Solid Waste Fund					
Public Works					
56010 - PW - Solid Waste Management					
Administrative Office Assistant II	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Administrative Services Technician II	1.00				1.00
Integrated Waste Program Manager	1.00				1.00
Maintenance Worker I	2.00				2.00
Recycling Program Coordinator	1.00				1.00
Solid Waste Enforcement Officer	2.00				2.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Solid Waste Enforcement Supervisor	1.00				1.00
Solid Waste Outreach Specialisty			1.00		1.00
56010 - PW - Solid Waste Management Total	**10.00**		**1.00**		**11.00**
Public Works Total	10.00		1.00		11.00
4891 - Solid Waste Fund Total	**10.00**		**1.00**		**11.00**
4892 - Green Waste Fund					
Public Works					
56020 - PW - Green Waste Collection (Pruned Refuse)					
Equipment Operator I	3.00				3.00
Equipment Operator II	5.00				5.00
Operations Crewleader	1.00				1.00
Operations Supervisor	1.00				1.00
56020 - PW - Green Waste Collection (Pruned Refuse) Total	**10.00**				**10.00**
56040 - PW - Community Forestry					
Administrative Office Assistant III	1.00				1.00
Equipment Operator II	2.00				2.00
Maintenance Worker II	12.00				12.00
Materials Management Superintendent/City Arborist	1.00				1.00
Operations Crewleader	2.00				2.00
Operations Supervisor	1.00				1.00
Tree Trimmer Crewleader	2.00				2.00
Tree Trimmer I	5.00				5.00
Tree Trimmer II	9.00				9.00
56040 - PW - Community Forestry Total	**35.00**				**35.00**
Public Works Total	45.00				45.00
4892 - Green Waste Fund Total	**45.00**				**45.00**
5110 - Inventory Purchases Fund					
Finance Department					
12530 - FIN - Central Stores					
Assistant Buyer	1.00				1.00
Central Stores Supervisor	1.00				1.00
Senior Buyer	1.00				1.00
Senior Storeskeeper	1.00				1.00
Storeskeeper	1.00		1.00		2.00
12530 - FIN - Central Stores Total	**5.00**		**1.00**		**6.00**
12531 - FIN - Central Stores - Jefferson Mark-up					
Senior Storeskeeper	1.00				1.00
12531 - FIN - Central Stores - Jefferson Mark-up Total	**1.00**				**1.00**
Finance Department Total	6.00		1.00		7.00
5110 - Inventory Purchases Fund Total	**6.00**		**1.00**		**7.00**
5120 - Mail Services ISF Fund					
City Clerk's Office					
05030 - CCO - Central Services Mail					
Administrative Office Assistant I	2.00				2.00
05030 - CCO - Central Services Mail Total	**2.00**				**2.00**
City Clerk's Office Total	2.00				2.00
5120 - Mail Services ISF Fund Total	**2.00**				**2.00**
5230 - Information Technology Fund					
Information Technology					
17410 - IT - Administration					
Chief Information Officer	1.00				1.00
Executive Assistant	1.00				1.00
17410 - IT - Administration Total	**2.00**				**2.00**
17510 - IT - Business Applications/Development Services					
Information Technology Manager	1.00				1.00
Senior Software Analyst	5.00				5.00
Software Analyst I	2.00				2.00
Software Analyst II	3.00				3.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
17510 - IT - Business Applications/Development Services Total	**11.00**				**11.00**
17610 - IT - Geographic Information Systems					
Senior Software Analyst	2.00				2.00
Software Analyst II	1.00				1.00
17610 - IT - Geographic Information Systems Total	**3.00**				**3.00**
17710 - IT - Network/Data Center					
Information Technology Manager	1.00				1.00
Information Technology Security Officer	1.00				1.00
Principal Systems Engineer	1.00				1.00
Senior Systems Engineer	3.00				3.00
Senior Systems Technician	3.00				3.00
Software Analyst II	1.00				1.00
Systems Engineer I	1.00				1.00
Systems Engineer II	5.00				5.00
Systems Technician I	1.00				1.00
Systems Technician II	3.00				3.00
17710 - IT - Network/Data Center Total	**20.00**				**20.00**
Information Technology Total	36.00				36.00
5230 - Information Technology Fund Total	**36.00**				**36.00**
5310 - Insurance - Administration Fund					
Human Resources					
17310 - HR - Risk Management					
Risk Analyst I	1.00				1.00
Risk Manager	1.00				1.00
Safety Officer	1.00				1.00
Safety Specialist	1.00				1.00
Senior Administrative Office Assistant Conf	1.00				1.00
17310 - HR - Risk Management Total	**5.00**				**5.00**
Human Resources Total	5.00				5.00
5310 - Insurance - Administration Fund Total	**5.00**				**5.00**
5400 - Fleet Management Fund					
Public Works					
53243 - PW - City Services for StanRTA - Bus Maintenance Facility					
Administrative Services Technician II		1.00			1.00
Fleet Procurement Technician	1.00				1.00
Heavy Equipment Mechanic Crewleader	2.00				2.00
Heavy Equipment Mechanic I	6.00				6.00
Heavy Equipment Mechanic II	7.00				7.00
Maintenance Worker I	5.00				5.00
Operations Supervisor	1.00				1.00
53243 - PW - City Services for StanRTA - Bus Maintenance Facility Total	**22.00**	**1.00**			**23.00**
53255 - PW - Fleet Vehicle and Equipment Maintenance					
Administrative Office Assistant III	1.00				1.00
Administrative Services Technician I	1.00				1.00
Administrative Services Technician II	1.00	-1.00			0.00
Equipment Service Technician	2.00				2.00
Fleet Manager	1.00				1.00
Fleet Procurement Technician	2.00				2.00
Heavy Equipment Mechanic Crewleader	3.00				3.00
Heavy Equipment Mechanic I	5.00		1.00		6.00
Heavy Equipment Mechanic II	8.00				8.00
Operations Manager	1.00				1.00
Operations Supervisor	2.00				2.00
Welder/Fabricator	1.00				1.00
53255 - PW - Fleet Vehicle and Equipment Maintenance Total	**28.00**	**-1.00**	**1.00**		**28.00**
Public Works Total	50.00	0.00	1.00		51.00
5400 - Fleet Management Fund Total	**50.00**	**0.00**	**1.00**		**51.00**
5520 - Employee Benefits Administration Fund					

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Human Resources					
17160 - HR - Employee Benefits Administration					
Employee Benefits Technician	1.00				1.00
Human Resources Assistant	1.00				1.00
17160 - HR - Employee Benefits Administration Total	**2.00**				**2.00**
Human Resources Total	2.00				2.00
5520 - Employee Benefits Administration Fund Total	**2.00**				**2.00**
5800 - P/R Building Services Fund					
Public Works					
52110 - PW - Building Administration					
Administrative Analyst I	1.00				1.00
Administrative Office Assistant III	1.00				1.00
Facilities Manager	1.00				1.00
52110 - PW - Building Administration Total	**3.00**				**3.00**
52120 - PW - Building Maintenance					
Building Maintenance Specialist	2.00				2.00
Building Maintenance Technician	1.00				1.00
Maintenance Worker II	1.00				1.00
52120 - PW - Building Maintenance Total	**4.00**				**4.00**
Public Works Total	7.00				7.00
5800 - P/R Building Services Fund Total	**7.00**				**7.00**
5810 - 10th Street Place Building Services					
Public Works					
52310 - PW - City 10th Street Place JPA Operations Services					
Administrative Office Assistant III	1.00				1.00
52310 - PW - City 10th Street Place JPA Operations Services Total	**1.00**				**1.00**
Public Works Total	1.00				1.00
5810 - 10th Street Place Building Services Total	**1.00**				**1.00**
Proposed Budget Total	**1298.75**	**-45.00**	**14.75**	**0.00**	**1268.50**
Addendum (New Request)					
0100 - General Fund					
Human Resources					
17210 - HR - HR Administration					
Human Resources Assistant				-1.00	-1.00
Senior Human Resources Assistant				1.00	1.00
17210 - HR - HR Administration Total				**0.00**	**0.00**
Human Resources Total				0.00	0.00
Modesto Fire Department					
18110 - MFD - Administration & Officers					
Administrative Analyst II				-1.00	-1.00
Public Safety Business Services Analyst				1.00	1.00
18110 - MFD - Administration & Officers Total				**0.00**	**0.00**
Modesto Fire Department Total				0.00	0.00
Modesto Police Department					
19110 - MPD - Administration					
Senior Administrative Office Assistant Conf				-1.00	-1.00
Police Hiring Supervisor				1.00	1.00
19110 - MPD - Administration Total				**0.00**	**0.00**
19227 - MPD - Neighborhood Preservation					
Administrative Office Assistant II		3.00			3.00
Code Enforcement Officer I - NPU		1.00			1.00
Code Enforcement Officer II - NPU		3.00			3.00
Neighborhood Preservation Supervisor		1.00			1.00
19227 - MPD - Neighborhood Preservation Total		**8.00**			**8.00**
Modesto Police Department Total		8.00		0.00	8.00
Parks and Recreations Neighborhood					
32020 - PRN - Parks Planning and Development					
Parks Project Coordinator				-4.00	-4.00

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Associate Landscape Architect				2.00	2.00
Landscape & Facilities Designer				2.00	2.00
32020 - PRN - Parks Planning and Development Total				**0.00**	**0.00**
Parks and Recreations Neighborhood Total				0.00	0.00
Engineering Services Department					
13120 - ENG - Land Development Engineering					
Administrative Office Assistant III		1.00			1.00
Associate Engineer		1.00			1.00
Development Services Technician II		1.00			1.00
Engineering Assistant II		1.00			1.00
13120 - ENG - Land Development Engineering Total		**4.00**			**4.00**
13110 - ENG - Administration					
Administrative Office Assistant III			1.00		1.00
Executive Assistant			1.00		1.00
Director of Engineering/City Enginer		1.00			1.00
13110 - ENG - Administration Total		**1.00**	**2.00**		**3.00**
Engineering Services Department Total		5.00	2.00		7.00
0100 - General Fund Total		**13.00**	**2.00**	**0.00**	**15.00**
1300 - Capital Improvement Support					
Engineering Services Department					
13220 - ENG - Transportation Engineering and Design					
Administrative Analyst II		1.00			1.00
Assistant City Engineer		1.00			1.00
Assistant Engineer		2.00			2.00
Associate Civil/Traffic Engineer		1.00			1.00
Associate Engineer		2.00			2.00
Associate/Civil Traffic Engineer		1.00			1.00
Engineering Assistant II		2.00			2.00
Engineering Assistant Trainee		1.00			1.00
Senior Civil Engineer		3.00			3.00
Traffic Engineer		1.00			1.00
13220 - ENG - Transportation Engineering and Design Total		**15.00**			**15.00**
13210 - ENG - Construction Administration					
Administrative Analyst II		1.00			1.00
Administrative Office Assistant III		2.00			2.00
Assistant Engineer		1.00			1.00
Construction Inspection Supervisor		1.00			1.00
Construction Inspector		5.00			5.00
Engineering Assistant II		1.00			1.00
Senior Civil Engineer		1.00			1.00
Senior Land Surveyor		1.00			1.00
Sr Construction Inspector		2.00			2.00
Survey Party Chief		2.00			2.00
13210 - ENG - Construction Administration Total		**17.00**			**17.00**
Engineering Services Department Total		32.00			32.00
1300 - Capital Improvement Support Total		**32.00**			**32.00**
1700 - Surface Transportation Fund					
Public Works					
53540 - PW - Electrical Division					
Electrician Assistant I				-1.00	-1.00
Electrician Assistant III				-2.00	-2.00
Electrician I/II				3.00	3.00
53540 - PW - Electrical Division Total				**0.00**	**0.00**
Public Works Total				0.00	0.00
1700 - Surface Transportation Fund Total				**0.00**	**0.00**
4100 - Water Fund					
Utilities					
41010 - UPP - Administration					

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Administrative Office Assistant III				-1.00	-1.00
Senior Administrative Office Assistant				1.00	1.00
41010 - UPP - Administration Total				**0.00**	**0.00**
42024 - UTL - Water Engineering Design					
Property Agent				-1.00	-1.00
Engineering Project Coordinator				1.00	1.00
42024 - UTL - Water Engineering Design Total				**0.00**	**0.00**
45040 - UPP - Water Construction					
Utilities Services Worker III				-1.00	-1.00
Process Control System Technician II				1.00	1.00
45040 - UPP - Water Construction Total				**0.00**	**0.00**
Utilities Total				0.00	0.00
4100 - Water Fund Total				**0.00**	**0.00**
4210 - Sewer Operations Fund					
Utilities					
44113 - UPP - Environmental Services					
Environmental Compliance Inspector II				-1.00	-1.00
Senior Environmental Compliance Inspector				1.00	1.00
44113 - UPP - Environmental Services Total				**0.00**	**0.00**
44313 - UPP - Sutter Plant Maintenance					
Plant Mechanic II				-1.00	-1.00
Process Control System Technician II				1.00	1.00
44313 - UPP - Sutter Plant Maintenance Total				**0.00**	**0.00**
44314 - UPP - Jennings Plant Maintenance					
Plant Mechanic II				-2.00	-2.00
Process Control System Technician II				1.00	1.00
Senior Process Control System Technician				1.00	1.00
44314 - UPP - Jennings Plant Maintenance Total				**0.00**	**0.00**
44410 - UPP - Wastewater Electrical Services					
Electrician Crewleader				-1.00	-1.00
Senior Electrical and Instrumentation Technician				1.00	1.00
44410 - UPP - Wastewater Electrical Services Total				**0.00**	**0.00**
Utilities Total				0.00	0.00
4210 - Sewer Operations Fund Total				**0.00**	**0.00**
4892 - Green Waste Fund					
Public Works					
56040 - PW - Community Forestry					
Materials Management Superintendent/City Arborist				-1.00	-1.00
Forestry Manager				1.00	1.00
56040 - PW - Community Forestry Total				**0.00**	**0.00**
Public Works Total				0.00	0.00
4892 - Green Waste Fund Total				**0.00**	**0.00**
5120 - Mail Services ISF Fund					
City Clerk's Office					
05030 - CCO - Central Services Mail					
Administrative Office Assistant I				-2.00	-2.00
Administrative Office Assistant II				2.00	2.00
05030 - CCO - Central Services Mail Total				**0.00**	**0.00**
City Clerk's Office Total				0.00	0.00
5120 - Mail Services ISF Fund Total				**0.00**	**0.00**
5400 - Fleet Management Fund					
Public Works					
53255 - PW - Fleet Vehicle and Equipment Maintenance					
Heavy Equipment Mechanic II				1.00	1.00
Operations Manager				-1.00	-1.00
Welder/Fabricator				-1.00	-1.00
Senior Operations Manager				1.00	1.00
53255 - PW - Fleet Vehicle and Equipment Maintenance Total				**0.00**	**0.00**

FY2023-24 Position Allocation by Fund, Department, Cost Center, and Classification

Position	FY24 Starting	Move	New	Reclass	Total
Public Works Total				0.00	0.00
5400 - Fleet Management Fund Total				**0.00**	**0.00**
Addendum (New Request) Total		**45.00**	**2.00**	**0.00**	**47.00**
Total	**1298.75**	**0.00**	**16.75**	**0.00**	**1315.50**

CITY OF MODESTO
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2022

	General	Operating Grants	Housing and Community Development	Capital Grants	Other Governmental	Total Governmental
REVENUES:						
Taxes	$ 68,997,168	$ 359,352	$ -	$ -	$ 1,835,662	$ 71,192,182
Licenses and permits	389,431	43,632	-	-	1,055	434,118
Intergovernmental	77,648,238	12,794,384	8,000,014	42,385,064	25,977,185	166,804,885
Charges for services	18,248,428	4,492,533	776,012	-	10,227,350	33,744,323
Special assessments levied	397,261	71,619	-	-	5,109,382	5,578,262
Interest and rent	851,323	172,001	-	-	1,168,142	2,191,466
Net (decrease) in fair value of investments	(467,680)	(68,027)	-	-	(3,781,916)	(4,317,623)
Fines and forfeits	617,607	-	-	-	214,903	832,510
Donations and contributions	-	44,338	-	-	-	44,338
Miscellaneous	1,070,605	183,692	-	-	207,010	1,461,307
Total revenues	167,752,381	18,093,524	8,776,026	42,385,064	40,958,773	277,965,768
EXPENDITURES:						
Current:						
General government	13,508,887	244,407	7,356,964	-	-	21,110,258
Community development	5,916,615	7,612,089	-	1,773,672	6,126,764	21,429,140
Highways and streets	-	63,169	-	3,088,046	13,359,219	16,510,434
Public works	-	3,215,409	-	-	-	3,215,409
Parks and recreation	12,696,983	69,229	-	67,380	109,748	12,943,340
Public safety	119,431,734	6,707,310	-	-	510,263	126,649,307
Capital outlay	3,781,648	315,784	-	40,933,273	5,011,959	50,042,664
Debt service:						
Principal retirement	675,904	-	297,000	-	2,390,000	3,362,904
Interest	182,269	-	30,150	-	1,700,627	1,913,046
Other	-	-	638	-	47,972	48,610
Total expenditures	156,194,040	18,227,397	7,684,752	45,862,371	29,256,552	257,225,112
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	11,558,341	(133,873)	1,091,274	(3,477,307)	11,702,221	20,740,656
OTHER FINANCING SOURCES (USES):						
Transfers in	4,270,678	512,230	-	3,182,231	8,028,455	15,993,594
Transfers out	(11,050,912)	(3,540)	(1,078,170)	(24,688)	(5,519,809)	(17,677,119)
Proceeds from finance purchase agreements	3,741,926	-	-	-	-	3,741,926
Sale of assets	-	-	-	-	32,551	32,551
TOTAL OTHER FINANCING SOURCES (USES)	(3,038,308)	508,690	(1,078,170)	3,157,543	2,541,197	2,090,952
CHANGES IN FUND BALANCES	8,520,033	374,817	13,104	(319,764)	14,243,418	22,831,608
FUND BALANCES, JULY 1	30,899,092	2,103,520	34,146,986	(1,862,352)	107,229,397	172,516,643
PRIOR PERIOD ADJUSTMENTS	-	-	(346,163)	-	-	(346,163)
FUND BALANCES, JUNE 30	$ 39,419,125	$ 2,478,337	$ 33,813,927	$ (2,182,116)	$ 121,472,815	$ 195,002,088
CHANGE IN FUND BALANCE	$ 8,520,033	$ 374,817	$ 13,104	$ (319,764)	$ 14,243,418	$ 22,831,608
% CHANGE IN FUND BALANCE	28%	18%	0%	17%	13%	13%

Source: Fiscal Year 2021-22 Annual Comprehensive Financial Report (ACFR)
https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3679

CITY OF MODESTO
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2022

	Special Revenue				
	Local Transportation	Traffic Safety	Downtown Improvement District	Strategic Planning and Development	Transportation Special Tax
REVENUES:					
Taxes	$ -	$ -	$ 205,995	$ -	$ 1,629,667
Licenses and permits	-	-	-	-	1,055
Intergovernmental	428,475	-	-	-	23,404,322
Charges for services	-	287,941	-	210,131	930,997
Special assessments levied	-	-	706,624	-	-
Interest and rent	665	-	425	15,072	338,030
Net increase (decrease) in fair value of investments	-	-	(2,294)	(57,134)	(1,329,675)
Fines and forfeits	-	214,903	-	-	-
Miscellaneous	-	-	-	100,000	72,220
Total revenues	429,140	502,844	910,750	268,069	25,046,616
EXPENDITURES:					
Current:					
Community development	-	-	911,060	422,513	-
Highways and streets	-	-	-	-	13,058,980
Parks and recreation	1,060	-	-	-	-
Public safety	-	510,263	-	-	-
Capital outlay:					
Community development	-	-	-	-	-
Highways and streets	-	-	-	-	171,381
Parks and recreation	-	-	-	-	-
Public safety	-	40,540	-	-	-
Debt service:					
Principal retirement	-	-	-	-	-
Interest	-	-	-	-	-
Other	-	-	-	-	-
Total expenditures	1,060	550,803	911,060	422,513	13,230,361
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	428,080	(47,959)	(310)	(154,444)	11,816,255
OTHER FINANCING SOURCES (USES):					
Transfers in	-	-	-	705,000	1,564,793
Transfers out	(428,082)	-	-	(2,770)	(2,776,356)
Sale of assets	-	-	-	-	32,551
TOTAL OTHER FINANCING SOURCES (USES)	(428,082)	-	-	702,230	(1,179,012)
CHANGES IN FUND BALANCES	(2)	(47,959)	(310)	547,786	10,637,243
FUND BALANCES, JULY 1	1,776	4,387,448	40	1,401,788	32,705,190
PRIOR PERIOD ADJUSTMENTS	-	-	-	-	-
FUND BALANCES, JUNE 30	$ 1,774	$ 4,339,489	$ (270)	$ 1,949,574	$ 43,342,433
CHANGE IN FUND BALANCE	**$ (2)**	**$ (47,959)**	**$ (310)**	**$ 547,786**	**$ 10,637,243**
% CHANGE IN FUND BALANCE	**0%**	**-1%**	**-775%**	**39%**	**33%**

Source: Fiscal Year 2021-22 Annual Comprehensive Financial Report (ACFR)
https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3679

CITY OF MODESTO
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2022

	Capital Projects						
	Special Fund for Capital Outlays	Parks	Securities for Future Improvements	Community Facilities Districts	Successor Redevelopment Housing Agency	Capital Facility Fees	Transportation Special Tax Capital
REVENUES:							
Taxes	-	$ -	$ -	$ -	$ -	$ -	$ -
Licenses and permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	948,142	-
Charges for services	-	5,525	-	962,740	-	7,830,016	-
Special assessments levied	-	-	-	4,402,758	-	-	-
Interest and rent	27,419	50,384	191	240,799	99,686	387,165	-
Net increase (decrease) in fair value of investments	(110,724)	(22,200)	-	(795,810)	17,525	(1,481,604)	-
Fines and forfeits	-	-	-	-	-	-	-
Miscellaneous	-	22,000	-	-	-	12,790	-
Total revenues	(83,305)	55,709	191	4,810,487	117,211	7,696,509	-
EXPENDITURES:							
Current:							
Community development	-	-	-	3,239,875	-	208,419	1,344,897
Highways and streets	-	-	-	-	-	300,239	-
Parks and recreation	-	108,688	-	-	-	-	-
Public safety	-	-	-	-	-	-	-
Capital outlay:							
Community development	-	-	-	-	-	16,555	37,178
Highways and streets	-	-	-	-	-	3,514,996	1,143,874
Parks and recreation	-	1,346	-	-	-	43,002	35,064
Public safety	-	-	-	-	-	-	8,023
Debt service:							
Principal retirement	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-
Total expenditures	-	110,034	-	3,239,875	-	4,083,211	2,569,036
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(83,305)	(54,325)	191	1,570,612	117,211	3,613,298	(2,569,036)
OTHER FINANCING SOURCES (USES):							
Transfers in	120,000	28,681	-	-	-	241,838	2,569,036
Transfers out	(4,736)	-	-	(11,356)	-	(2,296,509)	-
Sale of assets	-	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	115,264	28,681	-	(11,356)	-	(2,054,671)	2,569,036
CHANGES IN FUND BALANCES	31,959	(25,644)	191	1,559,256	117,211	1,558,627	-
FUND BALANCES, JULY 1	2,520,494	647,173	73,604	20,026,850	2,882,627	37,199,924	-
PRIOR PERIOD ADJUSTMENTS	-	-	-	-	-	-	-
FUND BALANCES, JUNE 30	2,552,453	$ 621,529	$ 73,795	$ 21,586,106	$ 2,999,838	$ 38,758,551	$ -
CHANGE IN FUND BALANCE	**$ 31,959**	**$ (25,644)**	**$ 191**	**$ 1,559,256**	**$ 117,211**	**$ 1,558,627**	**$ -**
% CHANGE IN FUND BALANCE	**1%**	**-4%**	**0%**	**8%**	**4%**	**4%**	

Source: Fiscal Year 2021-22 Annual Comprehensive Financial Report (ACFR)
https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3679

Fiscal Year 2023-24 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	New CIP Expense	M.Y. Operating Expense (Balance @ 2.17.23 + New Request)	Transfers OUT	FY23-24 Total Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 2.17.23 + New Request)	Transfers IN	FY23-24 Total Revenue
0100	General Fund	$183,884,075	$0	$1,928,570	$8,011,708	$193,824,353	$177,597,039	$0	$0	$628,640	$178,225,679
0130	Revenue Clearing Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
0140	Utility Suspense Account	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
0150	Misc Rec System Suspense Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
0180	Fire Department Unrestricted Non-Capital Projects	$0	$0	$324,636	$0	$324,636	$0	$0	$39,260	$0	$39,260
0190	Police Fund - Smart Deposits	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1100	Grants - ARRA CDBG NSP1 Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1101	Grants - ARRA CDBG NSP2 Program	$0	$0	$674,821	$0	$674,821	$0	$0	($4,449,173)	$0	($4,449,173)
1120	Grants - PLHA Program	$3,515	$0	$2,911,139	$0	$2,914,654	$0	$0	$2,547,036	$0	$2,547,036
1130	Grants - CDBG Direct Program	$955,965	$0	$1,124,054	$400,000	$2,480,019	$0	$0	$1,324,367	$100,000	$1,424,367
1131	Grants - CDBG NSP Entitlement	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1133	HUD Administration	$1,785,089	$0	$0	$0	$1,785,089	$1,969,309	$0	$0	$0	$1,969,309
1139	CDBG Direct Program Fleet Replacement Fund	$0	$0	$0	$0	$0	$3,848	$0	$0	$0	$3,848
1140	CDBG Rental Rehab Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1150	Grants - RLF Housing Loan Program	$0	$0	$1,143,559	$0	$1,143,559	$0	$0	$250,000	$250,000	$500,000
1151	Grants - RLF Direct Services	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1152	Public Service Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1155	Grants - RLF Program Income	$0	$0	$0	$350,000	$350,000	$0	$0	$0	$0	$0
1160	Housing Economic Development Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1170	Grants - HOME Program	$128,194	$0	$7,144,754	$0	$7,272,948	$0	$0	$5,576,603	$0	$5,576,603
1180	Grants - Emergency Shelter Program	$28,644	$0	$400,110	$0	$428,754	$0	$0	$468,650	$0	$468,650
1185	Community System of Care (CSoC)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1190	Grants - HUD Section 108 Loan	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1200	Downtown Improvement District Fund	$210,106	$0	$0	$0	$210,106	$209,000	$0	$0	$0	$209,000
1210	Downtown Modesto Community Benefit District	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1300	Capital Improvement Support	$5,808,565	$0	$0	$0	$5,808,565	$6,241,638	$0	$0	$0	$6,241,638
1309	Capital Improvement Support - Fleet Replac	$0	$0	$0	$0	$0	$13,974	$0	$0	$0	$13,974
1310	Solid Waste Special Revenue Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1319	Solid Waste Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1320	Education and Government Cable	$284,625	$0	$0	$0	$284,625	$142,312	$0	$0	$142,313	$284,625
1321	Public Educational Governmental (PEG) Fund	$0	$0	$0	$0	$0	$380,000	$0	$0	$0	$380,000
1330	Developers Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1340	Grants - Operation Block Grants	$0	$0	$7,761	$0	$7,761	$0	$0	$2,296	$0	$2,296
1341	Grants - Operation Grants Reimbursed	$1,404,001	$0	$2,677,981	$0	$4,081,982	$1,427,874	$0	$2,878,401	$0	$4,306,275
1342	Grants - Police	$451,017	$0	$4,435,179	$0	$4,886,196	$0	$0	$667,619	$0	$667,619
1343	CalHome Loan Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1344	Grants - Emergency Rental Assistance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1345	Grants - ARRA Public Safety	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1350	Outside Litigation	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1351	Elections Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1353	Grants - Public Works (ARRA)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1360	Carpenter Road Landfill	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1370	Green Waste Diversion Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1379	Pruned Refuse Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1380	Non-Capital Parks Fund (Non-Grant)	$0	$0	$219,400	$0	$219,400	$0	$0	($204,534)	$0	($204,534)
1381	Non-Capital Public Works (Non-Grant)	$199,013	$0	$0	$0	$199,013	$0	$0	$0	$0	$0
1390	American Rescue Grants Fund	$783,477	$0	$490,531	$0	$1,274,008	$100	$0	($2,215,278)	$50,000	($2,165,178)
1410	Measure L - Road Tax Fund	$0	$0	$2,431,785	$9,222,032	$11,653,817	$12,614,437	$0	$4,953	$0	$12,619,390
1420	Surface Transportation Fund - Measure L/SB1 MOE	$0	$0	$0	$0	$0	$0	$0	$0	$1,538,605	$1,538,605
1510	LTF - Street and Roads Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1520	LTF - Non-Motorized Fund	$0	$0	$60,457	$0	$60,457	$0	$0	$0	$0	$0
1600	Traffic Safety Fund	$545,498	$0	$0	$0	$545,498	$170,000	$0	$0	$0	$170,000
1610	Traffic Offender Fund	$239,299	$0	$0	$0	$239,299	$305,000	$0	$0	$0	$305,000
1700	Surface Transportation Fund	$15,968,452	$0	$598,603	$0	$16,567,055	$732,532	$0	$779,079	$13,533,831	$15,045,442
1709	Surface Transportation Fleet Replacement	$0	$0	$0	$0	$0	$314,157	$0	$0	$0	$314,157
1710	Prop 1B - Streets Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1720	Streets LTF Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1730	Gas Tax Fund	$0	$0	$0	$12,032,231	$12,032,231	$11,589,707	$0	$0	$0	$11,589,707
1740	Garbage Franchise Fees - Streets Fund	$0	$0	$0	$1,500,000	$1,500,000	$1,500,000	$0	$0	$0	$1,500,000

Fiscal Year 2023-24 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	New CIP Expense	M.Y. Operating Expense (Balance @ 2.17.23 + New Request)	Transfers OUT	FY23-24 Total Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 2.17.23 + New Request)	Transfers IN	FY23-24 Total Revenue
1750	Surface Transportation Fund - MOE	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1800	Economic Development/Strategic Plan Fund	$0	$0	$1,763,501	$55,525	$1,819,026	$0	$0	$305,096	$0	$305,096
1810	Agricultural Mitigation Fund	$16,183	$0	$0	$0	$16,183	$0	$0	$0	$0	$0
1850	Disability Access and Education Fund	$14,000	$0	$0	$0	$14,000	$40,000	$0	$0	$0	$40,000
1906	RDA Low and Mod Income Housing Fund	$0	$0	$3,323	$0	$3,323	$0	$0	$0	$0	$0
1910	RDA Successor Agency Administration Fund	$33,138	$0	$0	$0	$33,138	$0	$0	$0	$0	$0
2100	Public Financing Authority	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2140	Public Financing Authority COP's Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2150	Public Financing Authority 98 & 07 Bonds	$4,051,730	$0	$0	$0	$4,051,730	$54,600	$0	$0	$3,997,130	$4,051,730
2903	RDA Successor Agency Debt Service Fund	$2,483	$0	$0	$1,227,119	$1,229,602	$0	$0	$0	$0	$0
3100	Capital Grants - PRN	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3120	Special Fund for Capital Outlay	$0	$0	$150,000	$0	$150,000	$0	$0	$0	$0	$0
3125	John Thurman Capital Improvement Fund	$0	$0	$273,765	$95,142	$368,907	$0	$0	$230,000	$120,000	$350,000
3130	Parks Fund	$0	$0	$138,116	$0	$138,116	$0	$0	$24,000	$0	$24,000
3140	Capital Grants - CIP Projects	$0	$1,650,000	$4,676,491	$0	$6,326,491	$0	$1,650,000	$4,712,011	$1,650,000	$8,012,011
3150	Capital Grants - Parks CIP Projects	$0	$0	$873	$0	$873	$0	$0	$87,952	$0	$87,952
3160	Capital Grants - Streets CIP Projects	$0	$11,310,688	$3,265,653	$0	$14,576,341	$0	$6,700,169	$3,402,925	$5,502,032	$15,605,126
3170	Capital Grants - HUD CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$400,000	$400,000
3200	Village One CFD Fund	$895,528	$0	$0	$0	$895,528	$1,200,000	$0	$0	$0	$1,200,000
3204	Village One Triangle CFD	$0	$0	$45,180	$0	$45,180	$0	$0	$0	$0	$0
3210	Kiernan Business Park West CFD Fund	$64,750	$0	$0	$0	$64,750	$95,000	$0	$0	$0	$95,000
3211	Kiernan Business Park South CFD Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3212	Kiernan Business Park East CFD Fund	$56,330	$0	$0	$0	$56,330	$145,000	$0	$0	$0	$145,000
3213	Kiernan Business Park East CFD Fund - Capital	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3215	The Vintage CFD Fund	$71,468	$0	$0	$0	$71,468	$147,000	$0	$0	$0	$147,000
3216	Woodglen 2018-1 CFD Fund	$68,100	$0	$0	$0	$68,100	$70,000	$0	$0	$0	$70,000
3220	Infrastructure Financing Program Administration	$1,186,555	$0	$7,282	$0	$1,193,837	$1,247,364	$0	$83,449	$0	$1,330,813
3225	Hetch Hetchy CFD Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3230	Village One Annexation #3 Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3235	North Beyer #2 CFD Fund	$105,197	$0	$0	$0	$105,197	$110,000	$0	$0	$0	$110,000
3240	Fairview Village CFD Fund	$217,157	$0	$0	$0	$217,157	$220,000	$0	$0	$0	$220,000
3241	Fairview Village CFD Fund - CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3242	Fairview Village CFD - Debt Service Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3245	Fairview Village CFD - 2014 Debt Refunding	$335,444	$0	$0	$0	$335,444	$340,000	$0	$0	$0	$340,000
3246	Fairview Village #2 CFD Formation	$0	$0	$50,000	$0	$50,000	$0	$0	$0	$0	$0
3250	North Beyer Park CFD	$4,756	$0	$0	$0	$4,756	$0	$0	$0	$0	$0
3255	Tivoli CFD	$0	$0	$13,380	$0	$13,380	$0	$0	$0	$0	$0
3260	Enterprise Park 1998 CFD Fund	$22,989	$0	$0	$0	$22,989	$15,000	$0	$0	$0	$15,000
3265	NorthPointe CFD Special Revenue Fund	$46,873	$0	$0	$0	$46,873	$70,000	$0	$0	$0	$70,000
3270	Carver/Bangs Pelandale/Snyder CFD Fund	$129,326	$0	$0	$0	$129,326	$100,000	$0	$0	$0	$100,000
3275	Coffee/Claratina CFD Fund	$215,228	$0	$0	$0	$215,228	$220,000	$0	$0	$0	$220,000
3280	Pelandale/Snyder CFD Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3281	Pelandale/Snyder CFD Fund - Capital Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3290	Village One #2 CFD Fund	$974,821	$0	$0	$0	$974,821	$1,200,000	$0	$0	$0	$1,200,000
3291	Village One #2 CFD Fund - CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3292	Village One #2 CFD 2004 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3294	Village One #2 CFD 2014 Debt Fund	$2,020,264	$0	$0	$0	$2,020,264	$2,030,000	$0	$0	$0	$2,030,000
3295	Village One #2 CFD Fund - Capital	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3300	Measure L - Capital Projects-300	$0	$3,720,000	$0	$0	$3,720,000	$0	$3,720,000	$0	$3,720,000	$7,440,000
3410	Streets Capital Facility Fee Fund	$0	$0	$552,495	$0	$552,495	$0	$0	$0	$0	$0
3420	Public Transportation Capital Facility Fee Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3430	Air Quality Capital Facility Fee Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3432	Parks and Air Quality Capital Facility Fees Fund	$0	$0	$0	$2,650,000	$2,650,000	$0	$0	$0	$0	$0
3440	Police Department Capital Facility Fee Fund	$0	$0	$0	$215,000	$215,000	$0	$0	$0	$0	$0
3450	Fire Department Capital Facility Fee Fund	$0	$0	$0	$105,000	$105,000	$0	$0	$0	$0	$0
3460	Parks Capital Facility Fee Fund	$0	$1,000,000	$0	$0	$1,000,000	$0	$1,000,000	$0	$1,000,000	$2,000,000
3470	General Government Capital Facility Fee Fund	$0	$0	$0	$175,000	$175,000	$0	$0	$0	$0	$0
3480	Capital Facility Fees Administration Fund	$145,503	$0	$0	$0	$145,503	$137,000	$0	$0	$0	$137,000
3510	Securities for Future Improvements	$0	$0	$66,397	$0	$66,397	$0	$0	($7,829)	$0	($7,829)

Fiscal Year 2023-24 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	New CIP Expense	M.Y. Operating Expense (Balance @ 2.17.23 + New Request)	Transfers OUT	FY23-24 Total Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 2.17.23 + New Request)	Transfers IN	FY23-24 Total Revenue
3800	McHenry Mansion Restoration	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4000	Parking Fund	$2,471,686	$0	$0	$0	$2,471,686	$1,444,602	$0	$0	$1,027,084	$2,471,686
4009	Parking Fleet Replacement Fund	$0	$0	$0	$0	$0	$19,851	$0	$0	$0	$19,851
4100	Water Fund	$63,092,409	$0	$3,242,376	$4,327,235	$70,662,020	$85,930,531	$0	$0	$697,500	$86,628,031
4101	Water Fund Development Fees	$0	$0	$0	$0	$0	$1,220,500	$0	$0	$0	$1,220,500
4109	Water Fleet Replacement Fund	$0	$0	$0	$0	$0	$413,434	$0	$0	$0	$413,434
4112	Water PCE Mitigation Fund	$854,615	$0	$906,568	$0	$1,761,183	$0	$0	($36,623)	$0	($36,623)
4120	Water COP 97 Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4130	Water 2008 COP 2008 Series A	$3,546,482	$0	$0	$0	$3,546,482	$22,500	$0	$0	$3,523,990	$3,546,490
4140	Water - Grants	$38,237	$0	$392,866	$0	$431,103	$0	$0	$328,247	$38,245	$366,492
4150	Water Fund - Del Este - MID	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4151	Del Este - MID Service Area DF	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4160	Water Fund - Del Este - Non-MID	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4161	Del Este - Non-MID Service Area DF	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4170	Water Fund - Rate Stabilization Reserve	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4180	Water Fund - CIP Projects	$0	$1,735,348	$9,939,844	$0	$11,675,192	$0	$0	$0	$0	$0
4181	Fairview Water Improvements - CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4210	Sewer Operations Fund	$38,400,557	$1,210,000	$4,954,630	$9,295,275	$53,860,462	$66,126,901	$0	$0	$477,415	$66,604,316
4211	Wastewater Developmental Fees Fund	$0	$0	$146,075	$0	$146,075	$565,000	$0	($1,455,309)	$0	($890,309)
4212	Wastewater PCE Mitigation Fund	$0	$0	$167,606	$0	$167,606	$0	$0	$0	$0	$0
4219	Wastewater Fleet Replacement Fund	$0	$0	$0	$0	$0	$395,548	$0	$0	$0	$395,548
4220	FY 1993 Sewer COP Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4230	FY 1997 Sewer Revenue Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4235	Sewer NVRRWP State Revolving Loan	$1,159,617	$0	$0	$0	$1,159,617	$1,159,617	$0	$0	$0	$1,159,617
4240	2006 Wastewater Revenue Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4241	2015 Wastewater Refunding Private Placement	$915,177	$0	$0	$0	$915,177	$0	$0	$0	$915,185	$915,185
4245	State Revolving Loan (Teritary Treatment Funding)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4270	Refunding Revenue Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4271	Wastewater Refunding Bond 2018A	$560,042	$0	$0	$0	$560,042	$0	$0	$0	$560,050	$560,050
4272	Wastewater Rev Refunding 2020A (Taxable)	$6,470,442	$0	$0	$0	$6,470,442	$0	$0	$0	$6,470,450	$6,470,450
4273	Wastewater Rev Refunding 2020B(Tax-Exempt)	$1,280,942	$0	$0	$0	$1,280,942	$0	$0	$0	$1,280,950	$1,280,950
4280	Wastewater Grants Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4310	Airport Operating Fund	$1,223,620	$0	$0	$0	$1,223,620	$1,532,925	$0	$0	$0	$1,532,925
4319	Airport Fleet Replacement Fund	$0	$0	$0	$0	$0	$14,969	$0	$0	$0	$14,969
4320	Special Aviation Fund	$0	$0	$41,163	$0	$41,163	$0	$0	$41,277	$0	$41,277
4330	County Aircraft Tax Fund	$200,000	$0	$0	$0	$200,000	$180,000	$0	$0	$0	$180,000
4480	Storm Drainage Fund	$8,423,088	$0	$50,000	$0	$8,473,088	$5,683,032	$0	$0	$700,000	$6,383,032
4489	Storm Drain Fleet Replacement Fund	$0	$0	$0	$0	$0	$521,750	$0	$0	$0	$521,750
4510	Bus Fixed Route Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4520	Bus Service Fund - DAR	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4530	Transportation CTR Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4540	Bus Fixed Route Max Operations Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4549	Bus Fixed Route Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4550	Bus Fixed Route - Altern Transport Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4560	Bus Fixed Route - Bus Purchases	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4600	Golf Fund	$2,476,229	$0	($63,145)	$0	$2,413,084	$116,827	$0	($89,247)	$784,505	$812,085
4605	Golf Kemper Fund	$1,333,103	$0	$0	$0	$1,333,103	$2,908,000	$0	$0	$0	$2,908,000
4700	Community Center Operations Fund	$1,842,734	$0	$326,070	$0	$2,168,804	$657,804	$0	($399,250)	$1,433,930	$1,692,484
4709	Centre Plaza Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4710	Centre Plaza FF&E Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4890	Compost Fund	$2,688,371	$0	$0	$51,300	$2,739,671	$1,962,000	$0	$0	$0	$1,962,000
4891	Solid Waste Fund	$3,082,370	$0	$0	$50,000	$3,132,370	$3,056,561	$0	$0	$0	$3,056,561
4892	Green Waste Fund	$8,710,606	$0	$0	$0	$8,710,606	$7,107,834	$0	$0	$0	$7,107,834
4893	Carpenter Road Landfill (Enterprise)	$240,371	$0	$42,804	$697,500	$980,675	$854,000	$0	$0	$0	$854,000
4894	Geer Road Landfill Mitigation Costs	$189,239	$0	$0	$0	$189,239	$188,000	$0	$0	$0	$188,000
4895	Waste to Energy Distribution Fund	$11,141	$0	$463,884	$0	$475,025	$500	$0	$660,057	$0	$660,557
4896	Compost Facility Improvements Fund	$1,850,000	$0	$0	$0	$1,850,000	$1,854,073	$0	$0	$0	$1,854,073
4899	Solid Waste Fleet Replacement Fund	$0	$0	$0	$0	$0	$502,071	$0	$0	$0	$502,071
4910	Abatement and Public Nuisance Fund	$0	$0	$144,323	$0	$144,323	$0	$0	($495,800)	$55,525	($440,275)

Fiscal Year 2023-24 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	New CIP Expense	M.Y. Operating Expense (Balance @ 2.17.23 + New Request)	Transfers OUT	FY23-24 Total Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 2.17.23 + New Request)	Transfers IN	FY23-24 Total Revenue
5100	Central Services Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5110	Inventory Purchases Fund	$4,898,175	$0	$0	$0	$4,898,175	$4,902,040	$0	$0	$0	$4,902,040
5119	Inventory Purchases Fleet Replace Fund	$0	$0	$0	$0	$0	$3,344	$0	$0	$0	$3,344
5120	Mail Services ISF Fund	$344,702	$0	$0	$0	$344,702	$252,303	$0	$0	$0	$252,303
5129	Mail Services ISF Fleet Replacement Fund	$0	$0	$0	$0	$0	$1,498	$0	$0	$0	$1,498
5230	Information Technology Fund	$10,015,313	$0	$0	$142,313	$10,157,626	$10,016,629	$0	$0	$0	$10,016,629
5231	Technology Investment Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5239	Information Tech Fleet Replace Fund	$0	$0	$0	$0	$0	$551	$0	$0	$0	$551
5310	Insurance - Administration Fund	$1,153,928	$0	$0	$0	$1,153,928	$218,433	$0	$0	$941,292	$1,159,725
5319	Insurance Admin Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5320	Insurance - Workers Compensation Fund	$5,907,816	$0	$0	$489,472	$6,397,288	$6,542,910	$0	$0	$0	$6,542,910
5330	Insurance - Liability Insurance Fund	$6,662,571	$0	$0	$395,343	$7,057,914	$7,135,429	$0	$0	$0	$7,135,429
5340	Insurance - Property Insurance Fund	$1,551,700	$0	$0	$56,477	$1,608,177	$1,612,574	$0	$0	$0	$1,612,574
5350	Insurance - Dental Insurance Fund	$1,933,732	$0	$0	$0	$1,933,732	$2,006,110	$0	$0	$0	$2,006,110
5360	Insurance - Health Fund	$19,974,547	$0	$0	$0	$19,974,547	$16,169,884	$0	$0	$0	$16,169,884
5370	Insurance - Disability Fund	$194,250	$0	$0	$0	$194,250	$221,516	$0	$0	$0	$221,516
5380	Insurance - Other Employee Fund	$744,758	$0	$0	$0	$744,758	$583,538	$0	$0	$0	$583,538
5390	Insurance - Vision Fund	$320,373	$0	$0	$0	$320,373	$311,607	$0	$0	$0	$311,607
5400	Fleet Management Fund	$19,066,596	$0	$50,000	$0	$19,116,596	$19,785,373	$0	$26,000	$5,000	$19,816,373
5409	Fleet Management Fleet Replace Fund	$8,134,200	$0	$0	$0	$8,134,200	$20,453	$0	$0	$0	$20,453
5410	Fleet Equipment Replacement	$0	$0	$0	$0	$0	$958,908	$0	$0	$0	$958,908
5510	Employee Benefits Management Fund	$34,849,259	$0	$0	$0	$34,849,259	$33,212,723	$0	$0	$0	$33,212,723
5520	Employee Benefits Administration Fund	$973,465	$0	$0	$0	$973,465	$970,246	$0	$0	$0	$970,246
5800	P/R Building Services Fund	$2,667,693	$0	$0	$0	$2,667,693	$2,571,810	$0	$0	$0	$2,571,810
5809	P/R Building Services Fleet Replace Fund	$0	$0	$0	$0	$0	$8,974	$0	$0	$0	$8,974
5810	10th Street Place Building Services	$1,406,520	$0	$0	$0	$1,406,520	$1,311,895	$0	$0	$0	$1,311,895
6100	JPA - Industrial Fire	$686,145	$0	$0	$0	$686,145	$678,556	$0	$0	$0	$678,556
6200	JPA - Modesto Regional Fire Authority	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6205	JPA - MRFA Worker's Compensation Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6299	JPA - MRFA Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6301	JPA - Stanislaus Regional Water Authority	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6470	Landscape and Lighting District Shackleford	$32,013	$0	$0	$0	$32,013	$29,000	$0	$0	$0	$29,000
6480	Landscape Assessment District #1	$21,106	$0	$0	$0	$21,106	$19,474	$0	$0	$0	$19,474
6490	Landscape Assessment District #2	$23,567	$0	$0	$0	$23,567	$31,214	$0	$0	$0	$31,214
6500	JPA - Tenth Street Place	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6501	JPA - Tenth Street Place Reserve Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6599	JPA - Tenth Street Place Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6600	JPA - Stanislaus Drug Enforcement Agency	$0	$0	($0)	$0	($0)	$0	$0	$0	$0	$0
6700	JPA - Tuolumne River Regional Park (TRRP)	$825,701	$0	$0	$50,000	$875,701	$1,122,309	$0	$0	$0	$1,122,309
6710	JPA - TRRP Special Revenue Fund - CIP	$0	$450,000	$2,016,753	$0	$2,466,753	$0	$0	$268,700	$50,000	$318,700
6720	TRRP - Special Revenue Fund	$0	$0	$295,215	$0	$295,215	$0	$0	$295,215	$0	$295,215
6799	TRRP Fleet Replacement Fund	$0	$0	$0	$0	$0	$8,497	$0	$0	$0	$8,497
Total		**$496,806,566**	**$21,076,036**	**$60,696,831**	**$51,593,672**	**$630,173,104**	**$517,798,519**	**$13,070,169**	**$15,650,150**	**$51,593,672**	**$598,112,510**

Analysis of Proforma Fund Balances

This section contains proformas for major fund. Some proformas are more detailed and complex due to the nature of the fund and the use of the proforma.

General Fund

The General Fund is the City's primary operating fund. Its principal revenue sources include sales tax, property tax, utility user tax, business license tax, and cannabis tax. These revenues are used to pay for city services that include public safety (which are the bulk of the expenditures in the General Fund), with the balance going to a variety of other programs including parks, recreation, planning, economic development, and general government administration. The proforma for this fund shows the revenues are growing but the growth is being outpaced by the large increase in expenditure growth. In the FY 21-22 and FY 22-23, the City has relied upon American Rescue Plan Act funds from the Federal Government to balance the budget through the ability to offset costs from eligible COVID-19 related labor expenditures. These funds are one-time in nature and will no longer be available after FY 22-23. With the passage of Measure H, the City projects an additional $41.8 Million in revenue annually. The funding will be tracked in its own fund with a transfer annually based on actuals to the General Fund. Emergency Reserve balances in the General Fund remain at the $18.4M level and there is a healthy amount of carryover that has been maintained through the past few fiscal years.

Surface Transportation Funds

These funds are a combination of Surface Transportation, Senate Bill 1 RMRA Maintenance of Effort, Streets LTF Funds, Gas Tax, and Garbage Franchise Fees – Street Funds. The various fund balances are listed on the bottom of the proforma and are projected to be $6 Million for beginning balance for Proposed Budget for Fiscal Year 2024. The budget for Fiscal Year 2024 includes an additional Curbs, Gutters Sidewalks crew and purchase of equipment. The City hired an additional slurry team in Fiscal Year 2023.

Fleet

This fund houses the Fleet Internal Service Fund. The fund currently is projected to have a negative fund balance at the end of Fiscal Year 2023. This is due to the projected completion of the Fleet Maintenance Facility project, increased costs due to inflation, and a large increase in fuel expenses. While, there is a negative projected fund balance, the fund runs two years in arrears of actuals. For fiscal year 2023-2024, the actuals from Fiscal Year 2021-2022 are being recovered. The fund is anticipated to recover for the increased in expenses due to the project in Fiscal Year 2025-2026.

Airport Operating Fund

This fund houses the Airport operating revenue and expenses. The projected beginning fund balance for Fiscal Year 2023-2024 is $1,012,155. The fund continues to experience increased costs due to inflation. Additionally, while the hangars are occupied at a high occupancy rate, the value of the aircrafts has declines resulting in lower revenue for aircraft taxes.

County Aircraft Tax Fund

This fund houses the County's portion of aircraft taxes. The funds can be used for general aviation work and has also been used as the local funds for grant matches. The funds balance is anticipated to only decrease slightly as there are only minor projects anticipated to be completed in Fiscal Year 2023-2024. In addition, in Fiscal Year 2021-2022, the City received a grant and was able to return $339,000 to the fund balance. The projected beginning fund balance for Fiscal Year 2024 is $1,450,618.

Wastewater Fund

The fund ended Fiscal Year 2021-22 with approximately $113.5M and projected to maintain a fund balance of approximately $6.2M by end of Fiscal Year 2027-28. The current proforma accounts for issuance of additional bonds in the amount of $40M starting in Fiscal Year 2023-24. This is to pay for major Capital Improvement Projects expenses associated with the River Trunk Alignment project. The annual debt service payments associated with the $40M of bond issuance is estimated to be approximately $2.19M. On April 12th, 2022, Council approved 3.5% rate increase for residential/industrial/commercial customers and 2.5% for Cannery customers to be effective 7/1/2022.

Storm Drain Fund
Fiscal Year 2023-24 budgeted ending fund balance of $4,008,628 is healthy but due to not been able to raise rates the fund balance is decreasing. SB341, signed on October 6th 2017, defined Storm Drain as a Utility, making it eligible for the Proposition 218 process but it is expected to be challenged in the courts and we are waiting on that to move forward

Information Technology
The fund balance fluctuates year to year due to the equipment replacement schedule. The fund has had increased expenses due to approvals for Software and Equipment with ARPA funds that have ongoing maintenance expenses. Additionally, as a result in delays for purchases of equipment some equipment budgeted in Fiscal Year 2022-2023 will now be purchased in Fiscal Year 2023-2024.

Water Fund
FY2020-21 was the last year of the Prop 218 and City Council authorized rate increase. The Prop 218 rate for FY2020-21 was set at 9% with an implementation date of July 1st, 2020. However, due to the economic hardship brought upon by the COVID-19 pandemic, on April 6th, 2021, the Council adopted a 2% rate increase and pushed back the effective date to October 1st, 2021. This implementation date provided some economic relief to the citizen and industries in Modesto as starting October, the use of water starts to trend lower. The fund finished Fiscal Year 2021-22 with approximately $105.5M in fund balance. Since, at this, there are no future approved rate increases and the Capital Improvement Projects are projected to be over $30M annually, the fund balance is projected to drop to approximately $27.5 M by Fiscal Year 2027-28.

Employee Benefits Fund
No rate reduction was implemented in the Fiscal Year 2023-24 budget, however, the overall model was changed to allocate a lower amount. The fund balance is scheduled to be maintained at approximately $2.6M.

Workers Compensation Fund
No rate reduction was implemented in the Fiscal Year 2023-24 budget. The fund is scheduled to maintain a $8.04M fund balance.

General Liability Fund
This fund is projected to maintain a consistent fund balance of approximately $2.3M.

City of Modesto - General Fund Proforma
FY 2023-24 Proposed Budget

	FY 2019-20 Actuals	FY 2020-21 Actuals	FY 2021-22 Actuals	FY 2022-23 Current Budget	FY 2022-23 Actuals as of 5.31.23	FY 2023-24 Proposed Budget
REVENUES:						
Taxes:						
Property Tax - Property	$ 17,954,605	$ 18,949,790	$ 19,602,435	$ 20,644,000	$ 20,110,288	$ 21,948,430
Property Tax - VLF Swap	$ 17,596,741	$ 18,453,801	$ 19,406,502	$ 20,149,001	$ 10,402,622	$ 21,637,453
Sales Tax	$ 30,534,694	$ 35,670,236	$ 40,389,650	$ 39,270,902	$ 26,935,339	$ 41,706,191
Measure H Sales Tax	$ -	$ -	$ -	$ -	$ -	$ -
Utility Users Tax	$ 19,803,218	$ 20,764,694	$ 20,918,654	$ 20,950,000	$ 18,539,704	$ 21,546,214
Transient Occupancy Tax	$ 2,964,806	$ 2,850,231	$ 3,621,191	$ 3,338,441	$ 2,885,672	$ 3,680,000
Business License/Mill Tax	$ 13,269,467	$ 13,899,555	$ 15,529,034	$ 14,250,000	$ 12,400,355	$ 16,492,771
Fees:						
Franchise Fees	$ 5,151,286	$ 5,236,613	$ 5,413,754	$ 5,333,800	$ 4,774,663	$ 5,582,755
Motor Vehicle Fees	$ 381,066	$ 402,171	$ 474,637	$ 380,000	$ 352,962	$ 390,000
Construction Revenues	$ 1,992,292	$ 2,343,029	$ 2,507,546	$ 2,791,770	$ 2,318,176	$ 2,618,518
Departmental Revenues	$ 24,804,764	$ 18,883,646	$ 20,392,006	$ 22,514,081	$ 20,262,839	$ 21,882,684
Oakdale Fire Contract Revenue	*$ 4,392,745*	*$ 5,120,146*	*$ 5,075,002*	*$ 5,629,419*	*$ 5,160,289*	*$ 5,688,816*
Ceres Fire Contract Revenue	*$ -*	*$ -*	*$ 5,701,749*	*$ 6,993,264*	*$ 6,410,492*	*$ 7,430,276*
Stanislaus Consolidated Fire Contract Revenue	*$ -*	*$ -*	*$ 148,363*	*$ 372,000*	*$ 340,632*	*$ 396,313*
Turlock Fire Contract Revenue	*$ -*	*$ -*	*$ 128,985*	*$ 352,062*	*$ 320,293*	*$ 375,275*
Salida Fire Contract Revenue	*$ -*	*$ -*	*$ -*	*$ 1,727,016*	*$ 1,026,615*	*$ 1,806,949*
Cannabis Revenues	$ 3,201,365	$ 5,379,403	$ 4,022,800	$ 5,000,000	$ 2,633,872	$ 4,000,000
Cannabis Admin Fee	$ 267,676	$ 338,093	$ 293,734	$ 347,840	$ 243,217	$ 299,712
American Rescue Plan Act Funds	$ -	$ -	$ 4,083,430	$ 4,500,000	$ -	$ -
Total Operating Revenues	**$ 142,314,725**	**$ 148,291,409**	**$ 167,709,471**	**$ 174,543,596**	**$ 135,118,030**	**$ 177,482,357**
Transfers In	**$ 953,640**	**$ 1,341,072**	**$ 628,640**	**$ 628,640**	**$ -**	**$ 628,640**
TOTAL REVENUES	**$ 143,268,365**	**$ 149,632,481**	**$ 168,338,111**	**$ 175,172,236**	**$ 135,118,030**	**$ 178,110,997**
EXPENSES:						
Police Department	$ (65,301,447)	$ (65,838,984)	$ (67,235,905)	$ (75,285,295)	$ (62,306,339)	$ (79,662,870)
Fire Department	$ (35,693,100)	$ (38,681,787)	$ (42,650,453)	$ (44,664,288)	$ (41,793,407)	$ (48,717,217)
Oakdale Fire Contract Expense	*$ (3,875,985)*	*$ (4,423,405)*	*$ (4,887,470)*	*$ (5,532,935)*	*$ (5,067,632)*	*$ (5,643,222)*
Ceres Fire Contract Expense	*$ -*	*$ -*	*$ (5,198,194)*	*$ (6,580,123)*	*$ (6,218,976)*	*$ (7,374,468)*
Stanislaus Consolidated Fire Contract Expense	*$ -*	*$ -*	*$ (89,672)*	*$ (322,000)*	*$ (230,059)*	*$ (389,819)*
Turlock Fire Contract Expense	*$ -*	*$ -*	*$ (79,533)*	*$ (337,478)*	*$ (237,705)*	*$ (300,754)*
Salida Fire Contract Expense	*$ -*	*$ -*	*$ -*	*$ (1,677,016)*	*$ (769,947)*	*$ (1,790,536)*
Parks, Recreation, and Neighborhoods	$ (11,832,097)	$ (11,571,563)	$ (12,727,450)	$ (16,140,789)	$ (12,161,253)	$ (16,950,060)
Community and Economic Development	$ (6,346,611)	$ (5,947,198)	$ (5,885,601)	$ (6,989,692)	$ (5,947,910)	$ (6,944,988)
Public Works	$ (563,774)	$ -	$ 378	$ 0	$ (1,155)	$ -
City Council	$ (455,804)	$ (435,926)	$ (459,030)	$ (516,560)	$ (456,023)	$ (520,369)
City Manager's Office	$ (2,719,829)	$ (2,588,156)	$ (3,074,434)	$ (3,326,260)	$ (2,750,124)	$ (3,503,349)
Human Resources	$ (1,508,643)	$ (1,537,782)	$ (1,723,415)	$ (1,803,065)	$ (1,672,232)	$ (1,815,045)
City Attorney's Office	$ (1,668,384)	$ (1,432,423)	$ (1,888,725)	$ (1,804,143)	$ (1,352,718)	$ (1,884,532)
City Clerk's Office	$ (499,942)	$ (897,997)	$ (496,314)	$ (1,448,565)	$ (959,355)	$ (913,711)
Office of the City Auditor	$ (55,766)	$ (76,986)	$ (103,761)	$ (485,574)	$ (185,726)	$ (589,073)
Finance Department	$ (4,787,933)	$ (4,998,891)	$ (5,401,302)	$ (6,176,892)	$ (5,191,795)	$ (5,823,992)
Non-Departmental	$ (365,196)	$ (389,452)	$ (445,865)	$ (473,400)	$ (402,380)	$ (471,300)
Recommended Department Adjustments	$ -	$ -	$ -	$ -	$ -	$ (473,087)
Total Department Expenses	**$ (135,674,510)**	**$ (138,820,550)**	**$ (152,346,745)**	**$ (173,564,075)**	**$ (147,704,735)**	**$ (183,768,393)**
Other Expense Adjustments (Variance Rate)	**$ -**	**$ -**		**$ 6,363,679**		**$ 7,490,471**
Transfers Out	**$ (7,641,959)**	**$ (6,444,670)**	**$ (11,848,774)**	**$ (9,205,696)**	**$ (533,136)**	**$ (8,011,708)**
TOTAL EXPENSES	**$ (143,316,469)**	**$ (145,265,220)**	**$ (164,195,519)**	**$ (176,406,092)**	**$ (148,237,871)**	**$ (184,289,630)**
Net Operating Surplus/Deficit	**$ (48,105)**	**$ 4,367,261**	**$ 4,142,592**	**$ (1,233,856)**	**$ (13,119,841)**	**$ (6,178,633)**
RESERVES:						
Beginning Fund Balance	**$ 25,582,871**	**$ 25,755,949**	**$ 30,899,092**	**$ 39,419,125**		**$ 38,185,269**
CAFR Adjustments	$ 221,183	$ 775,882	$ 4,377,441	$ -		$ -
Ending Fund Balance	**$ 25,755,949**	**$ 30,899,092**	**$ 39,419,125**	**$ 38,185,269**		**$ 32,006,635**
Non-Spendable	$ 2,503,546	$ 2,388,852	$ 2,341,984	$ 2,341,984		$ 2,341,984
Restricted	$ 2,137,896	$ 3,367,488	$ 8,157,536	$ 8,157,536		$ 8,157,536
Committed for Emergency Reserves	$ 18,397,817	$ 18,397,817	$ 18,397,817	$ 18,397,817		$ 18,397,817
Assigned	$ 309,114	$ 349,022	$ 579,390	$ 579,390		$ 579,390
Unassigned Reserves	**$ 2,407,576**	**$ 6,395,913**	**$ 9,942,398**	**$ 8,708,542**		**$ 2,529,908**
Unrestricted Reserves (Carryover at Year-End)	**$ 2,407,576**	**$ 6,395,913**	**$ 9,942,398**	**$ 8,708,542**		**$ 2,529,908**
Emergency Reserves Running Balance	**$ 18,397,817**	**$ 18,397,817**	**$ 18,397,817**	**$ 18,397,817**		**$ 18,397,817**

City of Modesto
Surface Transportation Fund Operating ProForma
FY 2024 Proposed Budget - Including SB1 and MOE

		11/30/2020 Actuals FY 2020	10/29/2021 Actuals FY 2021	10/11/2022 Actuals FY 2022	Budget FY 2023	1 Proposed FY 2024	2 Projection FY 2025	3 Projection FY 2026	4 Projection FY 2027	5 Projection FY 2028
1700	**Surface Transportation Fund**									
	Beginning Fund Balance	**474,692**	**450,314**	**487,673**	**329,003**	**931,840**	**931,840**	**931,840**	**931,840**	**931,840**
	Operating Revenues by Cost Center									
53110	PW - Streets Services Administration	90	65	63	-	-	-	-	-	-
53130	PW - Streets Maintenance	151,223	41,498	12,668	-	-	-	-	-	-
53134	PW - Surface Transportation Administration	46	475,021	372,172	496,117	495,785	510,659	525,978	541,758	558,010
53142	PW - Curbs, Gutter & Sidewalks	95,820	2,668	760	-	-	-	-	-	-
53510	PW - Traffic Engineering (14510)	87,576	110,469	113,017	76,693	86,591	88,323	90,089	91,891	93,729
53540	PW - Electrical Division (14540)	356,200	348,466	226,529	231,962	234,282	238,967	243,747	248,622	253,594
53550	PW - Traffic Operations (14560)	27,863	52,354	34,158	-	-	-	-	-	-
	SubTotal	**718,817**	**1,030,541**	**759,367**	**804,772**	**816,658**	**837,949**	**859,814**	**882,270**	**905,333**
	Transfers-In by Cost Center									
60100	**General Fund**									
	53520 - PW - Electrical Utility Costs (14520)	1,500	1,500	1,500	1,600	1,600	1,600	1,600	1,600	1,600
61420	**Measure L/Senate Bill Maintenance of Effort**				1,219,826	1,169,566	1,202,251	1,178,072	1,197,215	1,183,297
	53130 - PW - Streets Maintenance	43,768	48,273	830,728						
	53142 - PW - Curbs, Gutter & Sidewalks	283,345	335,559	-						
	53510 - PW - Traffic Engineering (14510)	107,513	160,736	-						
	53540 - PW - Electrical Division (14540)	476,536	391,489	314,097						
	53550 - PW - Traffic Operations (14560)	210,609	306,046							
61730	**Gas Tax Fund**					12,297,522	12,617,106	13,107,187	13,567,989	14,076,316
	53110 - PW - Streets Services Administration	334,446	312,797	309,326	439,913					
	53130 - PW - Streets Maintenance	2,128,020	1,791,768	2,537,937	2,978,699					
	53134 - PW - Surface Transportation Administration	138,242	60,006	100,082	41,749					
	53142 - PW - Curbs, Gutter & Sidewalks	909,073	937,821	1,341,318	1,409,376					
	53510 - PW - Traffic Engineering (14510)	360,617	449,545	841,495	1,180,100					
	53520 - PW - Electrical Utility Costs (14520)	811,700	792,110	788,537	777,570					
	53540 - PW - Electrical Division (14540)	1,390,355	1,189,545	1,834,582	2,491,023					
	53550 - PW - Traffic Operations (14560)	738,351	625,063	863,674	1,034,352					
	59999 - PW - Capital Projects 101304-Upgrade High Voltage		702,371	797,629						
	59999 - PW - Capital Projects 101421-Video Detection Cameras Downtown SB1				575,000					
61740	**Garbage Franchise Fees - Streets Fund**									
	53130 - PW - Streets Maintenance	1,100,000	1,731,179	1,200,000	2,601,025	1,500,000	1,600,000	1,600,000	1,600,000	1,600,000
65510	**Transfer in from Fund 5510 -** *Employee Benefits Management Fund*									
	SubTotal	**9,034,074**	**9,835,809**	**11,760,904**	**14,750,233**	**14,968,688**	**15,420,958**	**15,886,859**	**16,366,804**	**16,861,213**
	Total	**9,752,891**	**10,866,349**	**12,520,271**	**15,555,005**	**15,785,346**	**16,258,906**	**16,746,674**	**17,249,074**	**17,766,546**
	Operating Expenses by Cost Center									
53110	PW - Streets Services Administration	334,758	312,862	309,389	438,027	455,366	469,027	483,098	497,591	512,518
53130	PW - Streets Maintenance	3,423,011	3,607,742	4,580,504	5,842,409	6,437,575	6,630,702	6,829,623	7,034,512	7,245,547
53134	PW - Surface Transportation Administration	138,412	535,027	472,254	544,515	495,785	510,659	525,978	541,758	558,010
53142	PW - Curbs, Gutter & Sidewalks	1,288,238	1,276,049	1,342,078	1,411,202	2,288,216	2,356,862	2,427,568	2,500,395	2,575,407
53510	PW - Traffic Engineering (14510)	553,235	717,286	948,713	1,277,741	1,315,002	1,354,452	1,395,086	1,436,938	1,480,046
53520	PW - Electrical Utility Costs (14520)	813,200	793,656	790,037	777,570	753,532	776,138	799,422	823,405	848,107
53540	PW - Electrical Division (14540)	2,221,530	1,903,531	2,341,224	2,713,291	2,818,459	2,903,013	2,990,103	3,079,806	3,172,200
53550	PW - Traffic Operations (14560)	976,823	982,716	885,893	1,229,110	1,221,411	1,258,053	1,295,795	1,334,669	1,374,709
59998	PW-Non-Capital Projects - 101304 - Upgrade High Voltage FY 20/21	-	702,371	861,535	-	-	-	-	-	-
59998	PW-Non-Capital Projects - 101421 Video Detection Cameras Downtown SB1				575,000		-	-	-	-
	SubTotal	**9,749,204**	**10,831,241**	**12,531,627**	**14,808,864**	**15,785,346**	**16,258,906**	**16,746,674**	**17,249,074**	**17,766,546**
	Transfers-Out by Account									
75230	Transfer Out to Fund 5230 - CGI, Oracle, Hyland and DocuSign Upgrade	11,748		3,263						
75350-75390	Transfer Outs to Fund 5350,5360,5380 and 5390 - Insurance Related									
75510	Transfer Out to Fund 5510 for the UAL/OPEB Trust			80,327						
73160	Capital Grants - Streets CIP Projects			-	-	-	-	-	-	-
	CIP Project 100633 - Right Turn Lane at Prescott and Plaza Parkway	16,180	(7,767)		49,102					
	CIP Project 100721 - Expand ATMS/CCTV Briggs	-	4,049		951					
	CIP Project #100939- Upgrade Traffic Signals 2015	-		63,724	80,337					
	CIP Project 100967 - HSIP Cycle 6 HFST	136	1,468		12,914					
	SubTotal	**28,064**	**(2,250)**	**147,314**	**143,304**	**-**	**-**	**-**	**-**	**-**
	Total	**9,777,269**	**10,828,991**	**12,678,941**	**14,952,168**	**15,785,346**	**16,258,906**	**16,746,674**	**17,249,074**	**17,766,546**
	Surplus/Deficit Ending Fund Balance	**450,314**	**487,673**	**329,003**	**931,840**	**931,840**	**931,840**	**931,840**	**931,840**	**931,840**
	CAFR Adjustment									

City of Modesto
Surface Transportation Fund Operating ProForma
FY 2024 Proposed Budget - Including SB1 and MOE

		11/30/2020 Actuals FY 2020	10/29/2021 Actuals FY 2021	10/11/2022 Actuals FY 2022	Budget FY 2023	1 Proposed FY 2024	2 Projection FY 2025	3 Projection FY 2026	4 Projection FY 2027	5 Projection FY 2028
1700	**Surface Transportation Fund**									
	Beginning Fund Balance	**474,692**	**450,314**	**487,673**	**329,003**	**931,840**	**931,840**	**931,840**	**931,840**	**931,840**
1720	**Streets LTF Fund - Prop 42**									
	Beginning Balance	**32,299**	**40,232**	**44,655**	**44,446**	**44,446**	**44,446**	**44,446**	**44,446**	**44,446**
	Revenue/Transfers In	16,582	35	(1,950)						
	Expenses/Transfers Out	-	-	-						
	Reserved for CIP Projects (Transfer in from 1720)									
	Project 100727 - Bus Turnout SB Dale Road									
	Project 100900 - RTL Standiford at Sisk									
	Ending Balance	**48,881**	**40,267**	**42,706**	**44,446**	**44,446**	**44,446**	**44,446**	**44,446**	**44,446**
	CAFR Adjustment	(8,650)	4,389	1,740						
1730	**Gas Tax Fund**									
	Beginning Balance	**3,415,251**	**4,621,494**	**6,606,135**	**6,789,461**	**5,059,459**	**2,928,310**	**1,294,981**	**566,494**	**(193,665)**
	Road Maintenance Rehab Funds (2017 Act) - SB1	**3,727,254**	**4,121,767**	**4,415,701**	**4,668,501**	**5,307,320**	**5,673,525**	**6,025,284**	**6,428,978**	**6,853,290**
	Revenue/Transfers In	4,979,255	4,810,195	4,944,372	5,342,968	5,859,053	6,310,252	6,353,416	6,378,853	6,447,894
	Available for Current Year Spending	**12,121,760**	**13,553,456**	**15,966,207**	**16,800,930**	**16,225,832**	**14,912,087**	**13,673,681**	**13,374,324**	**13,107,519**
	Expenses/Transfers Out	6,810,804	6,158,656	8,616,950	10,352,782	12,297,522	12,617,106	13,107,187	13,567,989	14,076,316
	Reserved for CIP Projects (Transfer in from 1730)									
	New CIP High Voltage Lights					1,000,000	1,000,000			
	Project 100633 - Rt Turn Ln at Prescott & Plaza									
	Project 101166 - Upgrade HVC - City Staff	618,465	132,768	823	43,512					
	Project 101167 - Upgrade HVC - Contractor	54			38					
	Project 101188 - Retroreflective Backplates	422	124	565	1,139					
	Project 100059 - R. Turn Lane-Bangs/Prescott									
	Project 101304 - Upgrade High Voltage FY 20/21		702,371	797,629	769,000					
	Project 101421 - Video Detection Cameras Downtown SB1				575,000					
	Ending Balance	**4,692,014**	**6,559,537**	**6,550,240**	**5,059,459**	**2,928,310**	**1,294,981**	**566,494**	**(193,665)**	**(968,797)**
	CAFR Adjustment	(70,520)	46,598	239,221						
1740	**Garbage Franchise Fees - Streets Fund**									
	Beginning Balance	**631,179**	**1,024,706**	**817,102**	**1,251,025**	**-**	**-**	**-**	**-**	**-**
	Revenue/Transfers In	1,505,946	1,516,440	1,619,953	1,350,000	1,500,000	1,600,000	1,600,000	1,600,000	1,600,000
	Expenses/Transfers Out	1,100,000	1,731,179	1,200,000	2,601,025	1,500,000	1,600,000	1,600,000	1,600,000	1,600,000
	Ending Balance	**1,037,125**	**809,967**	**1,237,055**	**-**	**-**	**-**	**-**	**-**	**-**
	CAFR Adjustment	(12,419)	7,135	13,970						
	Ending Fund Balances									
	1700 - Surface Transportation	450,314	487,673	329,003	931,840	931,840	931,840	931,840	931,840	931,840
	1720 - Streets LTF	40,232	44,655	44,446	44,446	44,446	44,446	44,446	44,446	44,446
	1730 - Gas Tax	4,621,494	6,606,135	6,789,461	5,059,459	2,928,310	1,294,981	566,494	(193,665)	(968,797)
	1740 - Garbage Franchise Fees - Streets Fund	1,024,706	817,102	1,251,025	-	-	-	-	-	-
	Total Ending Fund Balances	**6,136,745**	**7,955,565**	**8,413,935**	**6,035,745**	**3,904,596**	**2,271,267**	**1,542,779**	**782,621**	**7,489**

Last Updated: May 31, 2023

*FY 22 and Forward SB1 MOE is $1,538,605 and also satisfies Measure L MOE. Projection includes only amount excluding Measure L that would be received each year.
*Revised HUTA Projections for Gas Tax and SB1 RMRA Revenue as of 1.22.22 estimates from CA City
*Assumes 3% Increase in expenses for FY 2024 forward

Fleet Management Fund (5400)
5/31/2023

Fiscal Year	Actuals 19-20	Actuals 20-21	Actuals 21-22	Actuals to Date 22-23	Proposed Budget 23-24	Projected 24-25	Projected 25-26	Projected 26-27	Projected 27-28
Beginning Fund Balance	$ 3,759,640	$ 3,855,264	$ 1,918,661	$ (2,109,504)	$ (3,598,464)	$ (2,883,828)	$ (1,199,713)	$ 217,244	$ 830,049
Revenues	$ 7,784,004	$ 7,196,080	$ 12,728,797	$ 8,294,229	$ 19,780,906	$ 21,528,549	$ 22,078,615	$ 22,127,299	$ 22,960,510
Expense	$ 7,552,738	$ 9,196,857	$ 16,840,837	$ 9,727,973	$ 19,066,270	$ 19,844,434	$ 20,661,658	$ 21,514,494	$ 22,404,565
ACFR Adjustments	$ (135,643)	$ 64,173	$ 83,876	$ -	$ -	$ -	$ -	$ -	$ -
Ending Fund Balance	$ 3,990,907	$ 1,854,487	$ (2,193,380)	$ (3,543,248)	$ (2,883,828)	$ (1,199,713)	$ 217,244	$ 830,049	$ 1,385,994

Airport Operating Fund Proforma (4310)

Fiscal Year	Actuals FY 19-20	Actuals FY 20-21	Actuals FY 21-22	Budget FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28
Beginning Fund Balance	$ 676,014	$ 825,784	$ 1,019,902	$ 1,205,898	$ 1,012,155	$ 1,321,460	$ 1,600,242	$ 1,846,056	$ 2,056,316
Revenues	$ 1,046,303	$ 1,125,031	$ 1,104,821	$ 1,111,925	$ 1,532,925	$ 1,563,584	$ 1,594,855	$ 1,626,752	$ 1,659,287
Expense	$ 883,745	$ 938,223	$ 957,953	$ 1,305,668	$ 1,223,620	$ 1,284,801	$ 1,349,041	$ 1,416,493	$ 1,487,318
ACFR Adjustments	$ (12,789)	$ 7,310	$ 39,128	$ -	$ -	$ -	$ -		
Ending Fund Balance	$ 825,784	$ 1,019,902	$ 1,205,898	$ 1,012,155	$ 1,321,460	$ 1,600,242	$ 1,846,056	$ 2,056,316	$ 2,228,285

County Aircraft Tax Proforma (4330)

Fiscal Year	Actuals FY19-20	Actuals FY20-21	Actuals FY21-22	Budget FY 22-23	Proposed FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28
Beginning Fund Balance	$ 478,069	$ 585,388	$ 827,014	$ 1,339,368	$ 1,450,618	$ 1,430,618	$ 1,544,618	$ 1,658,618	$ 1,772,618
Revenues	$ 181,182	$ 236,368	$ 181,078	$ 180,000	$ 180,000	$ 180,000	$ 180,000	$ 180,000	$ 180,000
Expense	$ 65,596	$ 241	$ (290,679)	$ 68,750	$ 200,000	$ 66,000	$ 66,000	$ 66,000	$ 66,000
ACFR Adjustments	$ (8,267)	$ 5,499	$ 40,598	$ -	$ -	$ -	$ -	$ -	$ -
Ending Fund Balance	$ 585,388	$ 827,014	$ 1,339,368	$ 1,450,618	$ 1,430,618	$ 1,544,618	$ 1,658,618	$ 1,772,618	$ 1,886,618

City of Modesto
Wastewater Fund ProForma

Approved Rate Increase	6%	4%		2.5% CanSeg (3.5% all other) 3.5%	2.5% CanSeg (3.5% all other) 3.5%	2.5% CanSeg (3.5% all other) 3.5%	2.5% CanSeg (3.5% all other) 3.5%	2.5% CanSeg (3.5% all other) 3.5%	0%
Rate Increaes Date	1/1/2020 (10/22/19 Council)	1/1/2021 (9/22/20 Council)	N/A	7/1/22 (4/12/22 Council)	7/1/23 (4/12/22 Council)	7/1/24 (4/12/22 Council)	7/1/25 (4/12/22 Council)	7/1/26 (4/12/22 Council)	N/A
	Actual	Actual	Acutal	Budget	Proposed	Projected	Projected	Projected	Projection
	FY 2020	FY2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Operating Revenues by Account									
Service Charges									
CS - PW - Residential Sewer Service	34,118,694	36,386,655	36,897,292	35,968,661	38,530,529	39,879,097	41,274,865	42,839,871	42,719,486
CS - PW - Commercial Sewer Service	7,861,370	8,266,881	8,493,611	7,537,284	8,074,127	8,356,722	8,649,207	8,977,156	8,951,929
CS - PW - Septic Tank Pumping	843,857	1,018,419	1,055,709	633,117	900,000	701,948	726,516	754,064	751,945
CS - PW - Industrial Sewer Service	11,830,891	13,575,064	14,543,565	12,118,411	12,981,545	13,435,899	13,906,155	14,433,430	14,392,871
CS - Broker Fees and Reimbursements	-	-	607,749	-	-	-	-	-	
Cannery Secondary Scalping				-	-	-	-	-	-
Intergov - Local - Del Puerto Water District (Debt Service)	930,336	1,440,202	1,152,162	1,158,373	1,159,617	1,152,162	1,152,162	1,152,162	1,152,162
Intergov - Local - Del Puerto Water District (DS Cost Savings)	20,736	-		-	-	-	-	-	-
Intergov - Local - Del Puerto Water District (O & M)	613,040	1,017,555	912,682	745,000	1,020,050	1,041,951	1,064,290	1,087,076	1,110,317
Intergov - Other Government Agencies (DPWD Water Sales)	324,554	606,586	448,770	495,000	495,000	495,000	495,000	495,001	495,002
Intergov - Local - City of Turlock		81,234	87,928	100,000	100,000	100,000	100,000	100,000	
SubTotal	**$ 57,166,672**	**$ 62,392,596**	**$ 64,199,468**	**$ 58,755,846**	**$ 63,260,867**	**$ 65,162,778**	**$ 67,368,196**	**$ 69,838,759**	**$ 69,573,711**
Interest Income									
Interest Revenue on Bank Accounts	1,460,676	773,428	938,078	388,358	659,697	518,217	415,922	326,176	199,101
Interest Trustee/Investment Earnings			-	-					
SubTotal	**$ 1,460,676**	**$ 773,428**	**$ 938,078**	**$ 388,358**	**$ 659,697**	**$ 518,217**	**$ 415,922**	**$ 326,176**	**$ 199,101**
Rental Income									
Lease of Land	479,700	479,700	479,700	497,700	-	479,700	479,700	479,700	479,700
Miscellaneous Lease	25,804	26,579	27,376	-	-	25,044	25,044	25,044	25,044
SubTotal	**$ 505,504**	**$ 506,279**	**$ 507,076**	**$ 497,700**	**$ -**	**$ 504,744**	**$ 504,744**	**$ 504,744**	**$ 504,744**
Direct Charges/Cost Distribution									
Interfund Charges - Service Credit Labor Charges	1,734,103	1,671,908	1,663,397	3,070,043	3,174,833	3,238,330	3,303,096	3,369,158	3,436,541
Interfund Charges - Equipment Rental	47,195	35,692	24,274	19,093	28,556	29,127	29,710	30,304	30,910
SubTotal	**$ 1,781,298**	**$ 1,707,600**	**$ 1,687,671**	**$ 3,089,136**	**$ 3,203,389**	**$ 3,267,457**	**$ 3,332,806**	**$ 3,399,462**	**$ 3,467,451**
Miscellaneous Income									
Wastewater Developmental Fees (4211-42500)	1,561,958	1,406,301	1,138,868	565,000	565,000	565,500	565,500	565,501	565,502
Other/FMV	1,085,696	(297,257)	(3,916,688)	-	-	-	-	-	
SubTotal	**$ 2,647,654**	**$ 1,109,044**	**$ (2,777,820)**	**$ 565,000**	**$ 565,000**	**$ 565,500**	**$ 565,500**	**$ 565,501**	**$ 565,502**
Transfers-In by Account									
General Fund (Repayment of InterFund Loan)	378,000	378,000	378,000	378,000	330,973	-	-	-	378,000
Special Fund for Capital Outlay (Fire Roll Up Door Project)									
Transfer In from Fund 5110									
Compost Fund (Repayment of InterFund Loan)	53,160	47,887	44,056	50,791	51,300	51,919	51,919	51,919	51,919
JT (Repayment of JTF Interfund Loan)	101,424	97,208	94,509	96,465	95,142	95,142	95,142	95,142	95,142
SubTotal	**$ 532,585**	**$ 523,095**	**$ 516,565**	**$ 525,256**	**$ 477,415**	**$ 51,919**	**$ 51,919**	**$ 51,919**	**$ 429,919**
Total	**$ 64,094,389**	**$ 67,012,041**	**$ 65,071,038**	**$ 63,821,296**	**$ 68,166,368**	**$ 70,070,615**	**$ 72,239,086**	**$ 74,686,561**	**$ 74,740,428**
Operating Expenses by Cost Center					Projected Fiscal Years assume a 2% annual growth				
FIN - Wastewater Debt Service	-	-	-	-	-	-	-	-	
UPP - Wastewater General	584,136	687,418	690,838	820,291	918,830	937,207	955,951	975,070	994,571
UPP - Wastewater Utility Billing and Collections	1,032,128	981,170	1,024,446	1,198,691	1,242,597	1,267,449	1,292,798	1,318,654	1,345,027
UTL - Wastewater Engineering Design	491,499	492,444	513,521	978,562	963,208	982,472	1,002,122	1,022,164	1,042,607
UPP - Wastewater PCE Litigation (6210)	588	385	-	-	-	-	-	-	-
UPP - Capital Improvement Services	576,717	478,869	511,900	763,699	706,745	720,880	735,297	750,003	765,004
UTL - Construction Administration	3,942	2,146	2,746	-	-	-	-	-	-
UTL - CIS Division - Part Time Staff	-	-	-	-	-	-	-	-	
UPP - CCTV Inspections	-		-	-	-	-	-	-	-
UPP - Wastewater System Analysis	13,140	12,303	16,425	188,978	164,130	167,413	170,761	174,176	177,660
UPP - Sphere of Influence Area Expansion	39	1	466	35,958	34,942	35,641	36,354	37,081	37,822
UPP - Wastewater Rate Analysis	2,328	80,357	147,366	12,416	7,718	7,872	8,030	8,190	8,354
UPP - Wastewater Inventory & Condition Assessment	142	15	3	7,909	-	-	-	-	-
UPP - Wastewater Services Administration	909,699	1,107,002	1,149,300	1,769,093	2,811,079	2,867,301	2,924,647	2,983,140	3,042,802
UPP - Laboratory and Environmental Services Administration	465,671	480,585	212,568	448,129	-	-	-	-	-
UPP - Laboratory Services	1,057,188	1,120,246	1,158,035	1,389,033	1,367,867	1,395,224	1,423,129	1,451,591	1,480,623
UPP - Environmental Services	957,143	1,088,633	1,200,588	1,360,861	1,628,988	1,661,568	1,694,799	1,728,695	1,763,269
UPP - Wastewater Collections Administration	203,325	206,808	215,554	224,538		-	-	-	-
UPP - Sewer Collections	6,108,880	6,080,093	5,986,555	7,451,602	8,083,743	8,245,418	8,410,326	8,578,533	8,750,103
UPP - Utility Cuts Repavement	222	43	4	-	-	-	-	-	-
UPP - Sewer Lateral Cost Sharing Program	23,012	17,731	3,572	83,824	83,008	84,668	86,362	88,089	89,851
UPP - Wastewater Operations Administration	458,316	569,090	649,618	692,786		-	-	-	-
UPP - Wastewater Plant Operations	3,081,907	3,355,642	3,842,130	4,407,024	5,329,931	5,436,530	5,545,260	5,656,165	5,769,289
UPP - Sutter Plant Maintenance	2,856,353	3,353,131	3,426,712	4,294,410	13,299,890	13,565,888	13,837,206	14,113,950	14,396,229
UPP - Jennings Plant Maintenance	3,096,559	2,801,645	2,841,603	3,797,250		-	-	-	-
UPP - Sewer Lift Stations	443,004	532,621	589,701	559,312		-	-	-	-
UPP - Tertiary Treatment	2,806,636	2,542,829	2,650,495	2,735,578		-	-	-	-
UPP - Cannery Segregation Line	382,989	322,041	239,402	652,319	662,831	676,088	689,609	703,402	717,470
UTL - NVRRWP (North Valley Regional Recycled Water Program)	751,634	1,004,846	943,119	1,239,862	1,095,050	1,116,951	1,139,290	1,162,076	1,185,317
UPP - Wastewater Electrical Services	1,456,524	1,747,626	1,472,878	2,134,821		-	-	-	-
PW - Administration	-	-	-	-	-	-	-	-	-
UPP - Wastewater Developmental Fees	23	43	-	-	-	-	-	-	
Non-Capital Projects			2,290,853						
On Call Engineering WQC (MY Account)	-	-	-	-	-	-	-	-	
Parklawn Sewer Improvements (MY Account)	27,076	24,276	-	-	-	-	-	-	
Jennings Dam Breach Analysis (MY Account)	6,067	-	-	-	-	-	-	-	
Airport Neighborhood Sewer(MY Account)	135,405	50,026	-	-	-	-	-	-	
SubTotal	**$ 27,932,295**	**$ 29,140,067**	**$ 31,780,398**	**$ 37,246,945**	**$ 38,400,557**	**$ 39,168,568**	**$ 39,951,940**	**$ 40,750,978**	**$ 41,565,998**
Transfers-Out by Account									
General Fund	68,640	68,640	68,640	68,640	68,640	68,640	68,640	68,640	68,640
Transfer to Water Fund	5,000,000	(20,797)	-	-	-	-	-	-	
Transfer to IT	18,797	-	-	-	-	-	-	-	
Transfer Out to Fund 3125 (JTF Loan)	-	-	-	-	-	-	-	-	
Misc Transfer			9,636						
Closing of Debt Service Fund 4245-SRF Tertiary Treatment			84,966						
Transfer Out to HR Insurance Funds	-	-	208,565	-	-	-	-	-	
SubTotal	**$ 5,087,437**	**$ 47,843**	**$ 371,807**	**$ 68,640**	**$ 68,640**	**$ 68,640**	**$ 68,640**	**$ 68,640**	**$ 68,640**
Total	**$ 33,019,732**	**$ 29,187,910**	**$ 32,152,205**	**$ 37,315,585**	**$ 38,469,197**	**$ 39,237,208**	**$ 40,020,580**	**$ 40,819,618**	**$ 41,634,638**
Net Operating Surplus/Deficit	**$ 31,074,657**	**$ 37,824,131**	**$ 32,918,833**	**$ 26,505,711**	**$ 29,697,171**	**$ 30,833,407**	**$ 32,218,507**	**$ 33,866,943**	**$ 33,105,790**
Debt Service									
2005 Series A & B Bonds	-	-		-	-	-	-	-	
2006 Series A Bonds	-	-		-	-	-	-	-	
SRF Recycled Water	1,154,833	1,154,674	1,154,447	1,158,373	1,152,162	1,152,162	1,152,162	1,152,162	1,152,162
2015 Wastewater Revenue/Refunding Revenue Bonds	2,781,411	2,777,645	2,777,113	2,796,223	909,130	908,630	-	-	-

	Actual	Actual	Acutal	Budget	Proposed	Projected	Projected	Projected	Projection
	FY 2020	**FY2021**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**	**FY 2027**	**FY 2028**
SRF Loan Payments: Phase 2 - Tertiary Treatment Project (2011)	8,209,636	6,129,643	-	-	-	-	-	-	-
2018A Refunding Bonds (2006A)	560,123	561,093	559,236	563,623	555,400	555,400	1,247,650	1,251,150	1,242,900
Series 2020A Bonds (2011 State Loan Refunding)	-	984,571	6,464,587	6,474,423	6,462,177	6,462,488	6,462,374	5,999,338	843,536
Series 2020B Bonds (2011 State Loan Refunding)	-	953,085	1,277,048	1,281,723	1,273,500	1,273,500	1,273,500	1,736,625	6,895,000
Future Indebtedness (40M Bond)	-	-	-	-	2,187,800	2,189,200	2,189,200	2,189,200	2,189,200
Total	**$ 12,706,004**	**$ 12,560,711**	**$ 12,232,431**	**$ 12,274,365**	**$ 12,540,169**	**$12,541,380**	**$12,324,886**	**$12,328,475**	**$12,322,798**
Debt Service Coverage Ratio									
Must Remain Above 1.5	2.45	3.01	2.69	2.16	2.37	2.46	2.61	2.75	2.69
Capital Projects									
Project Expenses	24,681,185	13,193,404	8,385,751	46,675,000	56,915,224	42,577,968	42,426,984	39,285,000	42,375,200
Bond Funding	-	-	-	-	(20,000,000)	(10,000,000)	(10,000,000)	-	
SRF Loan Funding	-	-	-	-	-	-	-	-	
Grant Funding	-	(74,302)	(61,232)	(10,000,000)	-	-	-	-	
Misc Revenue	141,360	(695,894)	337,991	-	-	-	-	-	
Pay as You Go CIP Total	**$ 24,822,545**	**$ 12,423,208**	**$ 8,662,510**	**$ 36,675,000**	**$ 36,915,224**	**$ 32,577,968**	**$ 32,426,984**	**$ 39,285,000**	**$ 42,375,200**
Retained Earnings Calculation									
Beginning Unrestricted Retained Earnings	89,954,603	87,809,876	101,565,218	114,572,930	92,129,276	72,371,055	58,085,114	45,551,751	27,805,219
Net Operating Surplus/Deficit	31,074,657	37,824,131	32,918,833	26,505,711	29,697,171	30,833,407	32,218,507	33,866,943	33,105,790
Total Debt Service	(12,706,004)	(12,560,711)	(12,232,431)	(12,274,365)	(12,540,169)	(12,541,380)	(12,324,886)	(12,328,475)	(12,322,798)
Pay as You Go CIP - Out Years	(24,822,545)	(12,423,208)	(8,662,510)	(36,675,000)	(36,915,224)	(32,577,968)	(32,426,984)	(39,285,000)	(42,375,200)
CAFR Adjustment	4,309,166	915,129	983,821						
Ending Unallocated Retained Earnings	**$ 87,809,876**	**$ 101,565,218**	**$ 114,572,930**	**$ 92,129,276**	**$ 72,371,055**	**$ 58,085,114**	**$ 45,551,751**	**$ 27,805,219**	**$ 6,213,012**
Target Cash - 25% of Annual Operating Costs:	8,254,933	7,296,977	8,038,051	9,328,896	9,617,299	9,809,302	10,005,145	10,204,905	10,408,659
Required Reserve - One SRF Loan Payment	9,364,470	7,284,317	1,154,447	1,158,373	1,152,162	1,152,162	1,152,162	1,152,162	1,152,162
Minimum Reserve	**$ 17,619,403**	**$ 14,581,294**	**$ 9,192,498**	**$ 10,487,269**	**$ 10,769,461**	**$10,961,464**	**$11,157,307**	**$11,357,066**	**$11,560,821**

Storm Drain Proforma (4480)

Fiscal Year	Actuals FY 19-20	Actuals FY 20-21	Actuals FY 21-22	Budget FY 22-23	Proposed FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28
Beginning Fund Balance	$ 7,611,240	$ 7,282,408	$ 7,813,124	$ 7,807,709	$ 6,048,684	$ 4,293,611	$ 2,253,555	$ 201,071	$ (2,040,102)
Revenues	$ 6,577,573	$ 6,388,298	$ 6,150,073	$ 6,371,157	$ 6,383,032	$ 6,383,032	$ 6,370,605	$ 6,350,377	$ 6,330,026
Expense	$ 6,330,345	$ 5,861,318	$ 5,583,232	$ 8,130,181	$ 8,423,088	$ 8,423,088	$ 8,423,088	$ 8,591,550	$ 8,763,381
ACFR Adjustments	$ (119,465)	$ 33,187	$ (543,184)	$ -	$ -	$ -	$ -	$ -	$ 876,338
Ending Fund Balance	$ 7,739,004	$ 7,842,575	$ 7,836,781	$ 6,048,684	$ 4,008,628	$ 2,253,555	$ 201,071	$ (2,040,102)	$ (3,597,119)

Information & Technology Services Proforma (5230)

Fiscal Year	2019-20 Actuals	2020-21 Actuals	2021-22 Actuals	2022-23 Budget	2023-24 Proposed Budget	2024-25 Projected	2025-26 Projected	2026-27 Projected	2027-28 Projected
Beginning Fund Balance	5,356,569	3,299,594	2,822,339	3,318,919	756,973	616,901	1,266,902	1,916,902	1,916,902
Revenues	6,363,435	6,679,217	8,707,806	8,520,414	10,016,629	11,304,873	11,830,677	11,732,773	12,312,472
Expenses	8,332,077	7,187,254	8,349,708	11,082,359	10,156,701	10,654,873	11,180,677	11,732,773	12,312,472
ACFR Adjustments	(88,333)	30,782	138,482	-	-	-	-	-	-
Ending Fund Balance	**3,299,594**	**2,822,339**	**3,318,919**	**756,973**	**616,901**	**1,266,902**	**1,916,902**	**1,916,902**	**1,916,902**

City of Modesto - Water Fund Proforma

Rate Increase Date	Effective date of 4/1/2020, approved on 10/22/19	No Rate Increase (effective date deferred to FY22 due to COVID-19 economic impact)	Effective date of 10/1/2021, approved on 4/6/2021; deferred to FY22 due to COVID-19 economic impacts)	No PROP 218	November 1st, 2023	January 1st, 2025	January 1st, 2026	January 1st, 2027	January 1st, 2028
Rate Increase	6.00%	0.00%	2.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

	Actual 2020	Actual 2021	Actual (12/13/22) 2022	Budget 2023	Proposed 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028
	PROP 218	PROP 218	No PROP 218 (deferred from FY21)	No PROP 218					
REVENUES									
Charges for Services	76,996,031	80,908,185	79,318,075	82,110,000	81,232,793	81,232,793	81,232,793	81,232,793	81,232,793
Misc Revenue	7,611	(156,889)	135,665	-	-	-	-	-	-
Refunds, Damages, and Cost Recovery/ Other	1,234,355	30,602	(4,141,774)	10,000	11,500	11,730	11,965	12,204	12,448
Water Fund Development Fees	1,904,330	1,562,883	1,194,261	1,220,500	1,244,910	1,269,808	1,295,204	1,321,108	1,347,531
Interest Income	1,086,126	718,629	971,868	500,000	500,000	464,655	434,746	429,978	367,618
Legal Settlement	0	558,555	1,005,890						
Rental Income	41,749	41,973	42,787	42,000	42,000	42,840	43,697	44,571	45,462
Service credits	3,576,012	3,654,881	3,405,150	3,062,214	3,105,221	3,167,325	3,230,672	3,295,285	3,361,191
Sale of Fixed Asset	-	-	14,068	-	-	-	-	-	-
Project Revenue	-	627,617	-	-	-	-	-	-	-
Utility Assistance Fee	-	114,020	138,725	200,902	254,100	-	-	-	-
GF Transfer Parks P&I (paid off in FY19)	-	-	-	-	-	-	-	-	-
Misc Transfers In	-	-	-	-	-	-	-	-	-
Repayment of Carpenter Road Landfill mitigation loan - Advance 16A/B/C	53,130	455,680	658,001	707,421	707,421	707,421	707,421	707,421	707,421
GROSS OPERATING REVENUES	**84,899,344**	**88,516,136**	**82,742,716**	**87,853,037**	**87,097,945**	**86,896,573**	**86,956,498**	**87,043,360**	**87,074,464**
OPERATING EXPENSES									
12460 FIN Cashiering	698,269	749,957	680,347	845,352	835,287	877,051	920,904	966,949	1,015,297
12461 FIN City Services for StanRTA	-	-	29,128	-	-	-	-	-	-
12470 FIN Utilities & Collections	1,930,148	1,995,157	2,098,214	2,499,546	2,411,368	2,531,936	2,658,533	2,791,460	2,931,033
12475 FIN Utility Assistance Programs	473,895	813,360	920,434	1,119,827	2,286,900	2,401,245	2,521,307	2,647,373	2,779,741
12480 FIN Customer Service Administration	-	-	-	-	-	-	-	-	-
41010 UPP Administration	659,782	731,220	775,145	1,167,848	1,154,259	1,211,972	1,272,571	1,336,199	1,403,009
41320 UPP Utility Billing and Collections	-	-	-	-	-	-	-	-	-
41410 UPP Water General	271,452	1,457,716	314,169	410,902	425,795	447,085	469,439	492,911	517,556
41420 UPP Water Billing & Collections	241,446	133,638	184,034	176,311	223,954	235,152	246,909	259,255	272,217
42024 UTL Water Engineering Design	950,578	995,965	887,433	1,122,154	1,119,841	1,175,833	1,234,625	1,296,356	1,361,174
42026 UTL Wastewater Engineering Design	-	-	-	-	-	-	-	-	-
42100 UPP Water PCE Litigation	77,331	0	-	-	-	-	-	-	-
42200 UPP Water Zone1 Revenue	-	-	-	-	-	-	-	-	-
43010 UPP Ground Water Management Plan	70,472	44,684	60,473	115,141	61,438	64,510	67,735	71,122	74,678
43020 UPP Water System Analysis	33,702	39,991	74,466	220,977	191,680	201,264	211,327	221,894	232,988
43030 UPP Urban Water Management Plan	12,243	164,050	21,334	46,705	32,502	34,127	35,833	37,625	39,506
43040 UPP Water Quality Study	3,397	10,477	222	86,457	81,917	86,013	90,313	94,829	99,571
43060 UPP Capital Planning	610,925	550,236	505,413	801,938	800,160	840,168	882,176	926,285	972,599
43070 UPP Water Rate Analysis	36,914	85,711	8,514	122,251	4,905	5,150	5,408	5,678	5,962
43080 UPP Sphere of Influence	485	187	52	35,962	34,933	36,680	38,514	40,439	42,461
45010 UPP Water Services Administration	1,270,322	1,430,304	1,775,059	2,192,418	2,233,552	2,345,230	2,462,491	2,585,616	2,714,896
45020 UPP Systems Maintenance	2,753,882	2,783,175	2,663,103	3,120,442	3,445,734	3,618,021	3,798,922	3,988,868	4,188,311
45040 UPP Construction	4,717,157	5,269,349	5,824,728	6,233,954	6,893,861	7,238,554	7,600,482	7,980,506	8,379,531
45050 UPP Wells & Tanks	6,975,964	7,646,584	7,959,001	8,654,114	8,842,192	9,284,302	9,748,517	10,235,943	10,747,740
45055 UPP Water Quality	2,229,289	2,395,563	2,473,750	2,908,597	3,081,081	3,235,135	3,396,892	3,566,736	3,745,073
45060 UPP Service & Meters	2,119,902	1,838,005	3,727,834	2,489,378	2,710,826	2,846,367	2,988,686	3,138,120	3,295,026
45065 UPP Water Conservation	851,300	895,020	1,427,206	1,580,898	1,914,878	2,010,622	2,111,153	2,216,711	2,327,546
45070 UPP MID Surface Water T & DA	12,172,933	11,457,297	11,597,093	17,120,214	17,135,229	17,991,990	18,891,590	19,836,169	20,827,978
Storm Drain for MID	0	-	-	-	-	-	-	-	0
55090 PW Water Wells and T	-	-	-	-	-	-	-	-	-
55110 PW - Water Services Meters	-	-	-	(129,160)	-	-	-	-	-
UPP - Well Field Phase II B Multyr- 100610	-	-	-	-	-	-	-	-	-
UPP - Well Field Management Project - 100817	-	-	-	-	-	-	-	-	-
UPP - Groundwater Sub-Basin Study - 100818	-	-	-	-	-	-	-	-	-
Non-capital projects (FY23/24 is Billing Software)		866	2,013,764	684,000	1,625,000				
UPP - Prop 1 Groundwater Uranium Study - 101011	5,537	-		-	-	-	-	-	-
UTL - TCP Litigation - 101303									
UTL - Water - Grant Research & Writing - 101452				150,000					
UTL - Groundwater Well Strategy Plan - 101456				126,125					
SUB-TOTAL OPERATING EXPENSES	39,167,326	41,488,510	46,020,915	53,902,351	57,547,292	58,718,407	61,654,327	64,737,043	67,973,895
TRANSFERS OUT									
Transfer Out $2.3M Loan to Carpenter Road Landfill	-	-	-	-	-	-	-	-	-
Transfer Out to Fund 5230 for Budget Software and Oracle Update	-	-	5,546	-	-	-	-	-	-
Transfer Out additional $900K Loan to Carpenter Road Landfill	900,000	-	-	-	-	-	-	-	-
Transfer Out additional 1.54M Loan to Carpenter Road Landfill	-	1,540,000	-	-	-	-	-	-	-
Transfer Out to Project 101223 for TrackIt Software (fund 1800)	67,891	-	0	-			-	-	-
Transfer Out to Project 101209 South MLK S&R Water Mains (fund 3170)	488,272	11,362	37	-	-	-	-	-	-
Transfer Out to IT (5230) for DocuSign/Hyland software	19,972	-	-	-	-	-	-	-	-
Transfer Out to Fund 5350-5390 for FMLA Reimbursem	-	-	-	-	-	-	-	-	-
Transfer Out to Water Grants - Prop 1 - GSP (101131)	-	-	-	-	-	-	-	-	-
Transfer Into Fund 4140 - Match Funding	-	247,868	104,034	46,723	-	-	-	-	-
Transfer Into 4210 - WasterWater for Join Project (Water and Sewer Mains 101302,101032)	-	684,982	(342,491)	-	-	-	-	-	-

City of Modesto - Water Fund Proforma

Rate Increase Date	Effective date of 4/1/2020, approved on 10/22/19	No Rate Increase (effective date deferred to FY22 due to COVID-19 economic impact)	Effective date of 10/1/2021, approved on 4/6/2021; deferred to FY22 due to COVID-19 economic impacts)	No PROP 218	November 1st, 2023	January 1st, 2025	January 1st, 2026	January 1st, 2027	January 1st, 2028
Rate Increase	6.00%	0.00%	2.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
	Actual 2020	**Actual 2021**	**Actual (12/13/22) 2022**	**Budget 2023**	**Proposed 2024**	**Projected 2025**	**Projected 2026**	**Projected 2027**	**Projected 2028**
	PROP 218	PROP 218	No PROP 218 (deferred from FY21)	No PROP 218					
UAL 115 Trust and OPEB Trust transfers to 5510-EBF	-	-	191,783	-	-	-	-	-	-
Storm Drain Annual Transfer-out (rockwell rej)	700,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000
JPA Building svs Annual Transfer-out	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000	65,000
TOTAL OPERATING EXPENSES	41,408,461	44,737,722	46,744,824	54,714,074	58,312,292	59,483,407	62,419,327	65,502,043	68,738,895
NET OPERATING REVENUES	**43,490,883**	**43,778,414**	**35,997,892**	**33,138,963**	**28,785,653**	**27,413,166**	**24,537,172**	**21,541,317**	**18,335,569**
TOTAL DEBT SERVICE									
55140-54104 MID T & DA - 1998D (2013G)	6,058,551	6,391,766	5,460,520	5,155,541	4,367,900	-	-	-	-
55140-54103 MID T & DA - 2007F	4,154,723	4,317,514	4,461,194	4,257,700	4,032,800	8,409,205	8,409,205	8,409,206	8,409,207
4130 2008 Water Rev Lease Bond	2,309,687	2,130,448	2,138,850	2,164,623	3,546,482	4,240,014	4,240,014	4,240,014	4,240,014
55060 CA DWR (Del Este)	-	-	-	-	-	-	-	-	-
4140-12183 ARRA funding CDPH	37,540	36,936	37,343	46,723	38,237	36,600	36,600	36,600	36,600
Total Debt Service	**12,560,501**	**12,876,664**	**12,097,907**	**11,624,587**	**11,985,419**	**12,685,819**	**12,685,819**	**12,685,820**	**12,685,821**
DEBT SERVICE COVERAGE									
(Net operating Revenues / Total Debt Service)	**3.46**	**3.40**	**2.98**	**2.85**	**2.40**	**2.16**	**1.93**	**1.70**	**1.45**
RETAINED EARNINGS CALCULATION									
Beginning Unrestricted Retained Earnings	**69,912,942**	**76,478,383**	**105,539,951**	**121,327,344**	**113,520,220**	**105,495,454**	**98,705,001**	**90,721,354**	**78,091,851**
2007 Bond Collateral Refund	-	-	-	-	-	-	-	-	-
Return of Cash Collateral	-	-	-	-	-	-	-	-	-
Realase of Restricted Cash with Fiscal Agent	-	6,000,000	-	-	-	-	-	-	-
1997 Bond Retired FY11	-	-	-	-	-	-	-	-	-
Net Change in Retained Earnings	30,930,382	30,901,750	23,899,985	21,514,376	16,800,234	14,727,347	11,851,352	8,855,497	5,649,748
PCE Litigation expenses	-	-	-	-	-	-	-	-	-
ACFR Adjustments	(495,111)	3,617,685	-	-	-	-	-	-	-
Pay as you go CIP	(23,869,830)	(11,457,867)	(8,112,592)	(29,321,500)	(24,825,000)	(21,517,800)	(19,835,000)	(21,485,000)	(22,715,000)
Ending Retained Earnings	**76,478,383**	**105,539,951**	**121,327,344**	**113,520,220**	**105,495,454**	**98,705,001**	**90,721,354**	**78,091,851**	**61,026,599**
Target Cash at 25% of Operating Costs	10,352,115	11,184,431	11,686,206	13,678,519	14,578,073	14,870,852	15,604,832	16,375,511	17,184,724
RETAINED EARNINGS RESERVED FOR CIP									
Cash flow expected for CIP projects (Updated on 3/29/23)	**(23,869,830)**	**(11,457,867)**	**(8,478,880)**	**(29,321,500)**	**(25,625,000)**	**(22,371,000)**	**(24,235,000)**	**(25,585,000)**	**(26,815,000)**
Anticipated Grant Reimbursement for CIP projects			**366,288**		**800,000**	**853,200**	**4,400,000**	**4,100,000**	**4,100,000**
Current Year Developer Fees	**1,904,330**	**1,562,883**	**1,194,261**	**1,220,500**	**1,244,910**	**1,269,808**	**1,295,204**	**1,321,108**	**1,347,531**
Retained Earnings Needed	**21,965,500**	**9,894,984**	**6,918,331**	**28,101,000**	**23,580,090**	**20,247,992**	**18,539,796**	**20,163,892**	**21,367,469**
Bond Proceeds used	-			-	-	-			
	0	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Employee Benefits Fund (5510 EBF & 5520 EBF Admin)

3/6/2023

Fiscal Year	Actual 2020	Actual 2021	Actual (w/25% Rate Reduction) 2022	Budget 2023	Proposed 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028
Beginning Fund Balance	$ 4,491,638	$ 2,009,518	$ 6,862,298	$ 4,297,041	$ 4,221,599	$ 2,603,095	$ 2,603,095	$ 2,603,095	$ 2,603,095
Revenues (and one time settlement)	$ 4,799,148	$ 9,355,963	$ 7,303,198	$ 6,193,014	$ 5,129,003	$ 6,949,932	$ 7,158,430	$ 7,373,183	$ 7,594,379
Expense	$ (7,046,677)	$ (6,162,797)	$ (8,490,893)	$ (6,268,456)	$ (6,747,507)	$ (6,949,932)	$ (7,158,430)	$ (7,373,183)	$ (7,594,379)
ACFR Adjustments	$ (234,590)	$ 1,659,614	$ 9,718	$ -	$ -	$ -	$ -	$ -	$ -
Ending Fund Balance	**$ 2,009,518**	**$ 6,862,298**	**$ 4,297,041**	**$ 4,221,599**	**$ 2,603,095**	**$ 2,603,095**	**$ 2,603,095**	**$ 2,603,095**	**$ 2,603,095**

Workers Comp Fund (5320)

3/6/2023

Fiscal Year	Actual (w/19.8% Rate Reduction) 2020	Actual (no Rate Reduction) 2021	Actual (w/25% Rate Reduction) 2022	Budget (w/16% Rate Reduction) 2023	Proposed 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028
Beginning Fund Balance	$ 8,315,449	$ 8,543,487	$ 10,089,878	$ 8,893,632	$ 8,040,387	$ 8,040,387	$ 8,040,387	$ 8,040,387	$ 8,040,387
Revenues	$ 5,773,762	$ 6,813,326	$ 4,875,396	$ 5,728,579	$ 6,542,910	$ 6,673,768	$ 6,807,244	$ 6,943,388	$ 7,082,256
Expenses	$ (5,356,691)	$ (5,369,437)	$ (6,477,260)	$ (6,581,824)	$ (6,542,910)	$ (6,673,768)	$ (6,807,244)	$ (6,943,388)	$ (7,082,256)
ACFR Adjustment	$ (189,032)	$ 102,502	$ 405,619	$ -	$ -	$ -	$ -	$ -	$ -
Ending Fund Balance	**$ 8,543,487**	**$ 10,089,878**	**$ 8,893,632**	**$ 8,040,387**	**$ 8,040,387**	**$ 8,040,387**	**$ 8,040,387**	**$ 8,040,387**	**$ 8,040,387**

General Liability (5330)

3/6/2023

	Actuals	Actual	Actual	Budget	Proposed	Projected	Projected	Projected	Projected
Fiscal Year	2020	2021	2022	2023	2024	2025	2026	2027	2028
Beginning Fund Balance	$ 2,412,886	$ 2,296,598	$ 3,657,346	$ 2,342,032	$ 2,255,896	$ 2,303,757	$ 2,303,757	$ 2,303,757	$ 2,303,757
Revenues	$ 3,737,568	$ 4,398,060	$ 5,501,656	$ 6,577,558	$ 7,135,429	$ 7,441,946	$ 7,814,044	$ 8,204,746	$ 8,614,983
Expenses	$ (3,346,894)	$ (3,129,047)	$ (5,884,667)	$ (6,663,694)	$ (7,087,568)	$ (7,441,946)	$ (7,814,044)	$ (8,204,746)	$ (8,614,983)
ACFR Adjustment	$ (506,962)	$ 91,736	$ (932,303)	$ -	$ -	$ -	$ -	$ -	$ -
Ending Fund Balance	**$ 2,296,598**	**$ 3,657,346**	**$ 2,342,032**	**$ 2,255,896**	**$ 2,303,757**	**$ 2,303,757**	**$ 2,303,757**	**$ 2,303,757**	**$ 2,303,757**

Schedule of Revenues

City-Wide

Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
General Fund	177,597,039	169,398,540
City Attorney's Office	85,537	80,331
City Clerk's Office	-	
City Manager's Office	491,548	446,912
Community and Economic Development	3,543,223	3,717,078
Finance Department	3,292,031	3,514,652
Human Resources	519,547	490,913
Modesto Fire Department	18,431,294	19,233,319
Modesto Police Department	2,808,013	2,952,076
Parks and Recreations Neighborhood	4,816,372	4,420,368
Public Works	-	
General Revenue Department	143,609,474	133,914,251
Transfer In		628,640
Utilities	162,038,813	172,831,249
Finance Department	3,243,351	3,250,960
Public Works	1,508,764	1,624,578
Utilities	157,286,698	153,774,716
Transfer In		13,326,318
Loan Receivable		854,677
Internal Service Funds	108,818,748	104,235,691
City Clerk's Office	252,303	289,864
Finance Department	4,902,040	5,218,018
Human Resources	68,984,970	68,316,202
Information Technology	10,016,629	8,520,414
Public Works	24,662,806	20,888,697
Transfer In		1,002,496
Other Funds	32,999,130	35,112,355
Community and Economic Development	5,951,503	7,791,027
Information Technology	522,312	662,776
Modesto Fire Department	1,427,874	
Modesto Police Department	475,000	475,000
Parks and Recreations Neighborhood	3,682,631	3,532,726
Public Works	17,007,314	15,513,686
Utilities	3,643,808	3,317,497
Joint Power Agency	288,688	1,086,124
Transfer In		2,676,910
Loan Receivable		56,609
Transportation Funds	28,478,727	39,504,945
Community and Economic Development	12,614,437	11,211,151
Public Works	15,864,290	26,755,189
Transfer In		1,538,605
Non-Operating Funds	6,002,100	5,832,000
Community and Economic Development	6,002,000	5,682,000

Schedule of Revenues

City-Wide

Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Modesto Police Department	-	
Parks and Recreations Neighborhood	-	
Public Works	100	
Transfer In		150,000
Debt Service Funds	54,600	4,308,200
Finance Department	54,600	2,400
Transfer In		4,305,800
Other Agencies	1,809,362	1,375,035
Public Works	8,497	7,154
Joint Power Agency	1,800,865	1,367,881
Grand Total	**517,798,519**	**532,598,015**

Schedule of Expenses

City-Wide

Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
General Fund	183,884,075	180,783,015
City Attorney's Office	1,884,532	1,803,566
City Auditor's Office	589,073	495,574
City Clerk's Office	913,711	1,447,511
City Council	520,369	506,592
City Manager's Office	3,603,349	3,092,712
Community and Economic Development	7,255,089	7,008,082
Finance Department	5,925,824	6,092,836
Human Resources	1,815,045	1,803,029
Modesto Fire Department	64,229,416	59,021,011
Modesto Police Department	79,662,870	75,284,659
Parks and Recreations Neighborhood	17,013,496	15,891,527
Public Works	-	
General Revenue Department	471,300	471,300
Transfer Out		7,864,616
Utilities	124,741,607	139,515,169
Finance Department	18,376,061	18,846,668
Public Works	2,607,871	2,404,625
Utilities	103,757,676	101,120,694
Transfer Out		17,143,182
Internal Service Funds	120,799,599	116,320,316
City Clerk's Office	344,702	341,180
Finance Department	4,898,175	5,206,559
Human Resources	74,266,399	72,364,248
Information Technology	10,015,313	10,106,697
Public Works	31,275,009	27,157,748
Transfer Out		1,143,884
Other Funds	38,149,111	38,032,707
Community and Economic Development	6,849,299	6,994,982
Information Technology	284,625	389,790
Modesto Fire Department	1,404,001	1,593,313
Modesto Police Department	1,235,815	1,211,239
Parks and Recreations Neighborhood	5,652,066	5,566,479
Public Works	19,243,784	16,790,229
Utilities	3,192,730	3,144,166
Joint Power Agency	286,792	1,084,797
Loan Payments		758,212
Transfer Out		499,500
Transportation Funds	17,392,072	44,698,407
Community and Economic Development		16,474,468
Public Works	17,392,072	15,177,157
Transfer Out		13,046,782
Non-Operating Funds	6,240,904	7,033,357
Community and Economic Development	5,258,414	4,929,864
Modesto Police Department	589,475	536,701

Schedule of Expenses

City-Wide

Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Public Works	393,016	542,784
Transfer Out		1,024,008
Debt Service Funds	4,051,730	4,308,200
Finance Department	4,051,730	4,308,200
Other Agencies	1,547,467	4,598,607
Community and Economic Development	35,621	1,833,861
Joint Power Agency	1,511,846	1,342,865
Transfer Out		1,421,881
Grand Total	**496,806,566**	**535,289,778**

Transfer Analysis

Transfer from 0100 – General Fund to 1420 – Measure L / SB1 Maintenance of Effort (MOE) has remained steady at $1,538,605.

Transfer from 0100 – General Fund to 3125 – John Thurman Capital Improvement Fund has been established in the amount of $120,000. This is the mandatory transfer for the John Thurman Field Capital Project.

Transfer from 0100 – General Fund to 4600 – Golf Fund has decreased in FY24 due to lower need of operational subsidy.

Transfer from 0100 – General Fund to 4700 – Centre Plaza Event Services Fund has slightly decreased in FY24 due to lower need of operational subsidy.

Transfer from 0100 – General Fund to 4700 – Centre Plaza Event Services Fund (project 101251) has been increased to account for TOT sharing agreement between the City and the CVB to fund Modesto Central Plaza deferred maintenance and capital improvements.

Transfer from 3125 – John Thurman Capital Improvement Fund to 4210 – Wastewater Fund has increased slightly to process loan repayment for the John Thurman Field scoreboard.

Transfer from 3440 Capital Facility Fees – Police and 3450 – Fire Department Capital Facility Fee Fund, and 3470 Capital Facility Fees – City Hall Expansion to the 0100 – General Fund remains the same as FY22 and FY23 since there are sufficient fund balances in this fund.

FY 2023-24 Operating Inter-Fund Transfers IN & OUT Detail (sorted by Transfers OUT)

													Purpose
TRANSFER OUT (from)				TRANSFER IN (to)					Adopted	Adopted	Adopted	Proposed	
FUND		COST CENTER /PROJEC	ACCOUNT/TASK	FUND		COST CENTER	ACCOUNT	PROJECT	2020-21	2021-22	2022-23	2023-24	
0100	General Fund	70100	71420	1420	Measure/SB1 Maintenance of Effort	61420	60100		$296,502	$1,538,605	$1,538,605	$1,538,605	Funding for the Maintenance of Effort for Measure L. Not funding SB1. Original amount that included SB1 was 1,538,605.
0100	General Fund	70100	71700	1700	Surface Transportation Fund	53510	60100		$0	$0	$0	$0	Traffic Engineering
0100	General Fund	70100	71700	1700	Surface Transportation Fund	53520	60100		$1,500	$1,500	$1,600	$1,600	Ineligible Gas Tax Non-Roadway Lights (Gallo Art Center, 10th Street between I and J and J and K)
0100	General Fund	70100	72150	2150	Public Financing Auth 98 & 07 Bonds	62150	60100		$239,350	$248,118	$241,555	$224,239	Thurman Field Debt Service (7000)
0100	General Fund	70100	72150	2150	Public Financing Auth 98 & 07 Bonds	62150	60100		$2,717,326	$3,064,985	$2,742,364	$2,545,772	Tenth Street Place Debt Service (7000)
0100	General Fund	70100	74000	4000	Parking Fund	6400	60100	101252	$0	$0	$0	$1,027,084	Transfer net revenue of parking fines to the Parking Fund for capital improvements
0100	General Fund	70100	74100	4100	Water Fund	64100	60100		$53,500	$0	$0	$0	Repayment of Agricultural Wells at Community Parks Loan (Repaymentment completed in FY19; FY20 and FY21 transfers will not be processed)
0100	General Fund	70100	74100	4100	Water Fund	64100	60100		$0	$0	$0	$0	Prop 218 rebate became MY W445
0100	General Fund	70100	74210	4210	Wastewater Fund	44213	60100		$378,000	$378,000	$378,000	$330,973	Prop 218 rebate became MY B618 (ends in FY2024 with final payment of 330,973)
0100	General Fund	95001	74210	4210	Wastewater Fund	91010	60100		$0	$0	$0	$0	Repayment of John Thurman Field Loan (will be paid by the JTF Project in Fund 3125)
0100	General Fund	70100	73125	3125	John Thurman Capital Improvement Fund	14998	60100	101019	$120,000	$120,000	$120,000	$120,000	John Thurman Field Capital Commitment through FY26 (FY21 payment deferred to FY26)
0100	General Fund	70100	74600	4600	Golf Fund	64600	60100		$1,189,352	$1,147,429	$1,147,429	$784,505	Operating subsidy
0100	General Fund	70100	74700	4700	Centre Plaza Event Services Fund	64700	60100		$733,880	$895,526	$1,529,481	$1,184,930	Operating subsidy
0100	General Fund	70100	74700	4700	Centre Plaza Event Services Fund	64700	60100	101251	$75,000	$0	$146,532	$249,000	Per July 1st 2019, TOT agreement between the City and CVB, 30% of TOT revenue exceeding $2.85M will be deposited for MCP deferred maintenance and Capital Improvements
0100	General Fund	70100	75510	5510	Employee Benefits Mgmt Fund	65510	60100		$0	$0	$0	$0	Repayment of ERP Loan
0100	General Fund	70100	71342	1342	Grants - Police	19382	60100		$0	$0	$0	$0	GF Match for COPS Grant
0100	General Fund	19383	71342	1342	Grants - Police	19382	60100		$0	$0	$0	$0	GF Match for COPS Grant
0100	General Fund	70100	74540	4540	Bus Fixed Route MAX operations funds	64540	60100		$0	$0	$0	$0	Funding the Municipal TAXI program
0100	General Fund	70100	70180	0180	Fire Department Unrestricted Non-Capital Projects	18998	60100	100889	$0	$0	$0	$0	MFD - Facilities & Fleet Project
0100	General Fund	70100	74550	4550	Bus Fixed Route Max Altnative Trans Fund	53478	60100		$60,919	$44,864	$0	$0	Funding the Municipal TAXI program
0100	General Fund	70100	75400	5400	Fleet Management Fund	53258	60100		$0	$0	$5,000	$5,000	Funding the Municipal TAXI program now housed in the Fleet Management Fund
0100 Total									**$5,865,329**	**$7,439,027**	**$7,850,566**	**$8,011,708**	
1130	Grants - CDBG Direct Program	71130	73170	3170	Capital Grants - HUD CIP Projects	63170	61130		$0	$550,000	$150,000	$400,000	Funding for HUD Capital Projects
1130 Total									**$0**	**$550,000**	**$150,000**	**$400,000**	
1155	Grants - RLF Program Income	71155	71150	1150	Grants - RLF Housing Loan Program	14998	61155	101309	$0	$250,000	$250,000	$0	Revolving Loan Funds
1155	Grants - RLF Program Income	71155	71150	1150	Grants - RLF Housing Loan Program	14998	61155	101469	$0	$0	$0	$250,000	Revolving Loan Funds
1155	Grants - RLF Program Income	71155	71130	1130	Grants - CDBG Direct Program	61130	61155		$0	$0	$0	$100,000	RLF Funding for CDBG Admin & Projects
1155 Total									**$0**	**$250,000**	**$250,000**	**$350,000**	
1180	Grants - Emergency Shelte - CFDA No 14.231	14998	71342	1342	Grants - Police	19205	61180			$266,427		$0	ESG - CV Cares Act Funding (101258) for ESG Homeless Outreach Program Expansion
1180 Total									**$0**	**$266,427**	**$0**	**$0**	
1410	Measure L - Road Tax Fund - Local Streets and Roads	14625	73160	3160	Capital Grants - Streets CIP Projects	14999	61410	101042	$0	$0	$0	$4,452,561	Paradise Road ATP Cycle III
1410	Measure L - Road Tax Fund - Local Streets and Roads	14625	73300	3300	Measure L - Capital Projects	14999	61410	101486	$0	$0	$0	$2,990,000	Lakewood Ave and Scenic Drive Improvements
1410	Measure L - Road Tax Fund - Traffic Management	14626	73160	3160	Capital Grants - Streets CIP Projects	59999	61410	101383	$0	$0	$50,000	$50,000	HSIP - Oakdale Rd Safety Improvements
1410	Measure L - Road Tax Fund - Traffic Management	14626	73160	3160	Capital Grants - Streets CIP Projects	59999	61410	101384	$0	$0	$50,000	$50,000	HSIP - Standiford/Longbridge and Syvlvan/Bridgeford Pedestrian Hybrid
1410	Measure L - Road Tax Fund - Traffic Management	14626	73160	3160	Capital Grants - Streets CIP Projects	59999	61410	101333	$0	$0	$0	$150,000	HSIP - Lighted Crosswalks to RRFB
1410	Measure L - Road Tax Fund - Traffic Management	14626	73300	3300	Measure L - Capital Projects	14999	61410	101221	$0	$0	$500,000	$50,000	School Safety Program Projects
1410	Measure L - Road Tax Fund - Traffic Management	14626	73160	3160	Capital Grants - Streets CIP Projects	59999	61410	101496	$0	$0	$0	$675,000	Upgrade Traffic Signals 2023
1410	Measure L - Road Tax Fund - Bike and Pedestrian	14627	73300	3300	Measure L - Capital Projects	14999	61410	101391	$0	$0	$75,000	$500,000	Neighborhood ADA Improvement Program Phase II
1410	Measure L - Road Tax Fund - Bike and Pedestrian	14627	73160	3160	Capital Grants - Streets CIP Projects	14999	61410	101042	$0	$0	$0	$124,471	Paradise Road ATP Cycle III
1410	Measure L - Road Tax Fund - Bike and Pedestrian	14627	73300	3300	Measure L - Capital Projects	14999	61410	101180	$0	$0	$0	$180,000	Dry Creek Trail Pavement and ADA Upgrade
1410 Total											**$675,000**	**$9,222,032**	
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53510	61730		$825,486	$1,035,128	$1,180,100	$1,415,918	Traffic Engineering
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53520	61730		$919,359	$814,235	$777,570	$751,932	Electrical Utility Cost
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53540	61730		$2,665,303	$1,957,671	$2,491,023	$2,699,637	Electrical Division
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53550	61730		$932,692	$904,940	$1,034,352	$1,225,538	Traffic Operations
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53110	61730		$393,176	$419,846	$439,913	$457,831	Streets Services Administration
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53130	61730		$3,967,863	$2,537,937	$2,978,699	$3,786,413	Streets Maintenance
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53134	61730		$139,416	$10,272	$41,749	$0	Fund Level Expenses
1730	Gas Tax Fund - STF	71730	71700	1700	Surface Transportation Fund	53142	61730		$1,368,821	$1,460,963	$1,409,376	$1,694,962	Curb, Gutter, Sidewalks
1730 Total									**$11,212,116**	**$9,140,993**	**$10,352,782**	**$12,032,231**	
1740	Garbage Franchise Fees	71740	71700	1700	Surface Transportation Fund	53130	61740		$1,731,179	$1,200,000	$1,350,000	$1,500,000	Street Maint
1740 Total									**$1,731,179**	**$1,200,000**	**$1,350,000**	**$1,500,000**	
1800	Technology Fee	14998	Appr Unit D-101223	4910	Abatement Fund	91016	61800		$59,094	$57,852	$56,609	$55,525	Repayment of loan for the Trak-It software

FY 2023-24 Operating Inter-Fund Transfers IN & OUT Detail (sorted by Transfers OUT)

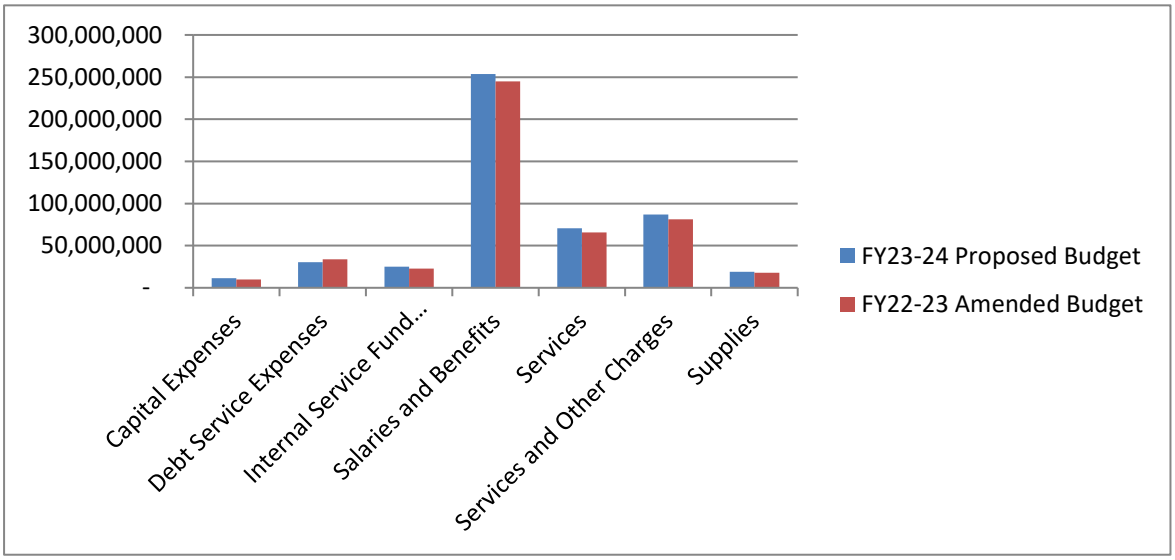
													Purpose
TRANSFER OUT (from)				TRANSFER IN (to)					Adopted	Adopted	Adopted	Proposed	
FUND		COST CENTER /PROJEC	ACCOUNT/TASK	FUND		COST CENTER	ACCOUNT	PROJECT	2020-21	2021-22	2022-23	2023-24	
1800 Total									**$59,094**	**$57,852**	**$56,609**	**$55,525**	
2903	RDA COP Debt Service Fund	72903	72150	2150	Public Financing Auth 98 & 07 Bonds	62150	62903		$1,309,812	$1,357,793	$1,321,881	$1,227,119	Debt Service Payment (7000)
2903 Total									**$1,309,812**	**$1,357,793**	**$1,321,881**	**$1,227,119**	
3125	John Thurman Capital Improvement Fund	14998	Appr Unit D-101019	4210	Wastewater Fund	91010	63125		$100,000	$98,123	$96,465	$95,142	Repayment of John Thurman Field Loan
3125 Total									**$100,000**	**$98,123**	**$96,465**	**$95,142**	
3432	Parks and Air Quality Captial Facility Fee Fund	73432	73140	3140	Capital Grants - CIP Projects	39999	63432	100813	$0	$0	$0	$1,500,000	Virginia Corridor Phase VII
3432	Parks and Air Quality Captial Facility Fee Fund	73432	73460	3460	Parks Capital Facility Fee Fund	39999	63432	101017	$0	$0	$0	$1,000,000	Mary Grogan Park - Phase 2
3432	Parks and Air Quality Captial Facility Fee Fund	73432	73140	3140	Capital Grants - CIP Projects	39999	63432	101231	$0	$0	$0	$150,000	VA Corridor Phase 8
3432 Total									**$0**	**$0**	**$0**	**$2,650,000**	
3290	Village One #2 CFD Fund	73290	73200	3200	Village One CFD Fund	39999	63290	101398	$0	$0	$29,000	$0	Ustach Park Renovations
3290 Total									**$0**	**$0**	**$29,000**	**$0**	
3440	Capital Facility Fees - Police	73440	70100	0100	General Fund	60100	63440		$215,000	$215,000	$215,000	$215,000	Police Department Headquarters (7000)
3440 Total									**$215,000**	**$215,000**	**$215,000**	**$215,000**	
3450	Fire Department Capital Facility Fee Fund	73450	70100	0100	General Fund	60100	63450		$105,000	$105,000	$105,000	$105,000	Fire Station #11
3450 Total									**$105,000**	**$105,000**	**$105,000**	**$105,000**	
3470	Capital Facility Fees - City Hall Expansion	73470	70100	0100	General Fund	60100	63470		$110,000	$175,000	$175,000	$175,000	Tenth Street Place Project (7000)
3470 Total									**$110,000**	**$175,000**	**$175,000**	**$175,000**	
4100	Water Fund	74100	70100	0100	General Fund	60100	64100		$65,000	$65,000	$65,000	$65,000	Tenth Street Place Project
4100	Water Fund	74100	74130	4130	2008 Water COP Fund	64130	64100		$0	$2,450,645	$2,163,603	$3,523,990	Debt Service Payment - 2008 COP
4100	Water Fund	74100	74140	4140	Water ARRA Fund	64140	64100		$0	$36,289	$46,723	$38,245	Debt Service Payment -Water ARRA
4100	Water Fund	74100	74480	4480	Storm Drain Fund	44222	64100		$700,000	$700,000	$700,000	$700,000	Source Water Protection Program
4100 Total									**$765,000**	**$3,251,934**	**$2,975,326**	**$4,327,235**	
4210	Wastewater Fund	74210	70100	0100	General Fund	60100	64210		$68,640	$68,640	$68,640	$68,640	Tenth Street Place Project
4210	Wastewater Fund	74210	74235	4235	North Valley Regional Recycled Wtr Prgrm SRL	64235	64210		$0	$0	$0	$0	Debt Service Payment - Sewer NVRRWP SRL (No transfer is necessary as Del Puerto is paying for it)
4210	Wastewater Fund	74210	74241	4241	2015 Wastewater Revenue/Refunding Bonds	64241	64210		$2,787,000	$2,787,000	$2,796,223	$915,185	Debt Service Payment - 2015 Revenue/Refunding Bonds
4210	Wastewater Fund	74210	74271	4271	2018A Wastewater Revenue Bonds	64271	64210		$563,000	$563,000	$563,623	$560,050	Debt Service Payment - 2018A Bond
4210	Wastewater Fund	74210	74272	4272	2020 Wastewater Series A	64272	64210		$0	$6,467,264	$6,474,423	$6,470,450	Debt Service Payment - 2020 Wastewater Series A
4210	Wastewater Fund	74210	74273	4273	2020 Wastewater Series B	64273	64210		$0	$1,277,250	$1,281,723	$1,280,950	Debt Service Payment - 2020 Wastewater Series B
4210 Total									**$11,664,640**	**$11,163,154**	**$11,184,632**	**$9,295,275**	
4890	Compost Fund	95006	74210	4210	Wastewater Fund	91010	64890		$51,919	$51,581	$50,791	$51,300	Payment for Compost Site Purchase
4890 Total									**$51,919**	**$51,581**	**$50,791**	**$51,300**	
4891	Solid Waste Funds	74891	71390	1390	American Rescue Grants Fund	12998	64891	101447	$0	$0	$0	$50,000	Transfer Out needed for Multi-Year DownTown Streets Team Project
4891 Total									**$0**	**$0**	**$0**	**$50,000**	
4893	Carpenter Road Landfill Fund	95019	74100	4100	Water Fund	91012	64893		$608,534	$334,794	$328,038	$323,438	Repayment of Carpenter Road Landfill mitigation loan - Advance 16A
4893	Carpenter Road Landfill Fund	95019	74100	4100	Water Fund	91012	64893		$133,650	$131,006	$128,363	$126,563	Repayment of Carpenter Road Landfill mitigation loan - Advance 16B
4893	Carpenter Road Landfill Fund	95019	74100	4100	Water Fund	91012	64893		$0	$256,190	$251,020	$247,500	Repayment of Carpenter Road Landfill mitigation loan - Advance 16C
4893 Total									**$742,184**	**$721,990**	**$707,421**	**$697,500**	
5230	Information Technology	75230	71320	1320	Education and Government	17420	65230		$136,262	$138,794	$141,388	$142,313	Fund Education and Government
5230 Total									**$136,262**	**$138,794**	**$141,388**	**$142,313**	
5320	Workers Compensation	75320	75310	5310	Insurance Admin Fund	65310	65320		$471,727	$540,177	$521,298	$489,472	52% of 17310 Operating Budget (Used to be done via DC)
5320 Total									**$471,727**	**$540,177**	**$521,298**	**$489,472**	
5330	Liability Insurance	75330	75310	5310	Insurance Admin Fund	65310	65330		$381,010	$436,297	$421,048	$395,343	42% of 17310 Operating Budget (Used to be done via DC)
5330 Total									**$381,010**	**$436,297**	**$421,048**	**$395,343**	
5340	Property Insurance	75340	75310	5310	Insurance Admin Fund	65310	65340		$54,430	$62,328	$60,150	$56,477	6% of 17310 Operating Budget (Used to be done via DC)
5340 Total									**$54,430**	**$62,328**	**$60,150**	**$56,477**	
6700	TRRP Operations - JPA	80300	76710	6710	TRRP Special Revenue Fund - CIP	80310	66700		$0	$0	$0	$50,000	Transfer from Operation for future CIP projects
6700 Total									**$0**	**$0**	**$0**	**$50,000**	
Grand Total									**$34,974,702**	**$37,221,470**	**$38,689,357**	**$51,593,672**	

City-Wide Overview

Expense By Category

City-Wide

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	11,333,500	9,705,542
Debt Service Expenses	30,509,047	33,897,101
Internal Service Fund Charges	25,168,938	22,757,126
Salaries and Benefits	253,573,110	244,715,294
Services	70,548,652	65,550,403
Services and Other Charges	86,805,156	81,338,969
Supplies	18,868,163	17,937,630
Grand Total	**496,806,566**	**475,902,065**



Expense By Department

City-Wide

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget	FY21-22 Actual
City Attorney's Office	1,884,532	1,803,566	1,888,725
City Auditor's Office	589,073	495,574	103,761
City Clerk's Office	1,258,412	1,788,691	748,620
City Council	520,369	506,592	459,031
City Manager's Office	3,603,349	3,092,712	3,074,438
Community and Economic Development	19,398,423	37,241,257	20,224,730
Finance Department	33,251,790	34,454,263	32,240,147
Human Resources	76,081,445	74,167,277	66,515,757
Information Technology	10,299,938	10,496,487	8,393,213
Modesto Fire Department	65,633,417	60,614,324	57,397,325
Modesto Police Department	81,488,160	77,032,599	68,111,002
Parks and Recreations Neighborhood	22,665,562	21,458,006	17,816,032
Public Works	70,911,752	62,072,543	50,557,045
Utilities	106,950,406	104,264,860	86,451,939
General Revenue Department	471,300	471,300	674,446
Joint Power Agency	1,798,638	2,427,662	2,117,646
Loan Receivable			300,000
Loan Payments		758,212	702,057
Transfer Out		42,143,853	67,073,325
Grand Total	**496,806,566**	**535,289,778**	**484,849,239**

Revenue By Department

City-Wide

Revenue By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget	FY21-22 Actual
City Attorney's Office	85,537	80,331	82,708
City Clerk's Office	252,303	289,864	255,095
City Manager's Office	491,548	446,912	381,451
Community and Economic Development	28,111,163	28,401,256	38,484,475
Finance Department	11,492,022	11,986,030	10,948,617
Human Resources	69,504,517	68,807,115	61,225,504
Information Technology	10,538,941	9,183,190	9,248,844
Modesto Fire Department	19,859,168	19,233,319	22,660,805
Modesto Police Department	3,283,013	3,427,076	4,521,169
Parks and Recreations Neighborhood	8,499,003	7,953,094	7,355,617
Public Works	59,051,771	64,789,304	64,679,337
Utilities	160,930,506	157,092,213	151,933,908
General Revenue Department	143,609,474	133,914,251	135,408,657
Joint Power Agency	2,089,553	2,454,005	2,098,801
Loan Receivable		911,286	852,218
Transfer In		23,628,769	42,638,592
Grand Total	**517,798,519**	**532,598,015**	**552,775,798**

Expense By Account Type

City-Wide

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget	FY21-22 Actual
Tranfers - Out	-	59,387,713	70,648,113
Supplies	18,868,163	17,937,630	15,494,779
Services and Other Charges	86,805,156	81,338,969	70,121,626
Services	70,548,652	65,550,403	56,831,789
Salaries and Benefits	253,573,110	244,715,294	206,338,710
Internal Service Fund Charges	25,168,938	22,757,126	20,922,805
Debt Service Expenses	30,509,047	33,897,101	33,789,876
Capital Expenses	11,333,500	9,705,542	10,701,541
Grand Total	**496,806,566**	**535,289,778**	**484,849,239**

Revenue By Account Type

City-Wide

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget	FY21-22 Actual
Tranfers - In	-	37,468,825	63,015,624
Taxes	117,870,222	111,483,954	115,524,554
Rentals	2,481,608	2,917,499	3,037,337
Miscellanous Revenues	8,189,023	8,767,817	11,248,394
License and Permits	439,908	488,036	437,722
Intergovernmental Revenue	83,300,449	79,132,042	73,957,752
Interfund Charges	126,136,605	119,988,100	112,725,139
Debt Service Revenues	1,285,929	1,148,178	(8,632,977)
Charges for Services	177,618,575	171,158,364	179,401,923
Capital Asset Revenues	476,200	45,200	2,060,330
Grand Total	**517,798,519**	**532,598,015**	**552,775,798**

Departmental Expense By Major Fund Category

City-Wide

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget	FY21-22 Actual
City Attorney's Office	1,884,532	1,803,566	1,888,725
General Fund	1,884,532	1,803,566	1,888,725
City Auditor's Office	589,073	495,574	103,761
General Fund	589,073	495,574	103,761
City Clerk's Office	1,258,412	1,788,691	748,620
Internal Service Funds	344,702	341,180	252,304
General Fund	913,711	1,447,511	496,316
City Council	520,369	506,592	459,031
General Fund	520,369	506,592	459,031
City Manager's Office	3,603,349	3,092,712	3,074,438
General Fund	3,603,349	3,092,712	3,074,438
Community and Economic Development	19,398,423	37,241,257	20,224,730
Transportation Funds		16,474,468	2,085,547
Other Funds	6,849,299	6,994,982	5,625,291
Other Agencies	35,621	1,833,861	2,108,473
Non-Operating Funds	5,258,414	4,929,864	4,519,813
General Fund	7,255,089	7,008,082	5,885,606
Finance Department	33,251,790	34,454,263	32,240,147
Utilities	18,376,061	18,846,668	18,136,752
Internal Service Funds	4,898,175	5,206,559	4,563,487
General Fund	5,925,824	6,092,836	5,401,305
Debt Service Funds	4,051,730	4,308,200	4,138,603
Human Resources	76,081,445	74,167,277	66,515,757
Internal Service Funds	74,266,399	72,364,248	64,792,342
General Fund	1,815,045	1,803,029	1,723,415
Information Technology	10,299,938	10,496,487	8,393,213
Other Funds	284,625	389,790	244,407
Internal Service Funds	10,015,313	10,106,697	8,148,806
Modesto Fire Department	65,633,417	60,614,324	57,397,325
Other Funds	1,404,001	1,593,313	755,743
General Fund	64,229,416	59,021,011	56,641,582
Modesto Police Department	81,488,160	77,032,599	68,111,002
Other Funds	1,235,815	1,211,239	782,130
Non-Operating Funds	589,475	536,701	105,588
General Fund	79,662,870	75,284,659	67,223,284
Parks and Recreations Neighborhood	22,665,562	21,458,006	17,816,032
Other Funds	5,652,066	5,566,479	5,088,546
General Fund	17,013,496	15,891,527	12,727,486
Public Works	70,911,752	62,072,543	50,557,045
Utilities	2,607,871	2,404,625	2,006,546
Transportation Funds	17,392,072	15,177,157	12,666,925
Other Funds	19,243,784	16,790,229	13,202,678
Non-Operating Funds	393,016	542,784	433,770
Internal Service Funds	31,275,009	27,157,748	22,247,537
General Fund	-		(411)
Utilities	106,950,406	104,264,860	86,451,939
Utilities	103,757,676	101,120,694	83,860,525
Other Funds	3,192,730	3,144,166	2,591,414
General Revenue Department	471,300	471,300	674,446

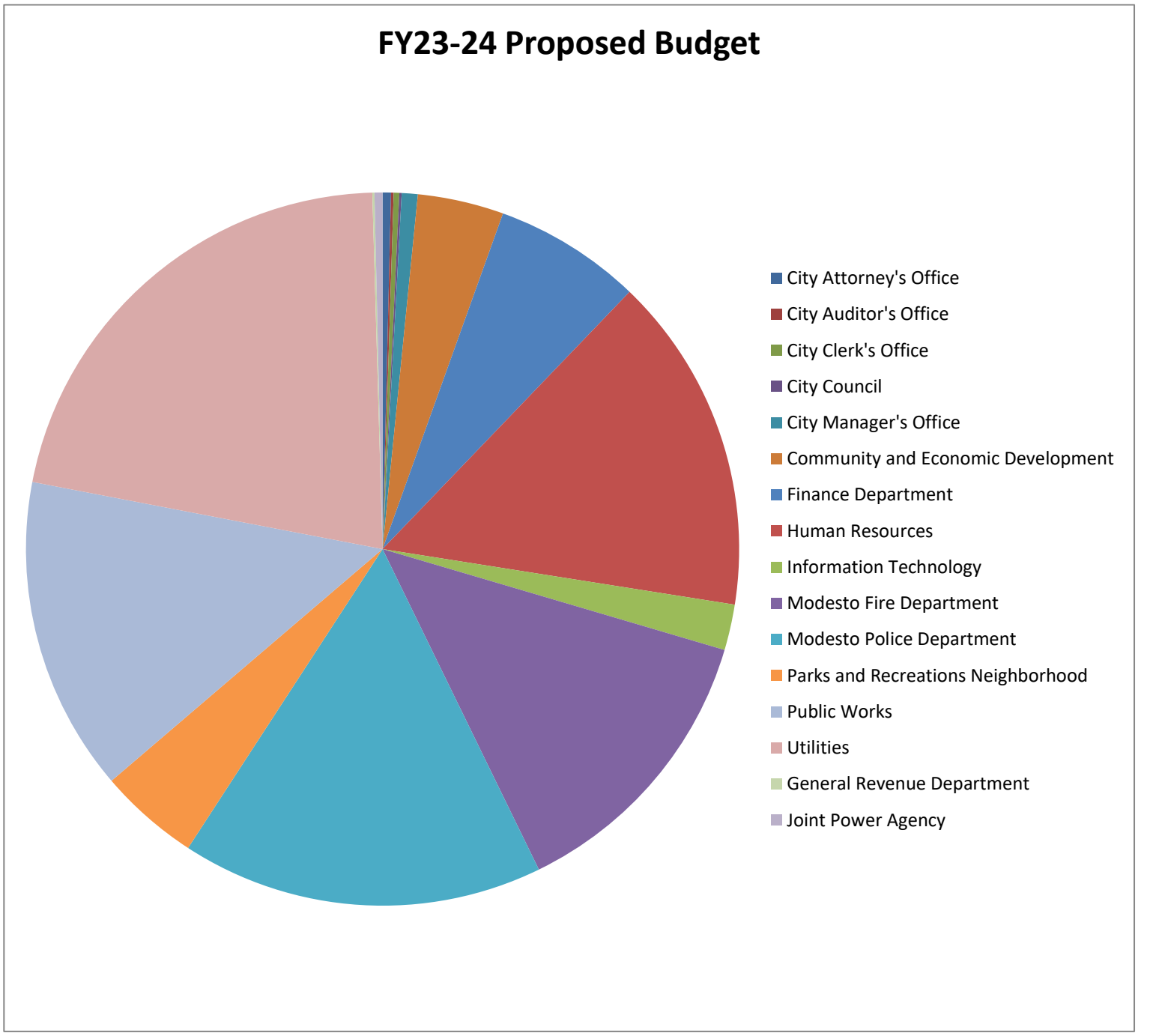
General Fund	471,300	471,300	674,446
Joint Power Agency	1,798,638	2,427,662	2,117,646
Other Funds	286,792	1,084,797	962,967
Other Agencies	1,511,846	1,342,865	1,154,679
Loan Receivable			300,000
General Fund			300,000
Loan Payments		758,212	702,057
Other Funds		758,212	702,057
Transfer Out		42,143,853	67,073,325
Utilities		17,143,182	31,064,004
Transportation Funds		13,046,782	12,915,494
Non-Operating Funds		1,024,008	2,416,309
General Fund		7,864,616	11,117,085
Grand Total	**496,806,566**	**535,289,778**	**484,849,239**

Departmental Revenue By Major Fund Category

City-Wide

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget	FY21-22 Actual
City Attorney's Office	85,537	80,331	82,708
General Fund	85,537	80,331	82,708
City Clerk's Office	252,303	289,864	255,095
Internal Service Funds	252,303	289,864	248,549
General Fund	-		6,546
City Manager's Office	491,548	446,912	381,451
General Fund	491,548	446,912	381,451
Community and Economic Development	28,111,163	28,401,256	38,484,475
Transportation Funds	12,614,437	11,211,151	13,606,852
Other Funds	5,951,503	7,791,027	6,444,203
Other Agencies			3,041,997
Non-Operating Funds	6,002,000	5,682,000	12,190,932
General Fund	3,543,223	3,717,078	3,200,491
Finance Department	11,492,022	11,986,030	10,948,617
Utilities	3,243,351	3,250,960	3,057,215
Non-Operating Funds			(83,307)
Internal Service Funds	4,902,040	5,218,018	4,841,719
General Fund	3,292,031	3,514,652	3,124,683
Debt Service Funds	54,600	2,400	8,307
Human Resources	69,504,517	68,807,115	61,225,504
Non-Operating Funds			106
Internal Service Funds	68,984,970	68,316,202	60,757,302
General Fund	519,547	490,913	468,096
Information Technology	10,538,941	9,183,190	9,248,844
Other Funds	522,312	662,776	579,862
Internal Service Funds	10,016,629	8,520,414	8,668,982
Modesto Fire Department	19,859,168	19,233,319	22,660,805
Other Funds	1,427,874		755,744
Non-Operating Funds			163,861
General Fund	18,431,294	19,233,319	21,741,200
Modesto Police Department	3,283,013	3,427,076	4,521,169
Other Funds	475,000	475,000	734,169
Non-Operating Funds	-		449,774

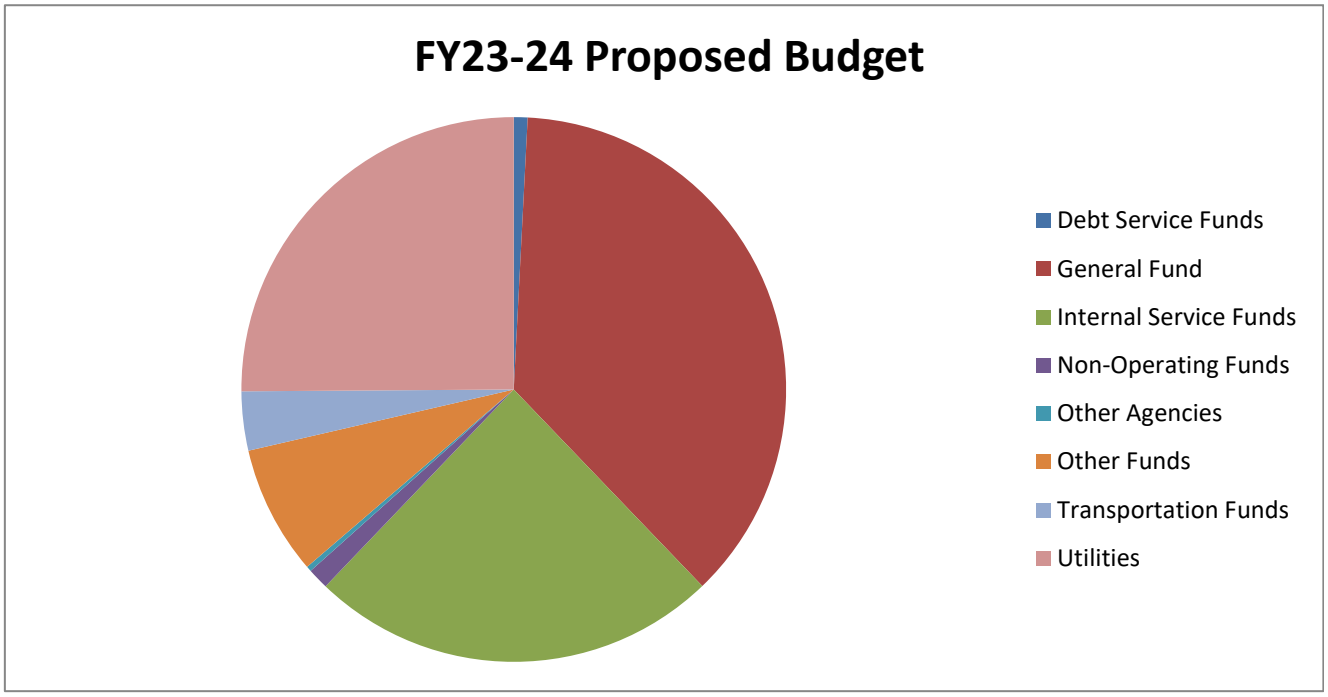
General Fund	2,808,013	2,952,076	3,337,226
Parks and Recreations Neighborhood	8,499,003	7,953,094	7,355,617
Other Funds	3,682,631	3,532,726	3,700,596
Non-Operating Funds	-		(28,803)
General Fund	4,816,372	4,420,368	3,683,824
Public Works	59,051,771	64,789,304	64,679,337
Utilities	1,508,764	1,624,578	1,443,381
Transportation Funds	15,864,290	26,755,189	26,036,995
Other Funds	17,007,314	15,513,686	14,185,030
Other Agencies	8,497	7,154	4,891
Non-Operating Funds	100		490,176
Internal Service Funds	24,662,806	20,888,697	22,518,533
General Fund	-		331
Utilities	160,930,506	157,092,213	151,933,908
Utilities	157,286,698	153,774,716	149,597,256
Other Funds	3,643,808	3,317,497	2,336,652
General Revenue Department	143,609,474	133,914,251	135,408,657
Other Funds			(1,830)
Non-Operating Funds			85,998
General Fund	143,609,474	133,914,251	135,324,489
Joint Power Agency	2,089,553	2,454,005	2,098,801
Other Funds	288,688	1,086,124	981,395
Other Agencies	1,800,865	1,367,881	1,117,406
Loan Receivable		911,286	852,218
Utilities		854,677	796,566
Other Funds		56,609	55,652
Transfer In		23,628,769	42,638,592
Utilities		13,326,318	26,785,088
Transportation Funds		1,538,605	1,958,800
Other Funds		2,676,910	1,843,398
Non-Operating Funds		150,000	4,019,863
Internal Service Funds		1,002,496	3,407,449
General Fund		628,640	628,640
Debt Service Funds		4,305,800	3,995,354
Grand Total	**517,798,519**	**532,598,015**	**552,775,798**


FY23-24 Proposed Budget
City Attorney's Office
City Auditor's Office
City Clerk's Office
City Council
City Manager's Office
Community and Economic Development
Finance Department
Human Resources
Information Technology
Modesto Fire Department
Modesto Police Department
Parks and Recreations Neighborhood
Public Works
Utilities
General Revenue Department
Joint Power Agency

Funding Source

City-Wide

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
Debt Service Funds	4,051,730	4,308,200
General Fund	183,884,075	180,783,015
Internal Service Funds	120,799,599	116,320,316
Non-Operating Funds	6,240,904	7,033,357
Other Agencies	1,547,467	4,598,607
Other Funds	38,149,111	38,032,707
Transportation Funds	17,392,072	44,698,407
Utilities	124,741,607	139,515,169
Grand Total	**496,806,566**	**535,289,778**



MODESTO POLICE DEPARTMENT

Mission Statement:

The mission of the Modesto Police Department is to drive the crime rate down and improve the quality of life to make the City a safe place to live, work and play. We proactively enforce laws, develop long-term solutions to problems and engage in crime prevention in partnership with the community. The Modesto Police Department is a leader in Intelligence-Led Policing. We maximize the use of technology, innovative ideas and crime analysis in the deployment of our resources. The Modesto Police Department is a learning organization. We are constantly striving to excel and grow by learning from our experiences, tactics and careful examination of events in the public and private sectors. We embrace new ideas and concepts in providing safety and service to our community.

Department Programs:

The following is a brief summary of each division area:

Operations Division**:** The Operations Division provides core police services to our community through innovative crime reduction strategies. The uniformed patrol personnel assigned to this Division are the first responders to emergency and non-emergency calls for service.

Units:

- Patrol
- Traffic Safety Unit
- Real Time Crime Center
- Bike Patrol
- Canine
- Equestrian
- Crisis Response Unit

Investigative Services Division: The Investigative Services Division is responsible for overseeing the city Area Commands, investigating felony cases forwarded by patrol officers, and preparing the case for presentation to the District Attorney's office for prosecution.

Units:

- Area Commands
- Crime Prevention
- Homeless Engagement and Response Team (HEART)
- Community Health and Assistance Team (CHAT)
- Park Rangers
- Crime Reduction Team
- Violent Crimes
- Special Victims
- Property Crimes
- High Tech
- ID

- SGU (Gangs)
- MCU (Narcotics)
- FBI Task Force

Support Services Division: The Support Services Division provides all the logistical, technical and administrative support to each of the other divisions. This Division plays a vital role in assuring the Police Department continues to operate effectively and efficiently 24 hours a day, 7 days a week, 365 days a year.

Units:

- Records
- Training
- Animal Control
- Hiring/Recruiting
- Admin Services
- Volunteers
- Information Technology

Department Accomplishments for FY 2022-23:

- Reduced Major crimes by 7%
- 10% reduction in homicides
- Created the Park Ranger position as an alternative to dispatching police officers to minor crimes and quality of life issues in city parks and open spaces
- 13% decrease in auto theft
- 4% decrease in residential burglaries
- Added a DUI Officer to Patrol
- Fatal Accidents decreased 9%
- Injury collisions decreased 35% & Overall collisions decreased 34% (571 less collisions)
- DUI collisions decreased 4% and DUI arrests increased 22%
- Hosted two Crisis Intervention Training Classes in partnership with Stanislaus County Behavioral Health and Recovery Services (BHRS)
- Reinstituted the Mobile Crisis Response Team (MCRT) co-responder program with BHRS
- Installation of blue light cameras at 6 additional locations around the city
- Continued to focus on community engagement through activities such as:
    - Participation in Stanislaus County Miracle League games
    - Coffee with a Cop
    - Cultural Relations and Community Engagement Coaching Series
    - 10K with a Cop
    - Beyer High School vs. MPD basketball game

Goals & Objectives – FY 2023-24:

The FY 2023-24 Goals and Objectives for the Modesto Police Department are:

Goal 1 – Reduce Crime and the Fear of Crime

- Reduce overall Major crime by 10%
- Create an Area Command Division

- Continue to Expand Alternative Response Resources
- Increase the Traffic Safety Unit
- Reduce DUI Collisions by 10%
- Add Blue Light cameras with LPR's to six additional intersections
- Implement a red-light camera program
- Incorporate Civilian Investigators to help supplement ISD investigations
- Leverage Cloud storage technology to help preserve digital evidence and ease of access for officers, detectives, and the DA's office.
- Integrate the Threat Assessment Unit into ISD.
- Procure a CAD and CAD mobile system
- Fill all department vacancies

Goal 2 – Increase Community Engagement

- Distribute a comprehensive annual report to the community
- Hold two Cultural Relations and Community Building courses that include officer and community member participation
- Develop an automated transparency dashboard for the community
- Participate in the "Every 15 minutes Program" at Davis & Downey H.S.
- Conduct 2 Traffic Safety educational booth events at Vintage Faire Mall
- Conduct a Community Open House Event at MPD
- Complete 4 Sports Outreach events (quarterly)
- Enhance participation in crime prevention programs and community events
- Maintain dedicated police presence in the downtown area
- Move towards a 7-day a week coverage of the Alternative Response Unit
- Implement a community feedback solution

Goal 3 – Promote Organizational Excellence

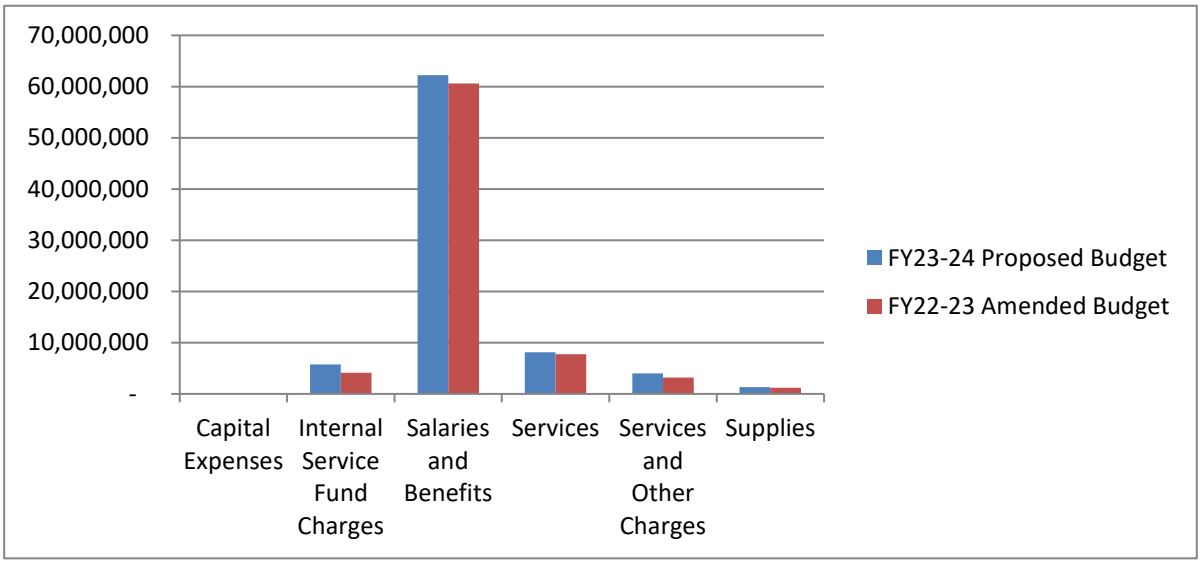
- Building stronger relationships and connections among all staff
- Increase Employee Events, Opportunities and Recognition
- Develop a robust department wellness program to include:
    - Physical fitness opportunities
    - Health Assessments
    - Mental/emotional wellness
    - Nutrition (Food vendors, healthy meals, etc.)
    - Family days
- Improve Communication: Identify and share key messages throughout the whole department
- Complete Safety site assessments for all 7 MCS High Schools.
- Fully Implement the FTO Stripe for Field Training Officers
- Purchase a dedicated motorcycle trailer.
- Create leadership development opportunities for both sworn and professional staff
- Perform a comprehensive review of department software
- Develop a fleet working group
- Review NIBRS processes for efficiencies
- Finalize design for an EVOC facility
- Complete master plan for Training facility
- Develop revenue plan for Training facility/range

- Develop and implement comprehensive and collaborative on-boarding process
- Develop and implement comprehensive off boarding and special assignment rotation transfer of knowledge process
- Develop and implement automatic disposition of electronic records
- Evaluate remaining paper forms for transition to electronic forms process
- Research and select property & evidence tracking, destruction and disposition process

Expense By Category

Modesto Police Department

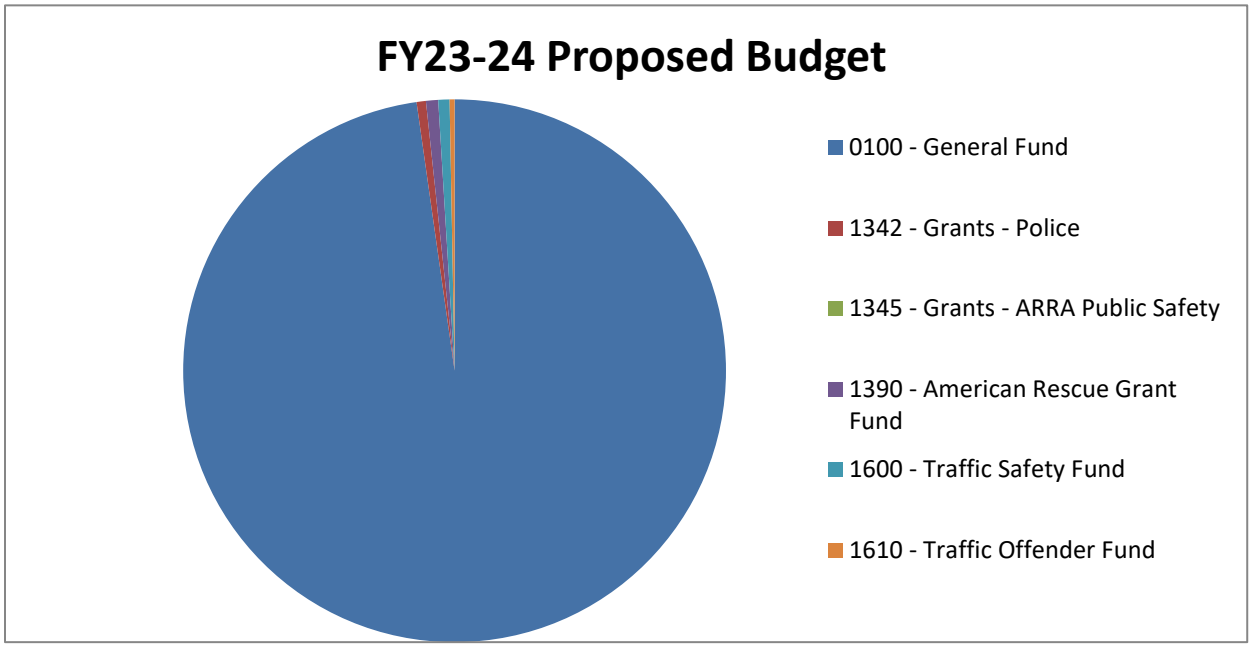
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	90,000	139,000
Internal Service Fund Charges	5,739,801	4,135,673
Salaries and Benefits	62,201,289	60,608,368
Services	8,152,631	7,769,715
Services and Other Charges	3,986,659	3,212,113
Supplies	1,317,780	1,167,730
Grand Total	**81,488,160**	**77,032,599**



Funding Source

Modesto Police Department

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	79,662,870	75,284,659
1342 - Grants - Police	451,017	407,311
1345 - Grants - ARRA Public Safety	-	
1390 - American Rescue Grant Fund	589,475	536,701
1600 - Traffic Safety Fund	545,498	537,835
1610 - Traffic Offender Fund	239,299	266,093
Grand Total	**81,488,160**	**77,032,599**



MODESTO FIRE DEPARTMENT

Mission Statement:

Proudly serving, protecting, and partnering for a safer community.

Department Divisions:

The following is a brief summary of each division used to achieve the Department's strategic goals:

Office of the Fire Chief & Business Operations: Provides administrative oversight for the department in terms of human resources and labor management, fiscal management and budget, public information, facilities and fleet maintenance, data analysis and reporting, IT support, and payroll.

Operations / Suppression**:** Responsible for providing an "all-risk" emergency response to safeguard the citizens we serve. Calls for service include a wide spectrum of medical aids, technical rescues, public assists, hazardous materials, structure fires, vehicle accidents, and many other call types.

Training Division: Continue with the joint partnership with Modesto, Ceres, Stanislaus Consolidated, and Turlock. Provides training for both firefighters in the joint fire academy as well as continuing education and training to all members of the department.

Community Risk Reduction**:** Provides many services to the community to reduce the loss of life and protect our citizens from the threat of unwanted fires by providing the following: fire and life safety business inspections, permit inspections, new construction inspections, plan review of construction documents, public fire safety education, and special event planning and activities.

Stanislaus Consolidated Fire Protection District: Administrative contract to provide management oversight of the daily operations of SCFPD and representing the Fire District in all necessary meetings and projects.

Turlock Fire Department: Administrative contract to provide management oversight of the daily operations and representation in all necessary meetings and projects of Turlock Fire Department.

Department Accomplishments for FY 2022-23:

- Full-service contract with Salida Fire Protection District
- Full adoption and integration of MST operational guidelines
- Extension of shared training MOU for five years

- Established a multi-jurisdictional fire prevention work group: Modesto, Stanislaus Consolidated, Turlock (MST), and the Fire Warden's Office to improve communication, collaboration, and efficiencies
- Full-time Advanced Life Support (ALS) on Engine 15
- Increased level of daily staffing on Quint 18 with a fourth firefighter, greatly enhancing their rescue capabilities during emergency operations
- Hazmat team increased by 11 members, for a total of 24
- Created a Type III All Hazard Incident Management Team

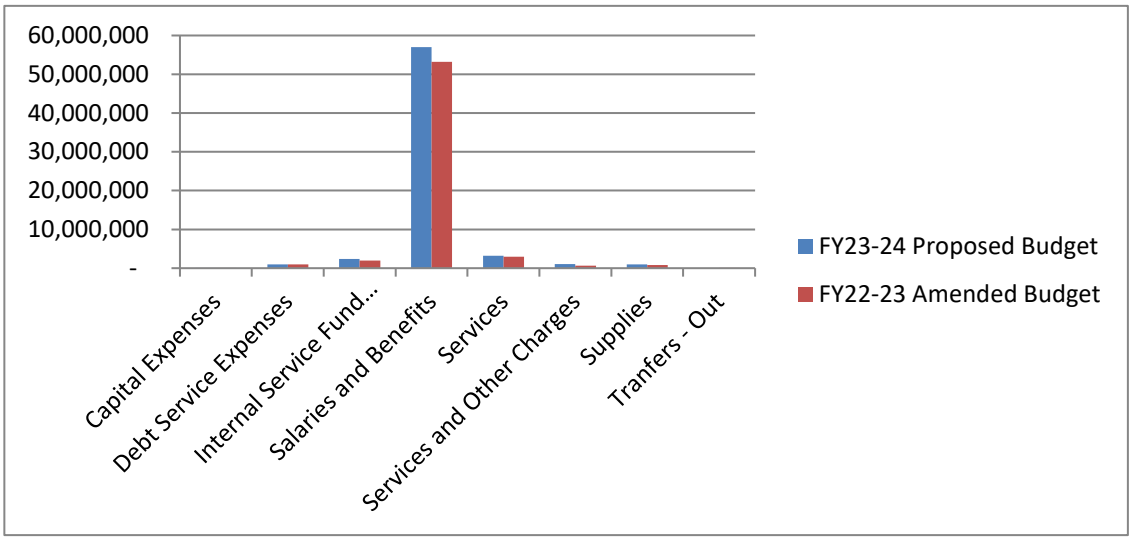
Goals & Objectives – FY 2023-24:

Goal 1 – Expand the ALS program and work with AMR, County, and LEMSA for support
Goal 2 – Address aging apparatus and staff vehicle fleet
Goal 3 – Continue to address deferred maintenance including a resolution for Station 1
Goal 4 – Continue to improve response times; the 5 Minute response time and effective force response to meet national standards
Goal 5 – Maintain and improve the level of service to the community
Goal 6 – Continue current contracts for services while exploring future regionalization opportunities

Expense By Category

Modesto Fire Department

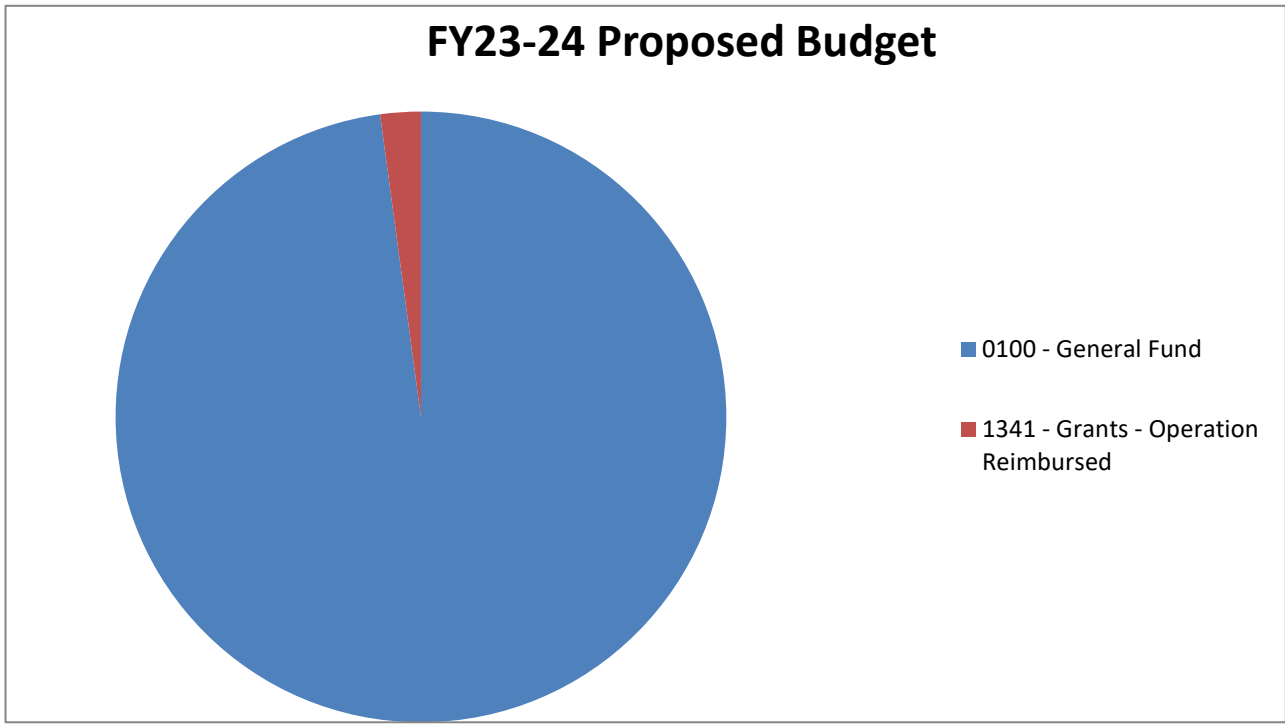
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	83,600	85,167
Debt Service Expenses	945,377	945,500
Internal Service Fund Charges	2,366,743	1,924,415
Salaries and Benefits	57,007,971	53,237,667
Services	3,167,397	2,913,573
Services and Other Charges	1,048,142	655,683
Supplies	1,014,187	841,139
Tranfers - Out		11,180
Grand Total	**65,633,417**	**60,614,324**



Funding Source

Modesto Fire Department

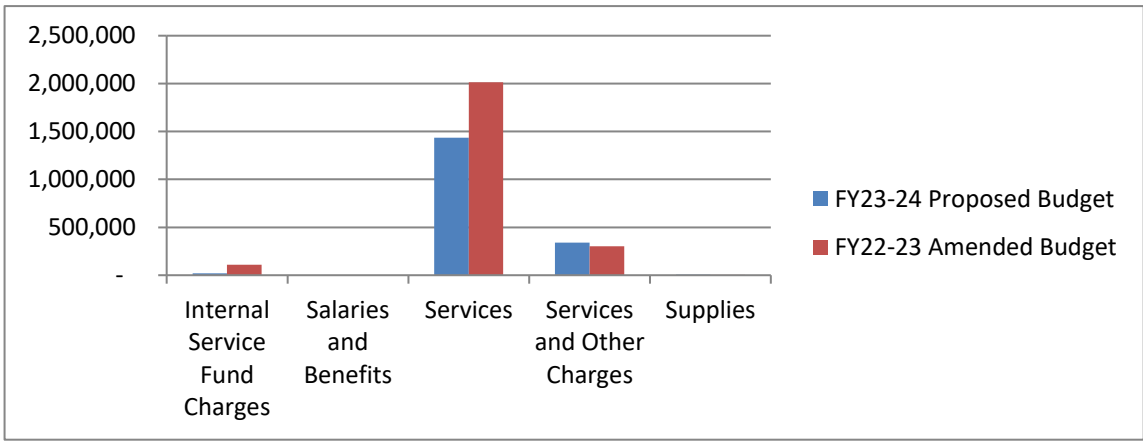
Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	64,229,416	59,021,011
1341 - Grants - Operation Reimbursed	1,404,001	1,593,313
Grand Total	**65,633,417**	**60,614,324**



Joint Powers Agency

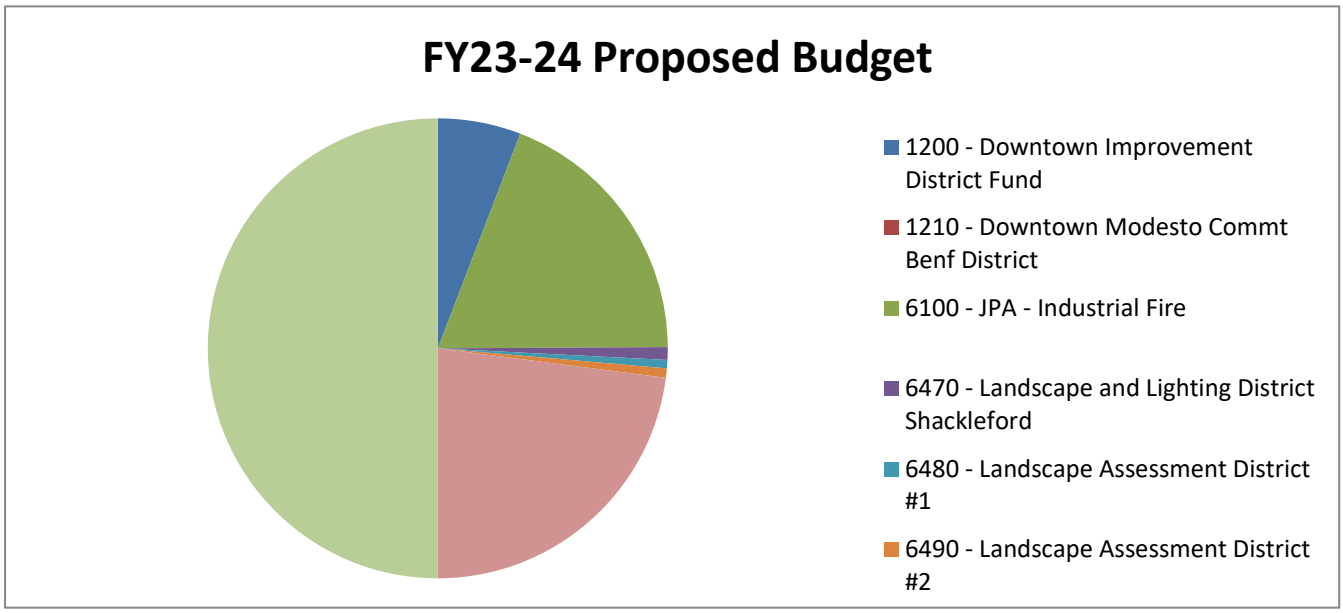
Expense By Category
Joint Power Agency

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	19,398	110,706
Salaries and Benefits	-	
Services	1,434,162	2,012,600
Services and Other Charges	339,678	302,756
Supplies	5,400	1,600
Grand Total	**1,798,638**	**2,427,662**



Funding Source
Joint Power Agency

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
1200 - Downtown Improvement District Fund	210,106	238,841
1210 - Downtown Modesto Commt Benf District	-	780,150
6100 - JPA - Industrial Fire	686,145	682,061
6470 - Landscape and Lighting District Shackleford	32,013	28,799
6480 - Landscape Assessment District #1	21,106	18,477
6490 - Landscape Assessment District #2	23,567	18,530
6600 - JPA - Stanislaus Drug Enforcement Agency	-	
6700 - JPA - Tuolumne River Regional Park (TRRP)	825,701	660,804
Grand Total	**1,798,638**	**2,427,662**



UTILITIES DEPARTMENT

Mission Statement:

The Utilities Department is a service-driven organization committed to building partnerships that promote a vibrant business community and engage neighborhoods with a culture of excellence where citizens get the best and employees give their best. The Utilities Department will efficiently and effectively operate, protect, and manage all water, wastewater and storm drain infrastructure and resources for the current and future needs of the community and the environment.

Department Programs:

The following is a brief summary of each of program used to achieve the Department strategic goals:

Regulatory Compliance and Customer Satisfaction: Provides operation of the utility assets in compliance with all regulations and to satisfy the customers, including compliance with all regulatory permits, customer satisfaction for the applicable utility services, successful water operations, successful wastewater treatment, pumping, collections, and disposal operations, and successful storm water operations.

Reliability and Asset Management: Manages utility assets to preserve the long-term, reliable operation of the assets to meet all regulatory and customer satisfaction goals, including major maintenance/CIP development and implementation for each utility, full use of the Computerized Maintenance Management System to plan, record, and optimize maintenance, successful water system maintenance, successful wastewater treatment, pumping, collection, and disposal system maintenance, successful storm water system maintenance and rehabilitation projects, plans for system growth, and sustained knowledge of utilities.

Fiscally Responsible Business Practices: Provides for managing assets cost-effectively in the long term, and to ensure that each utility is properly funded, including adequate user rates to ensure that the utilities are sufficiently funded, managing assets so that rate increases are planned, predictable and competitive with other similar utilities, operating assets in a cost-effective manner, and allowing administrative and engineering functions to properly support operations.

Safety and Workforce Development: Provides that all employees work in a safe environment, and that they will be trained to properly complete the work, including successful safety performance, succession planning, and workforce training and development.

Sustain Effective Partnerships: Supports the goal for the Utilities Department to develop and sustain effective partnerships that influence our ability to fulfill our mission, including partnerships with the regulatory agencies, regional water partners, industrial, commercial, and residential customers, community stakeholders, community educators, and the media.

Department Accomplishments for FY 2021-2022:

- City supplied over 16.47 billion gallons of domestic water to Modesto's customers in 2022.
    - Managed drinking water to maximize conservation and Use of Surface Water
- City has treated over 7.48 billion gallons of wastewater from Modesto's customers in 2022.
    - City has delivered over 4.97 billion gallons of recycled water to the Del Puerto Water District in 2022.
    - Completed a successful Cannery Segregation season during challenging water supply issues
- Water Division responded to 6,281 calls for service.
    - Water crews repaired 1,028 water leaks.
- Wastewater Collections Customer Service crew responded to 1,834 calls for service.
    - Collections crews cleaned over 402.7miles of sewer pipe
- Continued usage of e-Builder and Lucity software has increased staff efficiencies and accountability throughout the department
    - Document control for construction projects
    - Wastewater, water and environmental compliance field staff use Lucity software and tablets.
- Presented Utilities construction projects for Council acceptance for a total amount of $32.59M
- Completed construction of Headworks, Dryden Box and Influent Flume project ($24.2M)
- Continuing Construction of first two phases of the River Trunk Realignment Project.
    - River Trunk - Gravity System
    - River Trunk - Shackelford Pump Station
- Continued to monitor drought conditions and City's water supplies; maintained reasonable restrictions on water use.
- Expanding community engagement through increased public outreach events promoting One Water Modesto
    - Imagine a Day without Water
    - Earth Day
    - Holiday Parades
    - National Night Out
    - Career fairs at schools
- Expanded wastewater safety training program, including confined space Entry/Rescue, HazWoper, Heat Illness Prevention.
- Implemented Sewer Rates update
- Restarted Water Rates update

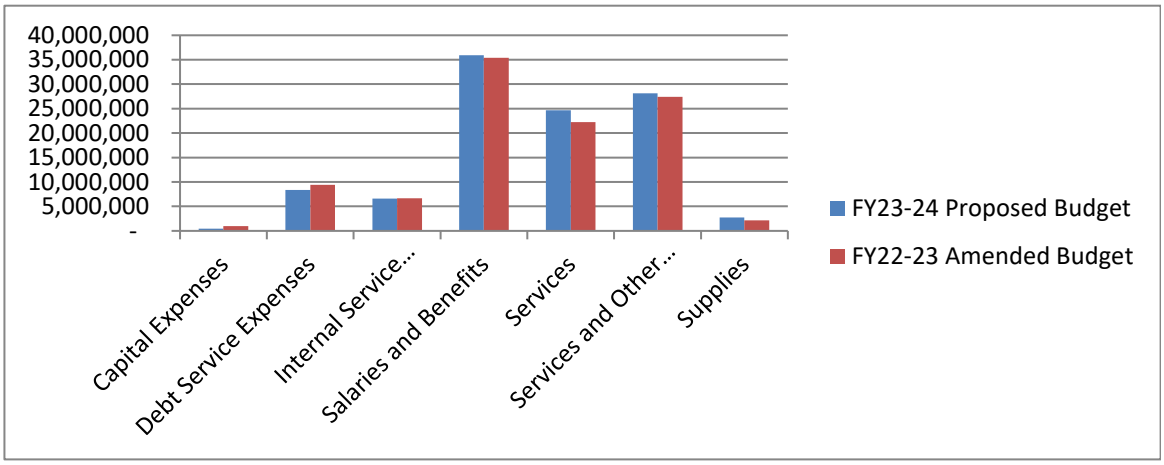
Goals & Objectives – FY 2023-24:

Goal 1 – Review the Utilities Department's organizational structure to maximize overall efficiency of department activities.
Goal 2 – Develop Standard Operating Procedures (SOPs) for crucial management/leadership positions.
Goal 3 – Maintain City Financial policies for the sewer, storm drain and water funds.
Goal 4 – Begin River Trunk Pump Station project

Goal 5 – Increase Sewer CCTV Inspections to prevent sanitary sewer overflows and increase sewer system reliability.
Goal 6 – Develop Department-wide succession plan.
Goal 7 – Complete Utilities Capital Improvement Program projects on-time and within budget.
Goal 8 – Implement the Supervisory Control and Data Acquisition (SCADA) Replacement design-build project
Goal 9 – Continue public outreach for City water and wastewater services through expansion of the Utilities Department's One Water Modesto initiative programs and partnerships.
Goal 10 – Provide quality, cost-effective workforce development training for all Utilities employees.

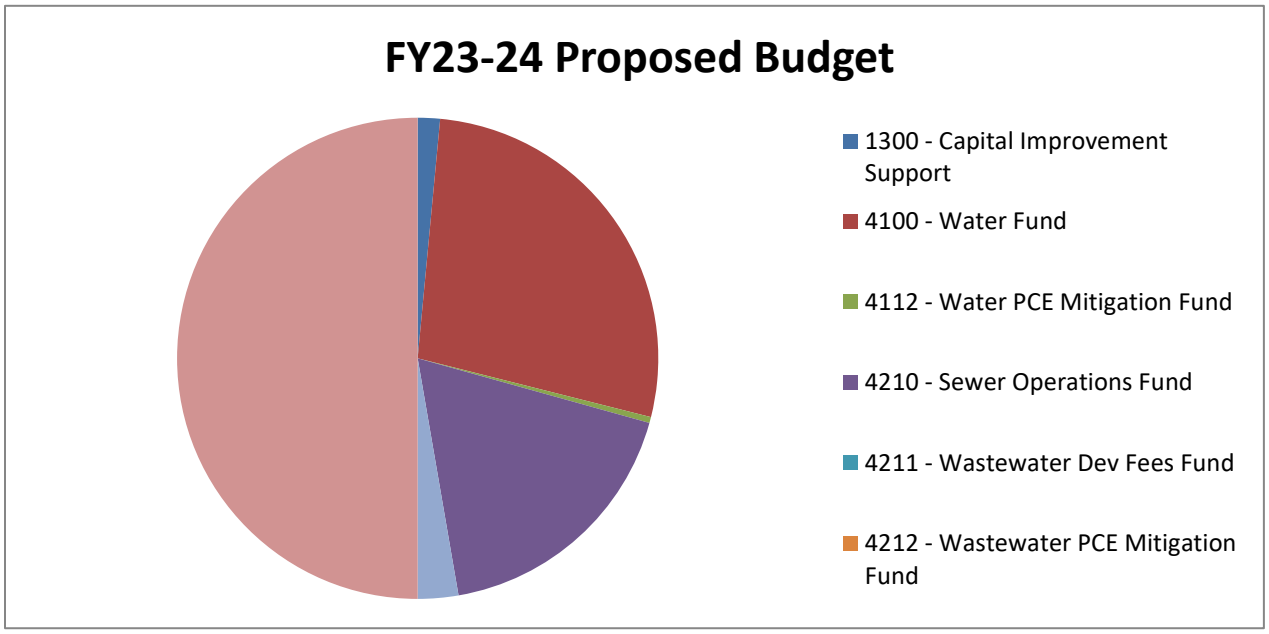
Expense By Category
Utilities

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	463,700	942,500
Debt Service Expenses	8,400,700	9,413,241
Internal Service Fund Charges	6,617,972	6,660,867
Salaries and Benefits	35,932,101	35,416,347
Services	24,654,731	22,241,669
Services and Other Charges	28,126,680	27,436,244
Supplies	2,754,522	2,153,992
Grand Total	**106,950,406**	**104,264,860**



Funding Source
Utilities

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
1300 - Capital Improvement Support	3,192,730	3,144,166
4100 - Water Fund	58,687,287	57,429,680
4112 - Water PCE Mitigation Fund	854,615	885,069
4210 - Sewer Operations Fund	38,400,557	37,183,175
4211 - Wastewater Dev Fees Fund	-	
4212 - Wastewater PCE Mitigation Fund		1,000
4480 - Storm Drainage Fund	5,815,217	5,621,770
Grand Total	**106,950,406**	**104,264,860**



Statement of Policy

PUBLIC WORKS DEPARTMENT

May 16, 2023

Mission Statement:

The Public Works Department provides maintenance services for our airport, streets, traffic control systems, City buildings, parking, City vehicles and City trees. We also provide services such as garbage pick-up, recycling, and green waste collection.

Our mission is to design, construct, operate and maintain public infrastructure efficiently and effectively to protect public safety and enhance the quality of community life.

Department Programs:

The following is a summary of each division area:

Administration Division: The Public Works Administration staff provides policy direction and support to all divisions in the Department. They are the point of contact for citizens as well as department employees.

Airport: The Modesto City–County Airport is owned and operated by the City of Modesto. The Airport is an FAA certificated facility that can provide both scheduled and nonscheduled air service as well as private charter service. There are approximately 164 based aircraft consisting of jets, multi-engine turbo props, single engines, and helicopters. The Airport owns 140 hangars that are leased to tenants for recreational flying, private business use, and aviation related business. The Airport has two aviation-based museums to commemorate, educate, and inspire aviation. The Airport also has seven corporate hangars that provide charter service, fueling services, avionics service, as well as a base for such businesses as Gallo, Foster Farms, Modesto Jet Center, and DC air.

Building Services: The Building Services Division is responsible for preventive maintenance, general repairs, troubleshooting, and coordination of vendor repairs for most City facilities. This division is responsible for managing contracts and invoice payments for a variety of building-related services, including custodial service, pest control, elevator maintenance, burglar alarm monitoring, fire suppression system monitoring and maintenance, fire extinguisher servicing, and more. Building Services also oversees the shared costs for the Corporation Yard buildings. Currently, there are approximately 44 City sites receiving regular maintenance through Building Services.

Fleet: The Fleet Division provides equipment and vehicle preventative maintenance and repairs for approximately 1,221 fleet units, 24-hour road call and tire service, welding fabrication, and Fire and Police custom builds. This division ensures that all City equipment meets safety standards.

Forestry: The Community Forestry Division is responsible for maintenance and care of Modesto's 81,000+ publicly owned trees. A skilled workforce provides the following services: maintain, prune, plant and remove public trees, issue permits for citizens to prune, remove, or perform work on City and private protected trees, create and maintain a list of preferred street trees and partner with external non-profit organizations such as California Department of Forestry and Fire Protection (Cal Fire) to expand the urban forest and to educate citizens about proper tree care. The City Arborist works closely with local schools on Arbor Day planting projects and is always on the lookout for motivated individuals and community groups to collaborate on tree stewardship programs. Forestry efforts to care for and maintain Modesto's urban forest also enables the City to comply with state mandates regarding greenhouse gas emission reduction (AB-32). In addition to these services, Forestry crews provide emergency response to hazard trees or storm damage 24 hours a day.

Green Waste Collection (Pruned Refuse), Storm Drain Street Sweeping, and Storm Drain Leaf Collection: These programs work in harmony to remove large green waste, street debris, and fallen leaves from streets, alleys, and storm drains throughout Modesto. The street sweeping equipment operators follow behind green waste collection as well as leaf collection to sweep the streets and remove litter, which prevents pollutants from entering the City's storm drain system. These three programs enable the City to comply with state mandates for organic waste diversion (AB341), organic waste disposal (SB-1383), and maintenance of storm drains as part of municipal storm sewer systems (Environmental Protection Agency (EPA) and Federal Water Pollution Control Act).

Parking: Parking Services is an enterprise fund and as such reinvests all revenue dollars back into the parking facilities operation, infrastructure, area security, upgrades, and customer service. Parking Services manages three downtown parking facilities and eight surface lots and the agreements that are associated with them. Parking Services also administers the City/County employee parking allocation program and monthly passes sold to the public as well as expanded services covering Parking Enforcement**.**

Solid Waste: The Solid Waste Division manages two Service Agreements with Bertolotti Disposal and Gilton Solid Waste for residential, commercial, and industrial solid waste services to over 57,000 residential and 11,000 commercial accounts in Modesto. Services provided also include continuous public education, community events and outreach programs, bulky item pickup, enforcement and cleanup of illegal dumping in streets and alleys, working with California Department of Transportation (Caltrans), Ready to Work, and the Downtown Streets Team for litter removal throughout the city streets and state highway, tire and oil collection programs, household hazardous waste collection, enforcement for green waste and forestry violations, implementation of new programs to ensure regulatory compliance with state mandated legislation, daily customer service, and providing internal and special recycling programs. Under the Solid Waste Division is also the City's Compost Facility which receives approximately 57,000 tons of organic waste annually from all City residential customers, commercial accounts, City leaves, and forestry materials for processing into compost. The facility provides an essential role in the City meeting state mandated diversion and organic recycling regulations. The compost produced is sold to the public, donated for special projects, and utilized internally by the City. Additionally, the Solid Waste Division oversees the closed Carpenter Road, Airport,

and Geer Road Landfills for monitoring and post closure maintenance and is a partner in a Joint Power Association (JPA) with Stanislaus County and Covanta Energy for the processing of waste-to-energy.

Streets: The Street Maintenance Division is responsible for keeping all City streets and sidewalks in good repair and serviceable condition. This Division uses a variety of techniques to extend the life of City of Modesto's 610 center line miles of roadways and 1,438 miles of sidewalks with the goal of preserving the street and sidewalk surfaces to avoid more costly reconstruction.

Traffic: The Traffic Engineering Division designs traffic signals and provides traffic signal timing and coordination. The Traffic Electrical Division provides street light maintenance for 13,764 streetlights and maintains traffic signals for the City, as well as Stanislaus County and Riverbank. This division also maintains the electrical systems in all City buildings. The Traffic Operations Division maintains more than 29,000 traffic signs and directional arrows. This division also does all pavement striping for center lines, lane lines, bike lanes, pavement legends, etc.

Department Accomplishments for FY 2022-23:

- Painted Airport Hangar Row F and J
- Upgraded Airport gate operators at Gate #3 and #5
- Upgraded parking lot lights at Terminal
- Airport Tesla Agreement signed, and site improvements completed
- Completed 2,263 building services work orders, supporting 103 locations
- Completed Pilot Facility Conditional Analysis project for Utilities Department
- Completed final report documenting Facility Conditional Analysis for Utilities Department
- Completed 10% of building LED conversion
- Successfully operating a bus fleet of 130 buses
- Rebranded 130 buses to new paint scheme
- Reconfigured office and storage space to accommodate additional contractor employees in the leased portion of the Bus Maintenance Facility
- Pruned 10,180 trees in 2022 Calendar Year
- Removed 665 stumps in 2022 Calendar Year
- Planted 1,156 trees in 2022
- Removed 668 damaged/diseased trees
- Pruned 1,027 trees for mistletoe
- Diverted a monthly average of 1,400 tons of organic waste from landfill
- Averaged 3,800 lane miles of monthly street sweeping
- Completed installation of ADA access for 10th Street Garage ingress/egress
- Created Construction Parking Permits
- Council approved a 3-container system to achieve compliance with SB 1383
- Updated MMC for SB 1383 Mandates to comply with state regulations
- Procured 18,000 tons of compost as required by SB 1383
- The local community procured over 20,845 tons of compost

- Performed route reviews on residential and commercial containers as required by SB 1383
- Awarded 4 California Climate Action Fellows (with the Governor's Office)
- Started Compost Facility Feasibility Study
- Implemented a Multi-Family Bulky Item pick up program (one year pilot, funded by ARPA)
- Crack sealed 31.7 lane miles in 2022 Calendar Year
- Slurry sealed 138.61 lane miles in 2022 Calendar Year
- Remove/replaced 15,264 square feet of sidewalk in 2022 Calendar Year
- Remove/replaced 2,560 linear feet of curb and gutter in 2022 Calendar Year
- Completed 21,202 linear feet of sidewalk grinding in 2022 Calendar Year
- Completed 1,358 linear feet of gutter griding in 2022 Calendar Year
- Converted 78 high voltage lights to regular voltage
- Repaired/replaced 2,432 traffic signs in 2022 Calendar Year
- Completed 139,355 square feet of striping for legends and crosswalks in 2022 Calendar Year
- Installed 244 traffic detection cameras

Goals & Objectives – FY 2023-24:

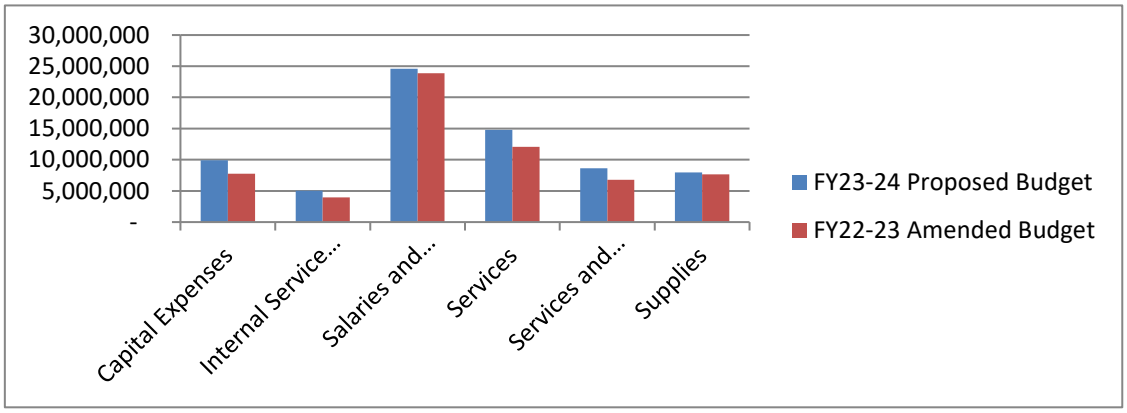
Goal 1 – Improve customer service and response time
Goal 2 – Enhance tree maintenance program
Goal 3 – Improve computerized work order processing system
Goal 4 – Enhance City-wide traffic flow
Goal 5 – Enhance workforce development program
Goal 6 – Complete Carpenter Road landfill project
Goal 7 – Enhance Street Maintenance Program
Goal 8 – Blight Abatement
Goal 9 – Complete LED Conversion at Airport
Goal 10 – Complete a feasibility study for Airport growth opportunities
Goal 11 – Airport business development
Goal 12 – Complete Building LED conversion
Goal 13 – Complete 85% of Preventative Maintenance Work Orders on schedule
Goal 14 – Complete final report documenting Facility Conditional Analysis for Citywide effort
Goal 15 – Work through extreme vehicle and parts shortages
Goal 16 – Reduce preventative maintenance time
Goal 17 – CalFire grant opportunities and implementation of Lucity software
Goal 18 – Complete Phase I Forestry Master Plan
Goal 19 – Remove 1200 stumps and 1200 mistletoe trees
Goal 20 – Plant 1200 trees
Goal 21 – Increase average of tons of green waste diverted from landfill monthly
Goal 22 – Continue recovery of parking garages and off-street parking lots
Goal 23 – Complete Phase II and III of the Downtown Parking Implementation Plan
Goal 24 – Upgrade legacy garage access control system

Goal 25 – Upgrade legacy off-street parking lot payment control systems
Goal 26 – Conduct a feasibility study for the Compost Facility
Goal 27 – Implement a permanent Multi-Family Bulky Item pick up program
Goal 28 – Ensure compliance with SB 1383 and other state regulations
Goal 29 – Implement SB 1383 Mandate to the Solid Waste programs
Goal 30 – Seek grant funding and additional staff for Solid Waste programs
Goal 31 – Reduce solid waste contamination and increase education and outreach efforts
Goal 32 – Apply 180 lane miles of Type II slurry asphalt
Goal 33 – Plan and prioritize street rehabilitation based on updated PCI data
Goal 34 – Enhance sidewalk repair program
Goal 35 – Complete installation of 324 video detection cameras at 81 signalized intersections
Goal 36 – Convert 90 lights to low voltage LED within four high voltage circuit areas
Goal 37 – Synchronize traffic signals in the downtown area
Goal 38 – Convert all qualified school areas to 15 mph zones
Goal 39 – Complete design of five traffic projects and have in construction

Expense By Category

Public Works

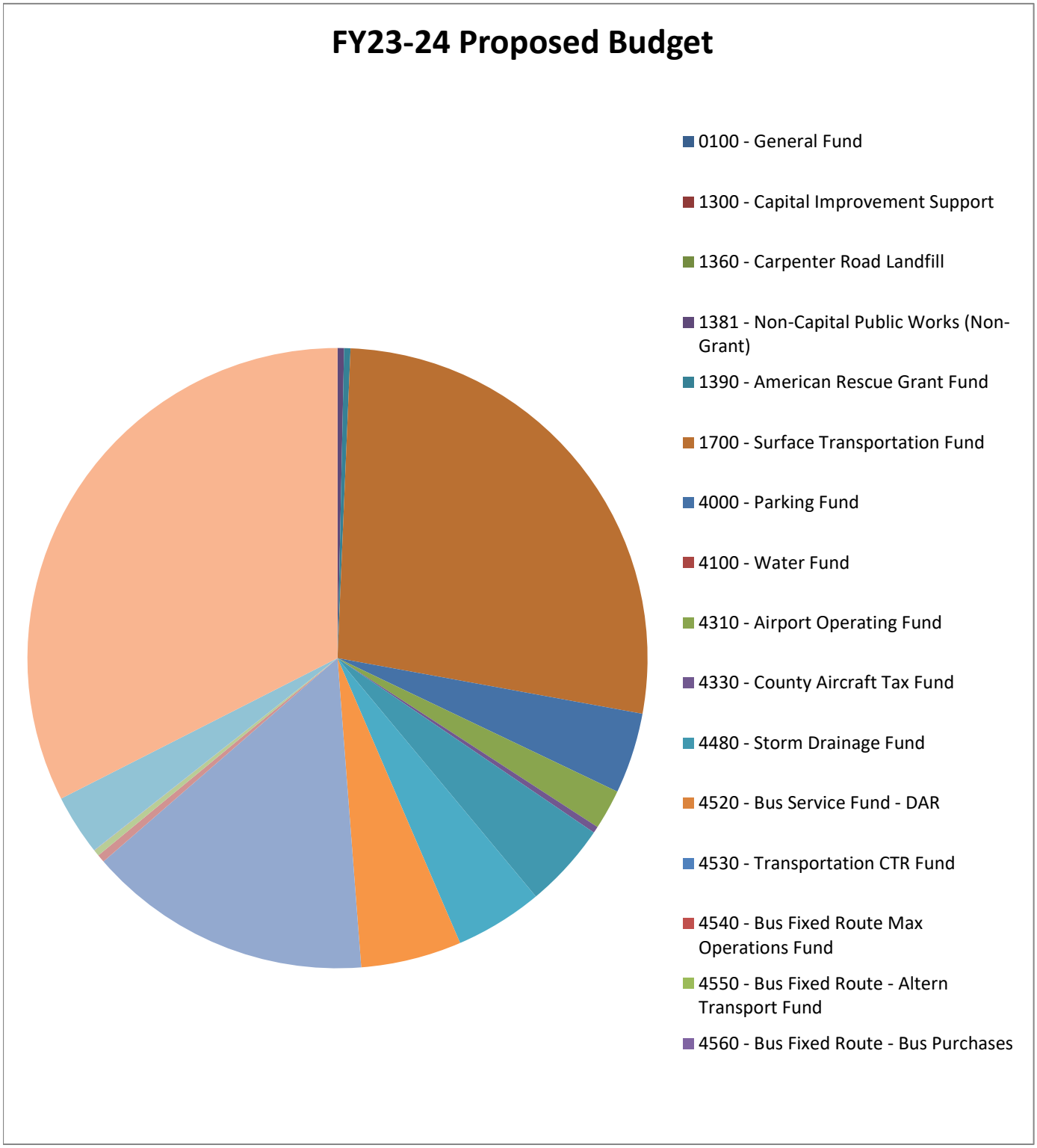
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	9,927,700	7,748,375
Internal Service Fund Charges	5,038,016	3,945,528
Salaries and Benefits	24,598,137	23,850,444
Services	14,766,467	12,074,389
Services and Other Charges	8,605,139	6,773,698
Supplies	7,976,293	7,680,109
Grand Total	**70,911,752**	**62,072,543**



Funding Source

Public Works

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	-	
1300 - Capital Improvement Support	-	
1360 - Carpenter Road Landfill	-	
1381 - Non-Capital Public Works (Non-Grant)	199,013	237,371
1390 - American Rescue Grant Fund	194,002	305,413
1700 - Surface Transportation Fund	15,968,452	13,806,817
4000 - Parking Fund	2,471,686	1,852,555
4100 - Water Fund	-	
4310 - Airport Operating Fund	1,223,620	1,304,340
4330 - County Aircraft Tax Fund	200,000	66,000
4480 - Storm Drainage Fund	2,607,871	2,404,625
4520 - Bus Service Fund - DAR	-	
4530 - Transportation CTR Fund	-	
4540 - Bus Fixed Route Max Operations Fund	-	
4550 - Bus Fixed Route - Altern Transport Fund	-	
4560 - Bus Fixed Route - Bus Purchases	-	
4890 - Compost Fund	2,688,371	2,235,495
4891 - Solid Waste Fund	3,082,370	2,289,637
4892 - Green Waste Fund	8,710,606	8,153,779
4893 - Carpenter Road Landfill (Enterprise)	240,371	190,929
4894 - Geer Road Landfill Mitigation Costs	189,239	206,721
4895 - Waste to Energy Distribution Fund	11,141	11,113
4896 - Compost Facility Improvements Fund	1,850,000	1,850,000
5400 - Fleet Management Fund	19,066,596	17,292,324
5409 - Fleet Management Fleet Replace Fund	8,134,200	5,630,375
5800 - P/R Building Services Fund	2,667,693	2,819,294
5810 - 10th Street Place Building Services	1,406,520	1,415,755
5410 - General Fund Fleet Equipment Replacement	-	
Grand Total	**70,911,752**	**62,072,543**


FY23-24 Proposed Budget
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1700 - Surface Transportation Fund
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4100 - Water Fund
4310 - Airport Operating Fund
4330 - County Aircraft Tax Fund
4480 - Storm Drainage Fund
4520 - Bus Service Fund - DAR
4530 - Transportation CTR Fund
4540 - Bus Fixed Route Max Operations Fund
4550 - Bus Fixed Route - Altern Transport Fund
4560 - Bus Fixed Route - Bus Purchases

PARKS, RECREATIONS AND NEIGHBORHOODS DEPARTMENT
FISCAL YEAR 23-24

Mission Statement: The Parks, Recreation and Neighborhoods Department serves the citizens of Modesto through quality recreational programming, welcoming community centers, active neighborhood engagement, a variety of cultural awareness events, inviting destinations and attractions, and planning and operation of the City's vibrant park and trail systems.

Department Programs: The Parks, Recreation and Neighborhoods Department offers numerous services and programs based on the following guiding principles: *Accessibility, Inclusivity, Affordability, Equity, Diversity, Sustainability, and Flexibility*.

Department Administration & Facilities
The Administration and Facilities Division is responsible for the overall administration of the department, facilities management, and guest services. It oversees the management and operation of the Modesto Centre Plaza, McHenry Mansion, McHenry Museum, John Thurman Field, two municipal golf courses, and Redevelopment Successor Agency holdings. It also administers business contracts with the Downtown Improvement District and Modesto Convention and Visitors Bureau. The guest services team coordinates reservable park, facility, and field rentals as well as class registrations for all recreation programs and activities.

Modesto Centre Plaza: The Modesto Centre Plaza is a full-service convention center facility with over 22,000 square feet of meeting space. The facility hosts a pre-pandemic average of 400 events annually and draws thousands of visitors to downtown Modesto every year with a wide range of special events, conferences, conventions and trade shows. The Modesto Centre Plaza is a popular choice due to its size, flexibility, staff and centralized location between major cities such as Fresno and Sacramento as well as its close proximity to the Bay Area. Additionally, it is widely used by non-profit organizations throughout the region, as it provides a reduced rental rate for non-profit groups.

McHenry Mansion & McHenry Museum: These historic properties provide an educational and enjoyable opportunity to step back in time to the early days of Modesto and Stanislaus County. The McHenry Mansion is the restored home of Robert McHenry. The home was built in 1883 and is recognized as one of the finest homes in Stanislaus County. The McHenry Museum, housed in the old McHenry Library, contains exhibits which tell stories from bygone eras. Both facilities are located in downtown Modesto and are open for tours, field trips, and available for private rental.

Golf Courses: The City owns and operates two 18-hole courses: Dryden Park Golf Course and Creekside Golf Course. The City also owns a 9-hole municipal golf course which has been closed since March 2020.

Dryden Park Golf Course is a full length 6,574-yard golf course built on 140 acres in the late 1950's. It is located along the Tuolumne River and is adjacent to the regional park. It

appeals to golfers of all levels from beginner to expert and has medium-size tees, average width tree-lined fairways and medium to large greens. It features a full-service driving range, practice putting and pitching greens. Dryden has an on-site well which provides water for the course. Dryden averaged 30,500 rounds over the last three fiscal years.

Creekside Golf Course opened for play in September of 1991. It is a championship 18-hole golf course measuring approximately 6,800 yards and built on 160 acres. Creekside has three lakes, undulating greens, large tees, narrow fairways and many sand traps. The course appeals to all levels of golfers from beginner to expert. A portion of the course is located near the Dry Creek Regional Park and Trail. The clubhouse provides a full-service restaurant with banquet capabilities and a well-stocked pro shop. Creekside relies on Modesto Irrigation District (MID) canal water and City of Modesto water for the fully automated irrigation system. Creekside has averaged 48,000 rounds over the last three fiscal years.

John Thurman Field: John Thurman Field is a professional baseball stadium in Modesto, and home to the Modesto Nuts minor league baseball team. The latest full renovation of the facility was in 1997, but there have been numerous portions of the facility that have been repaired or replaced since 1997.The facility was constructed in 1955 and holds up to 7,000 people for special events. The facility is currently operated by the Modesto Nuts, owned by the Seattle Mariners.

Tuolumne River Regional Park (TRRP): TRRP consists of over five-hundred acres of parkland that runs along seven river miles of the Tuolumne River from the Mitchell Road Bridge west to the Carpenter Road Bridge in Stanislaus County. TRRP is maintained and operated through a joint powers agreement between the three partner agencies (City of Modesto, City of Ceres and Stanislaus County), with the City of Modesto being the Managing Partner. Five major areas make up TRRP including the Legion Park/Airport Area, the Gateway Parcel, Mancini Park, the Dryden Park Golf Course Area and the Carpenter Road Area. TRRP is Modesto's regional recreation destination. The park boasts large tree-shaded group picnic areas, sports fields, bicycle and walking paths, fishing access, and open space available to house large community or private events.

Recreation Programs and Facilities:

Volunteer Programs: The Recreation Division offers a wide variety of volunteer opportunities which foster civic pride and are centered on neighborhood engagement, cultural awareness and community partnerships. Each year, over 3,500 volunteers assist the City with organized special events, park, trail, and river clean-ups, and tagging abatement projects.

Community Centers: The Recreation Division offers extensive programming and recreational opportunities at the Maddux Youth Center, Modesto Senior Citizens Center, and Neighborhood Center at Marshall Park. These community centers serve over 1,000

participants per month and operate safe, fun and educational activities in a controlled environment. Additionally, the department operates the King-Kennedy Memorial Center and the Airport Neighborhood Community Center in partnership with other community non-profit groups.

Child Services and After School Program: The Recreation Division offers a wide variety of classes and activities for children. Adaptive programming for those with special needs is also offered. In addition, the department partners with Modesto City Schools to operate after school programming for students at several local schools each day.

Sports & Aquatics: Programming, such as competitive, and coed recreational softball leagues, the Junior Giant youth baseball program, and the Kidz Love Soccer program are just some of the sport programming available to adults and kids. The department's Learn-to-Swim programs and senior/disabled swim programs are offered year-round in addition to summer recreational swim. Modesto is a lead agency in the County offering American Red Cross Lifeguard Training, Advanced First Aid and CPR Certification courses to the public in order to have trained and qualified aquatic professionals to keep our pools safe.

Mary Grogan Park Soccer Complex: This state-of-the-art sports complex boasts three synthetic turf and four grass turf lighted soccer fields. The complex is home to dozens of regional, state and international soccer tournaments and special events. Free access to the facility is available to the community to play soccer midweek and advance fee-based reservations are available for leagues and organizations.

Community Events and Neighborhood Outreach: The department hosts several large-scale events throughout the year to connect with the community. Popular events include the Spirit of Giving Run, Celebration of Lights Parade, Breakfast with Santa, and Summer Kick-Off. Community participation ranges from 300-25,000+ per event.

Park Operations:

The Park Operations Division is responsible for maintaining 76 City parks, trails, recreation facilities, pools, splash pads, open space areas, paths, ballfields, tennis courts, play areas, restrooms, and picnic areas. Staff prepares sites for park, picnic, and ball field rentals and provides preparation and clean up assistance at community events. They oversee the City's landscaping contract with Grover Landscaping. In addition, this division provides vegetation management, fire break, and abatement (weeds, tagging, illegal dumping, and homeless) services throughout the City.

Parks Planning & Development:

The Parks Planning & Development Division provides current and future planning for parks and facilities, including park renovations and new construction projects, throughout the City. This team provides landscape and irrigation construction plan review services for commercial and residential development, submits most of the department's grants

for state and federal funding for park improvement projects, and manages Tuolumne River Regional Park in partnership with the Park Operations Division. Finally, the division coordinates the City's "Park Partners Program" which offers community groups the opportunity to partner with our department to make improvements to their neighborhood parks and amenities.

Department Accomplishments for Fiscal Year 2022-2023

The following is a list of the Parks, Recreation & Neighborhoods Department accomplishments for Fiscal Year 2022-2026:

Administration and Facilities:

- Purchased the parcel adjacent to the Pamela Monterosso Park and Peggy Mensinger Trail head to expand parking capacity for park and trail visitors.
- Prepared American Rescue Plan Act Grant Funding Agreements between the City and the Modesto Convention and Visitors Bureau, The State Theater, Prospect Theater, Modesto Art Museum, Opera Modesto, and the West Modesto Community Collaborative.
- Hosted the NorCal Interscholastic Cycling League's second major race in Modesto at the Tuolumne River Regional Park. The event drew over 1,000 junior and high school riders and their families to Modesto.
- Completed the Fund Development Strategy and Implementation Plan for the department.
- Executed a 4-Year Lease Agreement with E-Z-GO for new golf carts for Dryden and Creekside Golf Courses.
- Continued discussions with the Modesto Nuts and Seattle Mariners regarding Major League Baseball's new stadium improvement requirements.

Park Operations:

- Executed the final extension of the Grover Landscape Agreement through October 2026.
- Contracted the Lion Drinking Fountain to be refurbished and repaired. The fountain was salvaged from Beard Brook Park and will be installed at Lion's Junction on the Virginia Corridor.
- Completed bleacher renovations at Davis, Whitmore and Standiford Parks.
- Completed backstop repairs at George Rogers and Wesson Ranch Parks.
- Completed the removal and replacement of treads on the TRRP footbridge.
- Completed Dog Park Haz Mat Cleanup after an act of vandalism.
- Completed multiple event preparations, including the NICA NorCal cycling event at TRRP Gateway Parcel. Staff prepped the trail areas and provided litter removal and cleanup of the general area.
- Executed prompt tagging removal services within 24 hours of reporting.
- Completed the first round of Weed Abatement/Fire Breaks at multiple City sites, including mowing and discing for fire breaks.

- Completed Major Thoroughfare Cleanups (Measure H funded) along Pelandale Avenue and Sisk Road. This included weed, vegetation, litter, and debris removal.
- Installed 2,070 cubic yards of fibar (playground chips) to 13 of 19 sites.
- Ordered replacement equipment for 15 parks.

Recreation:

- Coordinated 2,751 volunteers FYTD totaling 17,945 hours and a cost benefit of $564,548.
- Provided a variety recreation classes and programs to over 20,000 youth, seniors, adults and adaptive participants.
- Hosted a Junior Giants Youth Baseball camp program with over 700 players.
- Provided swim lessons to 1,200 children.
- Partnered with Modesto City Schools to offer after school programs at 7 local elementary and Jr High Schools, providing after school care to approximately 28,000 students throughout the school year.
- Modesto Senior Citizens welcomed over 16,000 seniors for indoor dining, exercise classes and other activities. Achieved goal of expanding participation by 150 per month by safely increasing program capacities.
- Reopened Maddux Youth Center with after school activities and programs with over 2,000 participants.
- The Youth Commission was reinstated with 9 commissioners. Accomplishments include a LoveModesto clean-up for the Hope Blooms project, being panelist at the SCOE Youth Summit, and co-sponsoring a screening event at the State Theater.
- Awarded CalVIP youth intervention grant in partnership with MPD. Hosted Pop-Up Parties, Sports Fests and Movie Nights to provide youth fun activities and positive Police experiences.
- Hosted 28 City or Partner events to date with over 15,000 participants.

Parks Planning & Development:

- The design phase has been completed on the following Capital Improvement Projects:
  - Carpenter Road Area Soccer Fields (Bellenita Park).
  - TRRP Neece Drive Boat Launch.
  - Turf Reduction at Four Parks.
  - TRRP Parking Lot B Resurfacing.
- The design phase has been started or progressed on the following projects:
  - César E. Chávez Park Renovation.
  - Mary Grogan Community Park Phase 2.
  - TRRP River Overlook.
  - Dryden Park Golf Course Clubhouse Renovation.
  - Downey Park Shade Structure and Parking Lot Replacement.
  - TRRP Riverwalk Trail – Gateway to Neece Drive.
  - TRRP Riverwalk Trail – Gateway to Legion Park.

  - Dry Creek Regional Park to TRRP Trail Connection.
  - TRRP Master Plan Update.
  - Dr. Martin Luther King Jr. Park Renovation.
  - Mancini Park Playground Renovation.
  - Graceada Park Pool Fence Replacement.
- Construction started or progressed on the following projects:
  - The Awesome Spot Playground at Beyer Park.
  - Carpenter Road Area Soccer Fields (Bellenita Park).
- Construction was completed on the following projects:
  - New Bench Seating at the Mancini Bowl
  - Ralston Tower Park Renovation.
  - Enslen Park Tot Playground.
  - Revard Park Playground Replacement.
  - McHenry Mansion Synthetic Turf Installation.
  - Tree Trimming, Removal and Maintenance at various parks including TRRP.
  - Davis and Downey Tennis Courts Resurfacing.
- Land Sales and/or Purchases:
  - TRRP Land Sale to the Sewer Division was complete.
  - Land Exchange of Beard Brook Park for Gallo Property along the Tuolumne River was completed.
  - TRRP Land Sale to the Housing Authority is in process.
- Partnered with community groups on the following Park Partners projects:
  - Bench Seating at the Mancini Bowl in Graceada Park.
  - Pickleball Courts at Graceada Park.
  - The Awesome Spot Playground.
  - Various minor park improvements such as Benches and Signage.

  Davis and Downey Tennis Courts Resurfacing with Modesto City Schools.

GOALS & OBJECTIVES

The Fiscal Year 2023-2024 Goals and Objectives for the Department include:

1. Implement Fund Development Plan (phased)
2. Prepare Succession Plan for Department
3. Facility Maintenance and Safety Plan
4. Measure H Funding Priorities & Action Plan

The Fiscal Year 2023-2024 Goals and Objectives specific to Department Divisions include:

Administration & Facilities

1. Review MLB standards for John Thurman Field.
2. Complete Dryden Clubhouse Rebuild Design Phase / RFB for construction.
3. MOU with Cruizers FC Soccer Team for JTF Soccer Field.
4. Partner with CEDD on finalization of land use plan for former MUNI Golf Course.
5. Prepare for Modesto Centre Plaza bond payoff and next steps.

Parks Planning & Development

1. Complete construction of ARPA/Measure H funded deferred maintenance projects.
2. Begin construction on Soccer Fields at Bellenita, Dryden Clubhouse, Downey Shade Structure & Lot, Grogan Phase 2 and Cesar E. Chavez Park.
3. Expand Security Camera Systems in Parks.
4. Update the TRRP Master Plan.

Recreation

1. Evaluate and implement safety and infrastructure improvements of recreation facilities.
2. Increase Maddux Youth Center participation by 5% with weight room conversion.
3. Execute MOUs with the McHenry Mansion Foundation and McHenry Museum Historical Society.
4. Refine division staffing and structure based on current and future programming and facility needs to optimize operations.

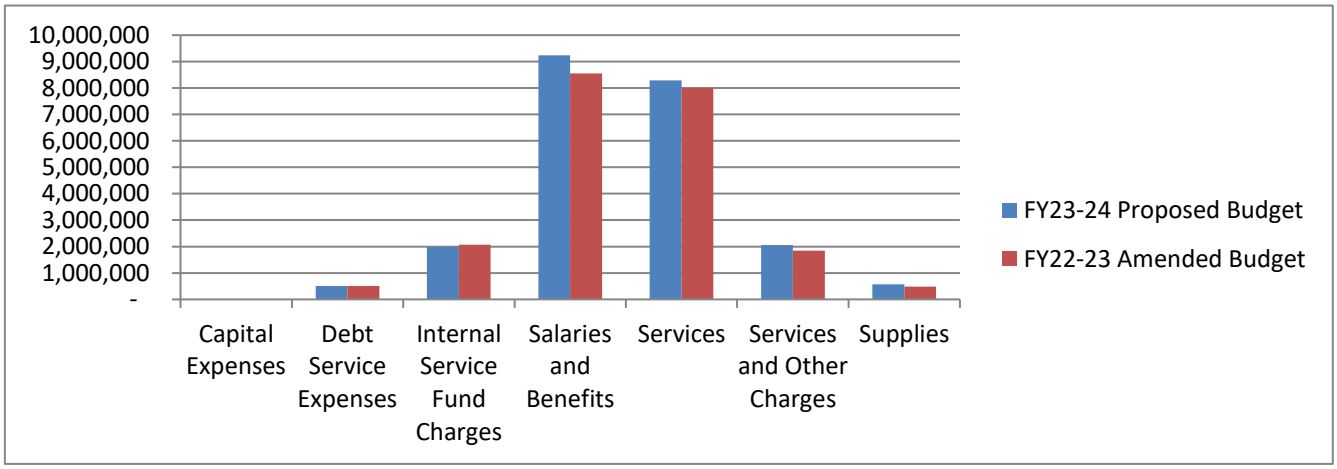
Park Operations

1. Convert two Parks to well water – Roosevelt and Garrison Parks.
2. Refurbish two sets of tennis courts and pickleball courts at Graceada Park.
3. Begin water reduction measures for selected parks – turf reductions.
4. Work with Parks Planning to plan and execute Measure H funded projects.

Expense By Category

Parks and Recreations Neighborhood

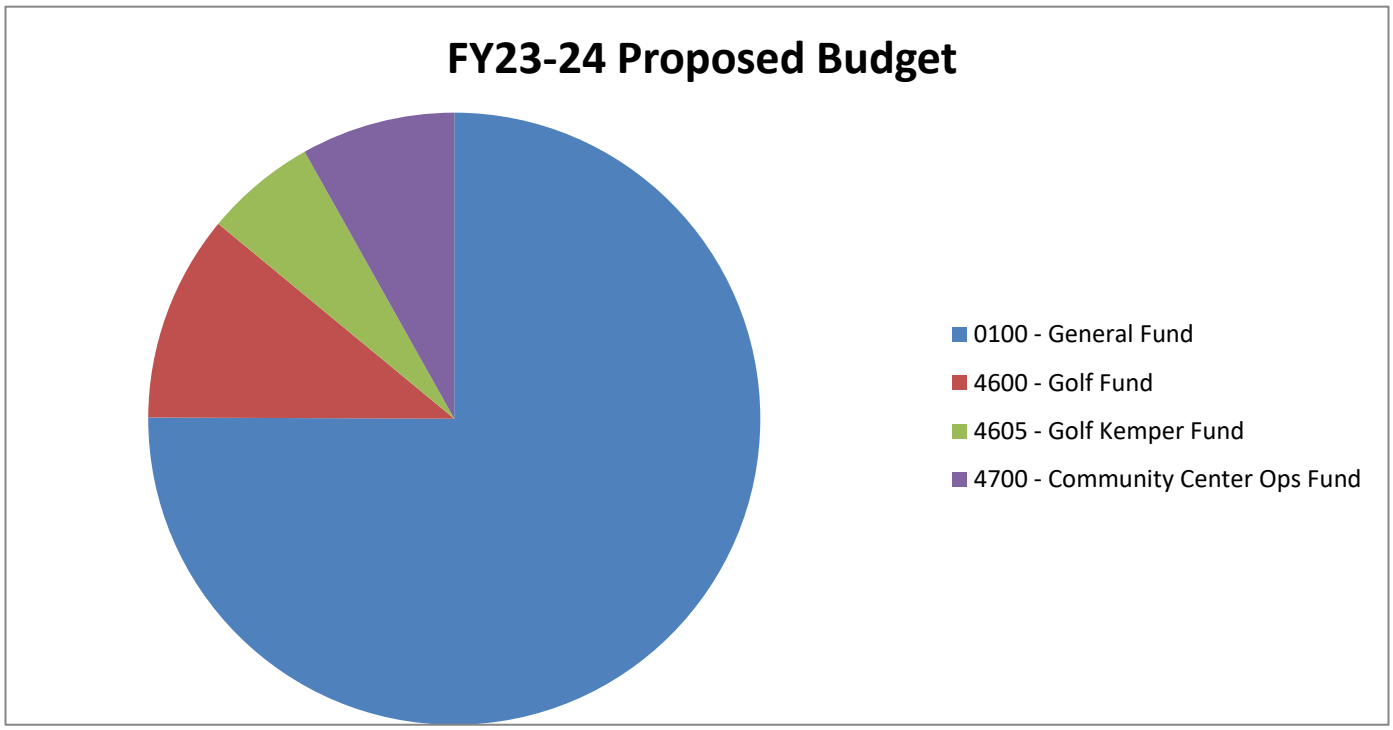
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	10,000	10,000
Debt Service Expenses	507,575	513,935
Internal Service Fund Charges	1,992,384	2,063,289
Salaries and Benefits	9,234,903	8,553,145
Services	8,288,581	7,996,173
Services and Other Charges	2,061,854	1,839,399
Supplies	570,265	482,065
Grand Total	**22,665,562**	**21,458,006**



Funding Source

Parks and Recreations Neighborhood

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	17,013,496	15,891,527
4600 - Golf Fund	2,476,229	2,512,787
4605 - Golf Kemper Fund	1,333,103	1,156,275
4700 - Community Center Ops Fund	1,842,734	1,897,417
Grand Total	**22,665,562**	**21,458,006**



COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Mission Statement:

To enhance the quality of life for residents, businesses and visitors by promoting and facilitating quality development and private investment, supporting cultural and destination amenities, and designing sustainable roads for motorized and non-motorized modes of transportation.

Department Programs:

The following is a brief summary of each division area:

Administration: The Administration unit includes the Director, one administrative support staff and one Business Analyst. The purpose of the unit is to support and address issues that span across divisions and is primarily responsible for the Department's budget and personnel issues. Further, the unit assists with the on-going cannabis monitoring and reporting cannabis equity program, assists with Economic Development efforts and improvements to the permitting process, as well as other department-wide initiatives and efforts.

Economic Development: The Economic Development division includes one Economic Development Manager, a Marketing Specialist and a Senior Business Analyst. The division is charged with growing the economy and enhancing the prosperity and quality of life in Modesto. Staff is responsible for the City's Economic Development efforts and programs including business attraction, retention and expansion, marketing, etc. as well as the special event and business entertainment permits.

Community Development: The Community Development division includes 20 members and administers all of the City's federal and state funding to support affordable housing and homelessness utilizing entitlement funding from HUD, which includes CDBG, HOME, and ESG and ensures its timeliness and appropriate use. The Division is also responsible for all infrastructure financing programs and Mello-Roos, administering the Capital Facilities Fees Program, and the 15 Community Facilities Districts within the City.

Building Safety: The Building Safety Unit provides development review services, including plan check review for all residential and commercial projects in the City and building inspections to ensure compliance with applicable building, plumbing, electrical, mechanical and energy codes.

Planning: This division provides advanced and current planning services. Advance planning is the long-range comprehensive visioning for future development and infrastructure; for example, the General Plan or Downtown Master Plan. Current planning is the review of entitlement applications and plans for proposed development such as subdivisions, new commercial and industrial development, annexations, etc.

Department Accomplishments for FY 2022-2023

- Facilitated a contract with Tesla for 500 surplus parking spaces at the Modesto City/County Airport that will generate more than $1 million annual revenue.
- Completed a Cannabis Equity community assessment and secured a California Governor's Office of Business and Economic Development Phase II Cannabis Equity program implementation grant of $350,000.
- Successfully completed all on site inspections for the retail dispensaries in July of 2022 and found each of the 8 in full compliance with State and local regulations
- Approved the first relocation for Doctor's Choice Dispensary establishing the steps and procedures necessary for an approval of future changes as a result
- Completed a Feasibility Analysis Study for an Enhanced Infrastructure Financing District funded by federal ARPA grant allocation to support accelerated development without new taxation.
- Produced an RFP for an Economic Development Strategic Plan with economic development partners.
- Provided City of Modesto update to annual County Comprehensive Economic Development Strategy.
- Negotiated a new comprehensive economic development partnership Agreement with Opportunity Stanislaus.
- Negotiated a Downtown lighting and beautification Agreement with the Downtown Modesto Partnership, funded by allocation of federal ARPA program grant.
- Hosted a small business resources webinar with the California State Controller's Office that got 257 registrants and 146 attending Modesto-area businesses.
- Worked with downtown businesses on three Downtown Occupancy Incentives and one Façade Incentive.
- Published a new business startup checklist and guide.
- Collaborated with Business Licensing and Community and Media Relations to Initiate a new business email group on the CivicPlus platform.
- Conducted market research supporting restriping and signal modifications on J Street.
- Collaborated with Building Division to implement new CED permitting cases in eTrakIt including Business Entertainment and Special Events,
- Collaborated with IT to implement a GIS/dashboard-based Business Retention survey system to show Modesto business' opinions and future expectations.
- Issued permits for 77 accessory dwelling units
- Exempted 26 accessory dwelling units from Capital Facilities Fees (CFF)
- Camp2Home: Downtown Streets Team Expansion – The City expanded the DST work teams to 60 members.
- Camp2Home: Job training Program – Development of a robust training program that partners with other agencies to create job and housing readiness strategies. To date, 73 individuals are employed full-time.
- Camp2Home: Housing Placement – The end goal of Camp2Home is to end the cycle of homelessness. To date 103 individuals have been housed.
- Archway Commons, in partnership with EAH Inc, was awarded $1,400,000 in HOME funding for the=development of 74 units of Rental Housing.
- Permanent Local Housing Allocation Award from the State of California Housing and Community Development in the amount of $1,658,723 for year 3 funding.

- Awarded a reallocation of Emergency Solution Grant CARES (ESG-CV) funds in the amount of $632,829
- Awarded a Helen Putnam Award for the implementation of a Homeless Street Outreach Dashboard available on the City's website
- Awarded a Audrey Nelson Certificate of Distinction Award given by the National Community Development Association for the Youth Navigation Center: City assisted with $1,000,000 in Community Development Block Grant (CDBG) funds and leveraged $3,646,820 for the total project
- Awarded Homekey 2.0 funding by the State of California supporting two projects resulting in 7 units of Permanent Supportive Housing and 14 units of Youth Housing
- Partnered with the Modesto Police Department to launch the Community Health and Assistance Team (CHAT) as an alternative response to homeless engagement
- Assisted in the rehabilitation of over 10 single family and mobile homes to address health and safety repairs
- Launched the comprehensive General Plan update visioning phase
- Approved nine supportive housing units for Free Will Baptist Church, 225 E Orangeburg
- Amended Accessory Dwelling Unit Code to comply with revisions to State Law
- Amended Density Bonus Code to comply with revisions to State Law
- Approval of Housing Plan with aid of consultant Opticos
- Approved 7th Street Village project for six story mixed-use/affordable housing with 78 Dwelling Units
- Approved Conditional Use Permit for LDS Temple and Spire at 4300 Dale Road
- Approved Conditional Use Permit for a cemetery for St. James Antiochian Orthodox Church
- Approved Conditional Use Permit to convert a148-room hotel to workforce apartments on 1612 Sisk Rd
- Approved Conditional Use Permit to convert a building in a C-2 zone into two dwelling units at 129 Phoenix
- Approved Development Plan Review to update site and utility plan for 525-unit 3-story apartment complex "Prose Modesto"
- Approved Development Plan Review for New Carwash and Façade improvements to existing building at 3459 McHenry
- Approved Development Plan Review for New Starbucks at 1217 Standiford
- Approved Development Plan Review for 112,500 SF Medical Office Building at 4609 Dale
- Approved Development Plan Review for 8 tiny homes at 812 7th St
- Approved Development Plan Review for New Commercial Retail Building at 439 Maze
- Rezoning of 1513 Scenic to higher density R-3 zone
- Specific Plan Amendment for Kiernan Business Park to allow Mixed Uses
- Approval of Tentative Parcel Map for 309 Roseburg into 2 parcels
- Approval of Tentative Parcel Map for 3501 McHenry into 7 parcels
- Approval of Tentative Subdivision Map for 3906 Sharon
- 132 Completed Planning Projects through TRAKiT, Including:
    - 28 Address Changes or New Addresses
    - 4 Conditional Use Permits
    - 21 Development Plan reviews
    - 11 Zoning Letters
- Awarded consultant agreement for SR-99/Standiford Interchange

- Awarded consultant agreement for SR-99/Briggsmore Interchange
- Awarded 6 Construction Project Contracts

Goals & Objectives – FY 2023/24

Goal 1 – Comprehensive General Plan Update 2050 – Land Use Scenarios

Goal 2 – South/West Modesto (Re)Development Plan

Goal 3 – Adopt Code amendments to address current needs/issues

Goal 4 – Tivoli/Village One Triangle/Fairview Village/Kiernan Business Park development

Goal 5 – Comprehensive amendment of Kiernan Business Park Specific Plan

Goal 6 -Planning for Tivoli North, Woodglen East, Hetch Hetchy/Village One Business Park/Johansen areas

Goal 7 – Continue to focus on quality of life improvements and partner internally and externally to address chronic problem areas.

Goal 8 – Develop Ag Mitigation Program

Goal 9 – Implement Permitting Efficiency Action Plan, and frequently evaluate ways to streamline development review process

Goal 10 – Implement Rental Housing Safety Program (Registry)

Goal 11 – Comprehensive Homelessness Implementation Plan

Goal 12 – Continue to expand Camp2Home with direct Federal and State Allocations

Goal 13 – Tivoli Community Facilities District (CFD Formation)

Goal 14 – Develop Citywide & Downtown Economic Development Strategy

Goal 15 – Develop Citywide Business Incentive Plan

Goal 16 – Continue to build and improve relationships with organizations, partners and business community to maximize the potential of all ED efforts.

Goal 17 – Implement a targeted business attraction and development program

Goal 18 – Create a development roadmap to assist developers through the City processes

Goal 19 – Administer the Citywide Revolving Loan Fund and Fee Waiver Program for Capital Facilities, Water Connection and Wastewater Capacity Fees

Goal 20 – Housing Dashboard

Goal 21 – Streamline Capital Facilities Fees exemption policy for affordable housing developments

Goal 22 – Approve and Implement Enhanced Infrastructure Financing District (EIFD)

Goal 23 – Economic Development Strategic Plan

Goal 24 – Implement an up-scaled Business Retention and Expansion program

Goal 25 – Municipal Golf Course Redevelopment Plan/ Downtown Master Plan Implementation

Goal 26 – Cannabis Equity

Goal 27 – Cannabis Renewals and Process

Goal 28 – Cannabis Inspections in July

Goal 29 – Partnering with Consultants and Preparing the Cannabis program PLEDGE application

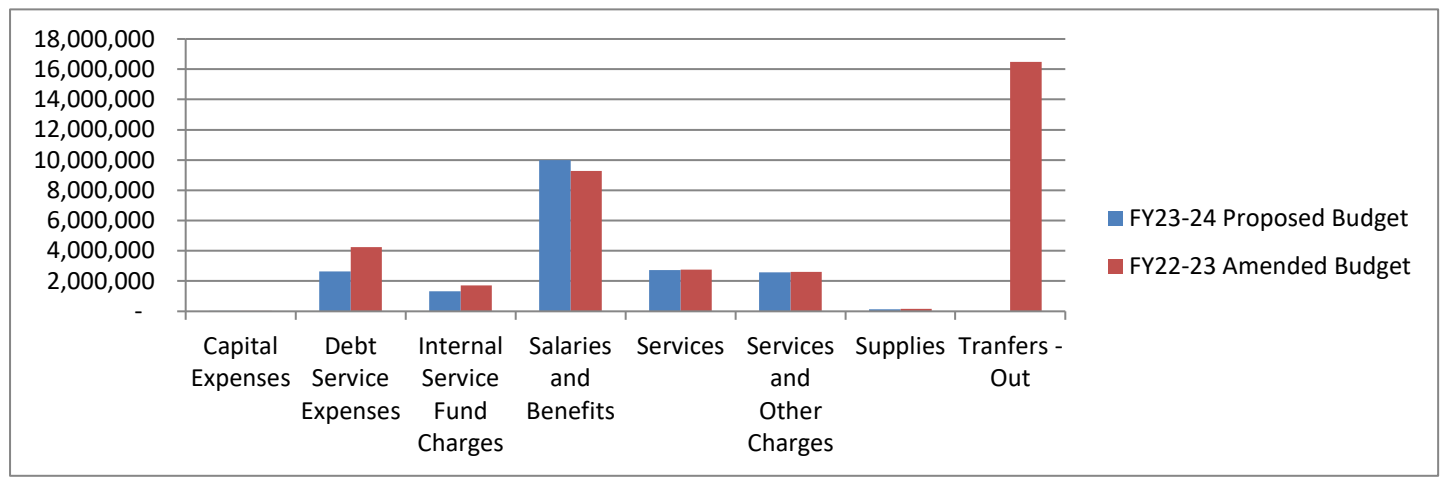
Goal 30 – Special Event Process

Goal 31 – Timeline and Process Flow Transparency

Expense By Category

Community and Economic Development

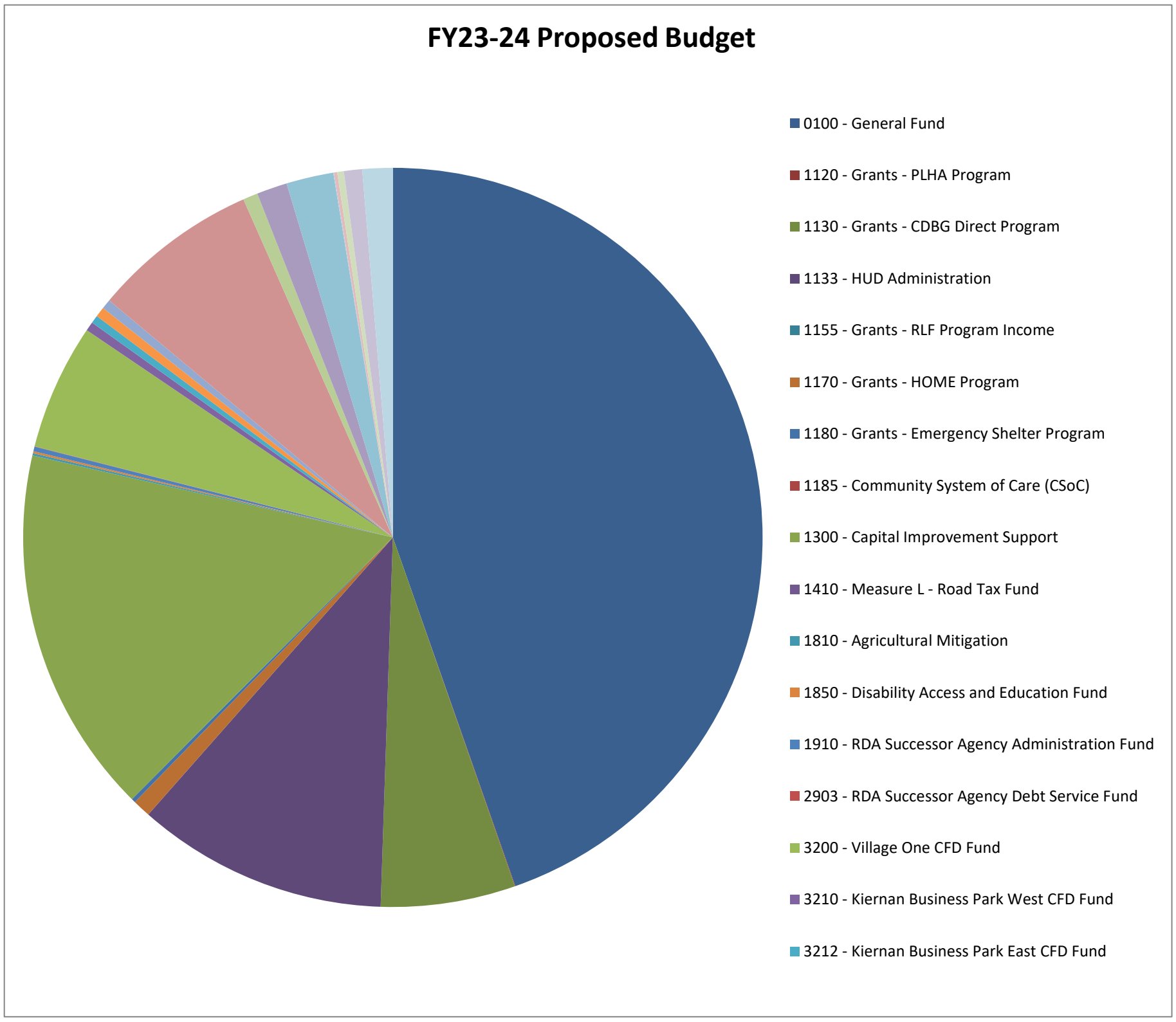
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	5,000	5,000
Debt Service Expenses	2,641,420	4,239,075
Internal Service Fund Charges	1,319,000	1,719,056
Salaries and Benefits	9,997,709	9,267,991
Services	2,724,824	2,751,233
Services and Other Charges	2,567,257	2,606,326
Supplies	143,213	178,108
Tranfers - Out		16,474,468
Grand Total	**19,398,423**	**37,241,257**



Funding Source

Community and Economic Development

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	7,255,089	7,008,082
1120 - Grants - PLHA Program	3,515	
1130 - Grants - CDBG Direct Program	955,965	1,296,665
1133 - HUD Administration	1,785,089	1,583,286
1155 - Grants - RLF Program Income	-	
1170 - Grants - HOME Program	128,194	
1180 - Grants - Emergency Shelter Program	28,644	54,440
1185 - Community System of Care (CSoC)	-	
1300 - Capital Improvement Support	2,615,835	2,735,799
1410 - Measure L - Road Tax Fund		16,474,468
1810 - Agricultural Mitigation	16,183	13,055
1850 - Disability Access and Education Fund	14,000	2,350
1910 - RDA Successor Agency Administration Fund	33,138	175,991
2903 - RDA Successor Agency Debt Service Fund	2,483	1,657,870
3200 - Village One CFD Fund	895,528	819,274
3210 - Kiernan Business Park West CFD Fund	64,750	71,047
3212 - Kiernan Business Park East CFD Fund	56,330	66,651
3215 - The Vintage CFD Fund	71,468	66,639
3216 - Woodglen 2018-1 CFD Fund	68,100	61,269
3220 - Infrastructure Financing Program Administration	1,186,555	1,187,979
3235 - North Beyer #2 CFD Fund	105,197	90,303
3240 - Fairview Village CFD Fund	217,157	201,170
3245 - Fairview Village CFD - 2014 Debt Service Refunding	335,444	326,444
3246 - Fairview Village #2 CFD Fund		25,000
3250 - North Beyer Park CFD	4,756	6,511
3260 - Enterprise Park 1998 CFD Fund	22,989	12,981
3265 - NorthPointe CFD Fund	46,873	33,377
3270 - Carver/Bangs Pelandale/Snyder CFD Fund	129,326	110,393
3275 - Coffee/Claratina CFD Fund	215,228	177,379
3290 - Village One #2 CFD Fund	974,821	876,760
3294 - Village One #2 CFD 2014 Debt Fund	2,020,264	1,969,261
3480 - Capital Facility Fees Administration Fund	145,503	136,813
4600 - Golf Fund	-	
4605 - Golf Kemper Fund	-	
4700 - Community Center Operations Fund	-	
Grand Total	**19,398,423**	**37,241,257**


FY23-24 Proposed Budget
0100 - General Fund
1120 - Grants - PLHA Program
1130 - Grants - CDBG Direct Program
1133 - HUD Administration
1155 - Grants - RLF Program Income
1170 - Grants - HOME Program
1180 - Grants - Emergency Shelter Program
1185 - Community System of Care (CSoC)
1300 - Capital Improvement Support
1410 - Measure L - Road Tax Fund
1810 - Agricultural Mitigation
1850 - Disability Access and Education Fund
1910 - RDA Successor Agency Administration Fund
2903 - RDA Successor Agency Debt Service Fund
3200 - Village One CFD Fund
3210 - Kiernan Business Park West CFD Fund
3212 - Kiernan Business Park East CFD Fund

CITY AUDITOR

Mission Statement:

The City Auditor's mission is to help the City to reduce risks, strengthen controls, and improve performance by conducting a variety of types of audits and touching all facets of the City, as well as administering the City's Ethics Hotline. The Auditor also helps the City to achieve improvements by providing support for policy development, process improvement, and training.

Department Programs:

The City Auditor is appointed by Council and reports directly to the Audit Committee. Based on input from the Mayor, Council, and City Manager's Office, the City Auditor develops an annual internal audit work plan that is submitted to the Audit Committee and Council for consideration and approval. Regular updates of the status of the internal audit work plan are provided periodically throughout the year to the Audit Committee and Council.

Department Accomplishments for FY 2022-23:

- The City Auditor Position was vacant during FY 2022-23

Goals & Objectives – FY 2023-24:

Goal 1 – Consistent with internal audit best practices, perform a variety of audit activities that touch various components of the City, including both internal controls testing (e.g., AR, payroll, IT controls, procurement) and performance audits (e.g., permitting, golf, emergency medical services, internal service).

Goal 2 – Given the City's initiative to enhance financial performance, conduct audits that address third-party contracts and especially those that involve the collection of revenue on the City's behalf (e.g., parking, golf, ambulance).

Goal 3 – Facilitate the development of priority financial policies.

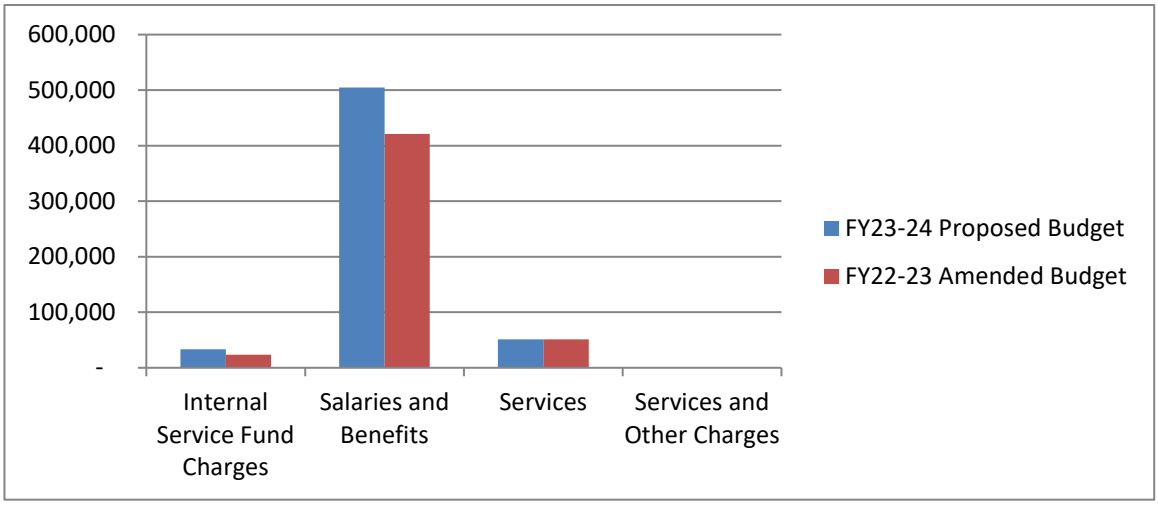
Goal 4 – Increase transparency with Council, community and staff related to the City's budget and financial management processes.

Goal 5 – Perform other audits that support projects defined in the 100-day plan (e.g., assess opportunities for consolidating city and county services, fleet utilization study, and accounts receivable review).

Expense By Category

City Auditor's Office

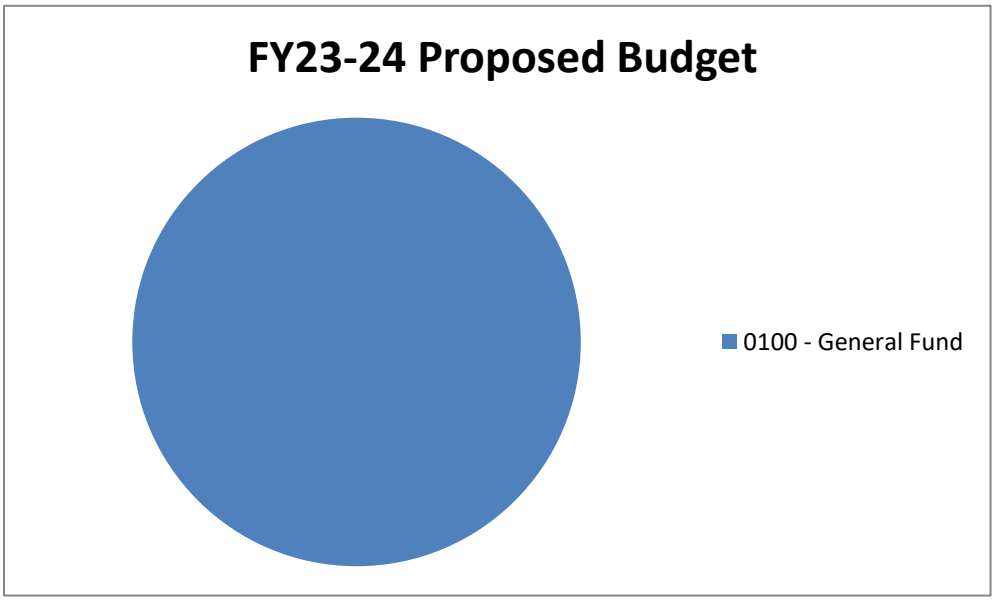
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	33,525	23,679
Salaries and Benefits	504,563	420,910
Services	50,985	50,985
Services and Other Charges	-	
Grand Total	**589,073**	**495,574**



Funding Source

City Auditor's Office

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	589,073	495,574
Grand Total	**589,073**	**495,574**



INFORMATION TECHNOLOGY

Mission Statement:

The Information Technology Department strives to build and empower a smart, digital city providing innovative technology solutions that support City Departments and the Public.

Department Programs:

The following is a summary of each IT division used to achieve the Department strategic goals:

Administration: Responsible for financial oversight of the Information Technology Department. This division prepares the annual Budget, ensures compliance with City procurement policies, prepares purchase requisitions, Request For Proposals (RFPs), Request For Bids (RFBs), and all procurement activities for the Department. This division also provides program oversight for all IT projects and joint projects with other City departments or neighboring agencies.

Business Applications Division: Responsible for the implementation, maintenance, and support of business software applications utilized by all City departments. Some of the major applications supported include the Financial System, Payroll, Human Resources, Budget, GIS, Utility Billing and Customer Service, Agenda Management, Public Safety, Parks Reservations, Work Order Management, and GoModesto Smart App.

Network / Datacenter Division: Responsible for the technical infrastructure allowing digital delivery and execution of critical systems within the City. This includes implementation, maintenance, and support of the City's data communications network, Internet, telephone systems, servers, data backups, and email system. The IT Helpdesk is also operated within this division as is the SCADA (Supervisory Control And Acquisition) team.

Cybersecurity Division: Responsible for implementing and monitoring a multilayer technology threat/breach detection and protection system designed to keep the City's critical infrastructure, applications, and sensitive data safe from Threat Actors. This includes multiple enhanced cybersecurity tools/applications, comprehensive patching of systems, ongoing end-user cybersecurity education, and network segmentation. This division also handles the City's website to ensure it is protected from tampering.

Department Accomplishments in FY 2022-23:

- Won the Municipal Information Systems Association of California (MISAC) Excellence in Technology Practices Award
- Was named one of the Top 10 Digital Cities in the USA
- Won the Smart 50 Award (one of the top 50 innovative projects in the USA) for our implementation of Wordly which is utilized during City Council meetings to produce real-time spoken word translations into 32 different languages

- Successfully recovered/restored systems after a ransomware attack in record time (and did not pay the Threat Actor)
- Successfully implemented a “Zoom Room” where Committee meetings are held in-person and broadcast online so residents can interact from home
- Re-established the Technology Steering Advisory Committee (TSAC) to help facilitate technology strategic alignment among all City departments
- Achieved consistent monthly 92%+ customer satisfaction rating for our Help Desk services
- Reorganized our Public Safety IT team to become more efficient and focused while supporting our Police and Fire departments

Goals & Objectives – FY 2023-24:

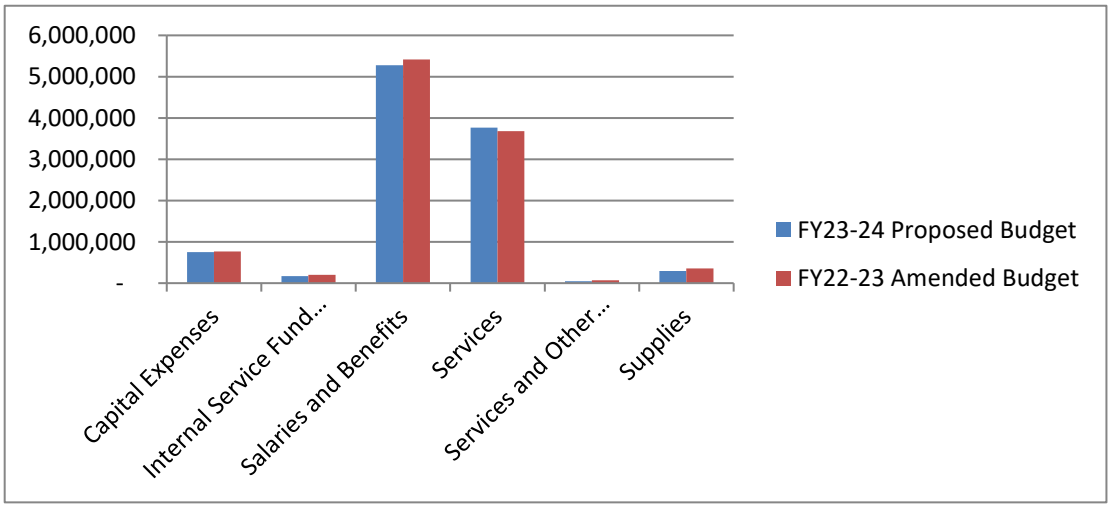
The FY 2023-24 Goals and Objectives for the Information Technology Department are:

1. Implement additional security protections, upgrades, and enhancements to guard against cybersecurity threats
    - Replace existing legacy cybersecurity tools with next generation tools
    - Add subsequent cybersecurity protections within multiple layers to improve detection and prevention of attempted breaches by Threat Actors
    - Implement a comprehensive end-user cybersecurity education program using industry standard KnowBe4
    - Enable automated patching of systems to ensure known vulnerabilities are always addressed expeditiously
2. Design and implement broadband and IT infrastructure improvements in support of our Smart Cities initiative
    - Become aggressive in replacing/upgrading legacy IT core infrastructure equipment
    - Systematically address or eliminate single points of failure associated with critical systems
    - Expand broadband reach, bandwidth, and redundancy
    - Implement network infrastructure health monitoring tools to assist proactive maintenance that solves issues before they become obvious
3. Configure and implement enhanced external and internal communication capabilities via digital telecom upgrade, website refresh, smart device application refresh, and more immersive virtual meeting experiences
    - Hosted telecom system replacement
    - External website redesign/refresh in process
    - Smart device/GoModesto application redesign/refresh in process
    - Additional expansion of Zoom Rooms and Virtual Receptionist Kiosks
    - Implement Closed Captioning for City Council meeting broadcasts
4. Maintain 90% IT service satisfaction rating in support of all City departments
    - Embrace concept of self-service Help Desk portal

Expense By Category

Information Technology

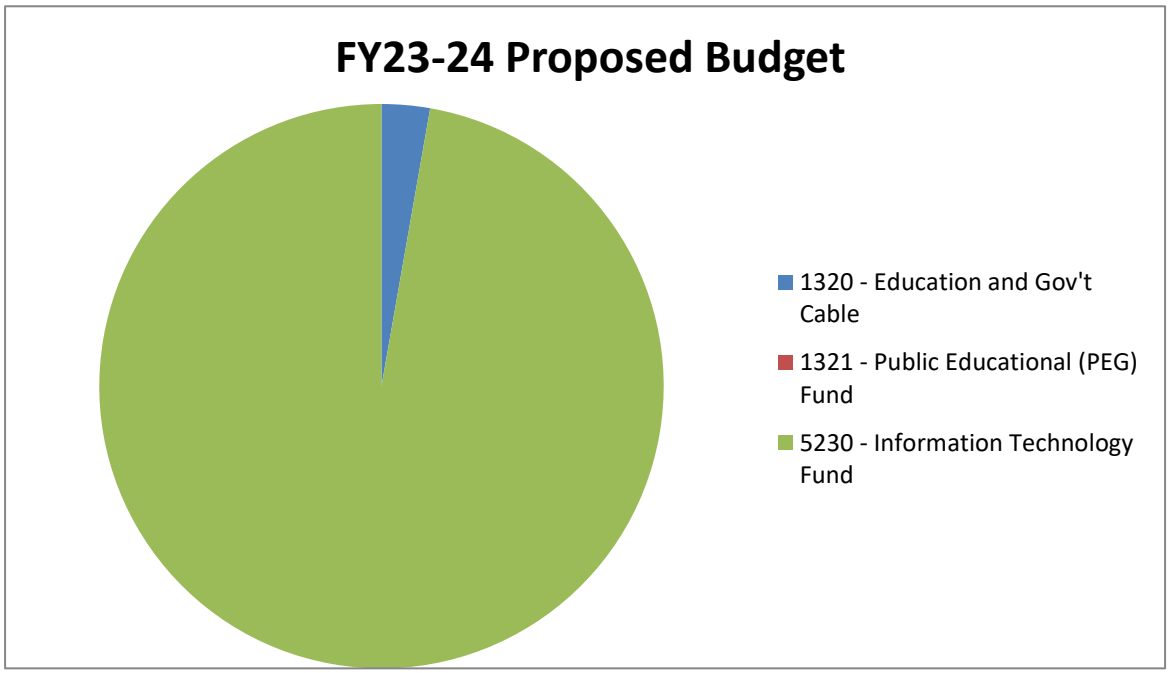
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	748,000	770,000
Internal Service Fund Charges	170,459	201,377
Salaries and Benefits	5,273,481	5,415,999
Services	3,765,683	3,682,426
Services and Other Charges	50,315	70,935
Supplies	292,000	355,750
Grand Total	**10,299,938**	**10,496,487**



Funding Source

Information Technology

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
1320 - Education and Gov't Cable	284,625	323,877
1321 - Public Educational (PEG) Fund	-	65,913
5230 - Information Technology Fund	10,015,313	10,106,697
Grand Total	**10,299,938**	**10,496,487**



FINANCE

Mission Statement:

The mission of the Finance Department is to provide efficient and effective fiduciary control of the City's assets and resources, to provide accurate and useful financial information to City organizations and the community we serve, and to promote sound strategies that will support the City's fiscal and operational goals while preserving the integrity of the organization.

Department Programs:

The following is a brief summary of each division area used to achieve the Department strategic goals:

Administration: Responsible for oversight of the Finance Department to ensure the City's compliance with the Modesto Municipal Code as well as all applicable laws, regulations, policies and procedures. Manages the City's debt portfolio to ensure compliance with various bond covenants and oversees the management of the City's investment portfolio.

Accounting Division: Responsible for managing the daily activities of the accounting staff (Payroll, Accounts Payable, Accounts Receivable, Cash Management, Fixed Assets and Grant Management) to accurately record the revenues, expenditures, deferred inflows, and deferred outflows, assets, and liabilities of the City and responsible for preparing annual financial statements and coordinating the City's annual financial audit.

Revenue Collection and Compliance Division: Responsible for billing, processing and collecting the majority of the City's revenues including Utility Billing, Business License, Parking Citations, Cannabis Tax, Transient Occupancy Tax and Cashiering. Operates the City's customer service lobby and main customer service lines. Ensure tax compliance through Code Enforcement and Collection efforts.

Purchasing Division: Coordinates the purchasing of goods and services for all departments and divisions within the City. Conducts various competitive procurement processes as required by the Modesto Municipal Code. Manages all contract compliance management and vendor relations. Responsible for all City central stores functions for managing an inventory control function.

Department Accomplishments for FY 2022-23:

- Provide the oversight on the fiscal and compliance requirements for the American Rescue Plan Act (ARPA) funding
- Begin the implementation of the new grant management solution to track, manage and monitor compliance of all City grants
- Begin the implementation of a debt management software to track and consolidate all City debt and lease obligations.
- Monitor the compliance and reporting requirements related to Senate Bill 1383

- Received for the first time the National Procurement Institute - Achievement of Excellence in Procurement Award for the City's overall procurement program
- Continue as a Direct Pay partner and with providing outreach to inform the utility customers about the Low-Income Household Water Assistance Program with the State of California for assistance for our low-income utility customers
- Continue to improve the procurement procedures through technology solutions, internal audit review and monthly training
- Successfully implement the new Government Accounting Standards Board (GASB) 87 – for the financial reporting for certain lease assets and liabilities for City leases
- Implemented a new Lease Agreements Policy to ensure the requirements under GASB 87 - Leases and GASB 96- Subscription Based IT Arrangements are met.

Goals & Objectives – FY 2023-24:

The FY 2023-24 Goals and Objectives for the Finance Department are:

Goal 1 - Provide effective stewardship of City resources

- Continue ongoing efforts with our financial advisors to manage an effective debt management portfolio
- Work with our investment advisors to develop the best strategy to gain the best rate of return on the City's investment portfolio with low risk
- With voters approving Measure H, efforts will be made to ensure the appropriate tracking and auditing of these funds
- Establish financing strategy to address the funding needs for the City's deferred maintenance
- Work with City tax consultants to continue to perform various audits and compliance on our tax revenues such as the Cannabis Taxes
- Coordinate with City departments to implement the Parking enforcement strategy and update all administrative policies related to this change
- Monitor, track, and comply with the funding requirements from the funding received from the American Rescue Plan Act and other federal funding related to the Coronavirus

Goal 2 - Enhance operation efficiency through technology

- Identify and implement a comprehensive grant management tracking tool to research for grants and track all grant compliance requirements
- Collect and prepare data to begin the evaluation process of a new Utility Billing and collection software
- Evaluate changing the frequency of businesses reporting their taxes from quarterly to annually

- Evaluate the best option to transition to Electronic Bidding for all City formal bids and proposals
- Collaborate with all City departments to implement the Action Goals defined in the City's Smart Cities Strategy
- Collaborate with Information Technology Department on the implementation of the implementation of new Oracle analytics reporting tool
- Provide recommendations to replace outdated technology systems which service the public

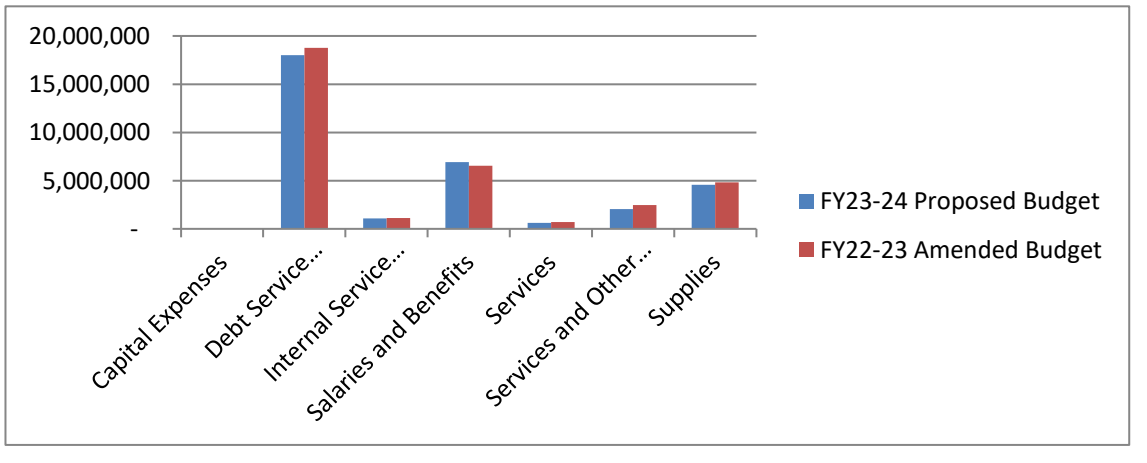
Goal 3 - Maintain a strong internal control and low risk environment

- Coordinate with the Human Resources to participate in the City-wide Training and Development training opportunities for all City employees to focus on the Intro to all City fiscal systems
- Continue to evaluate City-wide Fiscal policy and procedures
- Attain Government Finance Officers Association (GFOA) award for the Certificate of Achievement of Financial Reporting for the City's FY 21-22 Annual Report
- Attain National Procurement Institute (NPI) award for the Achievement of Excellence in Procurement Award for the 2023 application
- Support the transition of Measure G and to establishing the two public committee members for the City's Audit Committee

Expense By Category

Finance Department

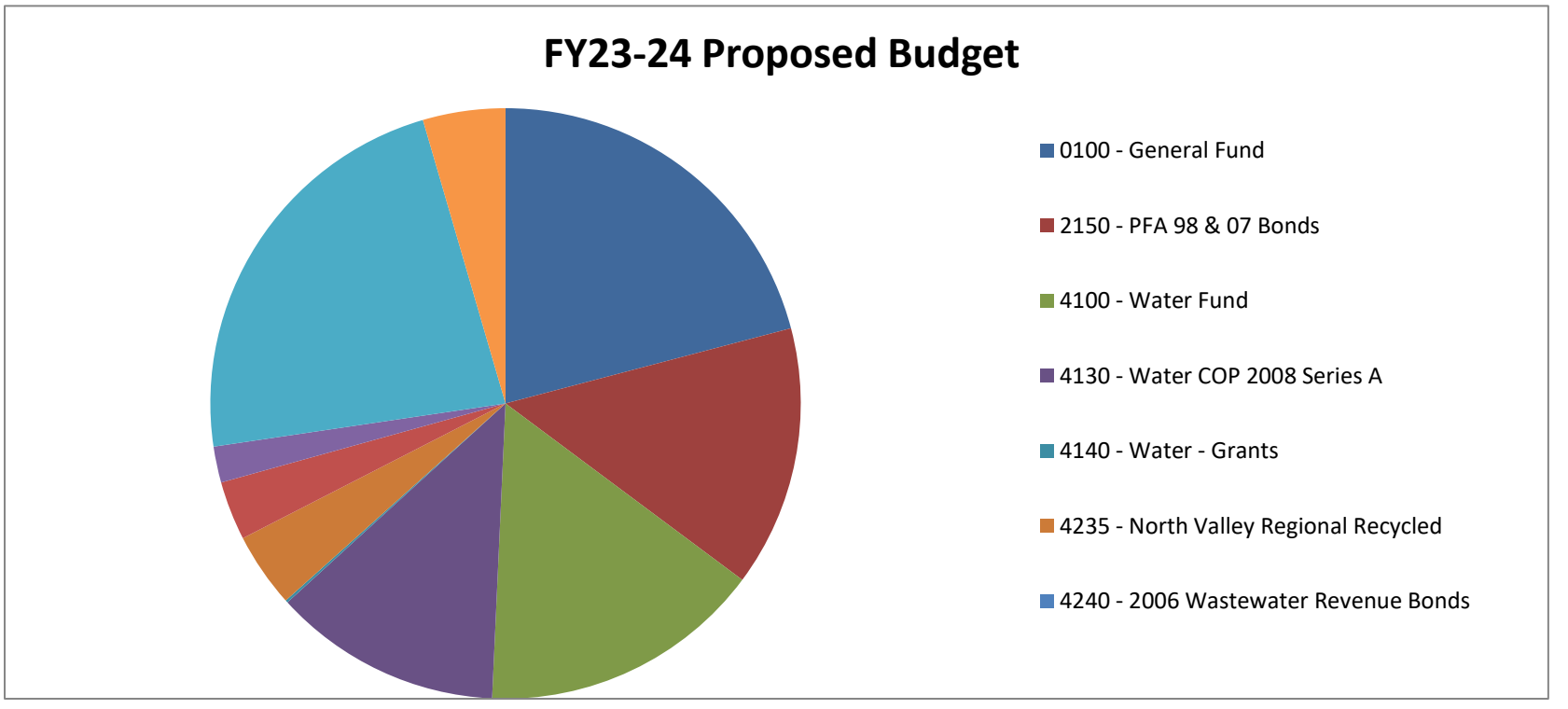
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	-	
Debt Service Expenses	18,013,975	18,785,350
Internal Service Fund Charges	1,087,902	1,123,425
Salaries and Benefits	6,934,042	6,559,357
Services	624,635	696,419
Services and Other Charges	2,043,374	2,457,683
Supplies	4,547,862	4,832,029
Grand Total	**33,251,790**	**34,454,263**



Funding Source

Finance Department

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	5,925,824	6,092,836
2150 - PFA 98 & 07 Bonds	4,051,730	4,308,200
4100 - Water Fund	4,405,122	4,360,957
4130 - Water COP 2008 Series A	3,546,482	2,164,623
4140 - Water - Grants	38,237	46,723
4235 - North Valley Regional Recycled	1,159,617	1,158,373
4240 - 2006 Wastewater Revenue Bonds	-	
4241 - 2015 Wastewater Placement	915,177	2,796,223
4245 - SRF Teritary Treatment Funding	-	
4271 - Wastewater Revenue 2018A	560,042	563,623
4272 - Wastewater Revenue Refunding Bonds Series 2020A (Federally T	6,470,442	6,474,423
4273 - Wastewater Revenue Refunding Bonds Series 2020B(Tax-Exempt)	1,280,942	1,281,723
5100 - Central Services Fund	-	
5110 - Inventory Purchases Fund	4,898,175	5,206,559
Grand Total	**33,251,790**	**34,454,263**



Human Resources

Mission Statement:

The mission of the Human Resources Department is to recruit, develop, and retain a diverse, well- qualified, healthy, professional and productive workforce that reflects the high standards of the community we serve, and to lead City Departments in positive employee relations, talent management, succession planning, and employee engagement.

Department Programs:

Human Resources Administration:

- Recruitment and selection, accepting and screening applications, testing candidates and placing eligible lists, referring eligible lists to departments for all classifications resulting in job offers
- Maintain personnel records, employee files, processes related to reviews and pay increases, and processing retirements, new hires, promotions, and other actions
- Compensation Program Management includes negotiating labor contracts for 5 bargaining units
- Manage Organizational Development, New Employee Orientation, and various Liebert Cassidy Whitmore Consortium Trainings
- Maintain strong employee relations through grievance management, investigations, negotiating labor contracts, respond/resolve issues and questions from employee unions, Equal Employment Opportunity and Diversity and Inclusion

Employee Benefits:

- Employee Benefits Administration
- Annual Open Enrollment Process
- Employee Wellness Program
- Oversight and administration of various leave usage
- Retirement Administration

Risk Management:

- General liability services including claim administration, small claims court appearances, when necessary, property insurance management, and insurance placement
- Workers' compensation and disability management oversight
- Early Return to Work program coordination
- Employee Health and Safety Program including the Illness Prevention Program, coordinate the City-wide safety committee, provide employee ergonomic evaluations
- Property insurance program administration including claim submission and recovery

Department Accomplishments for FY 2022-23:

- Implemented comprehensive Diversity, Equity, and Inclusion Program
- Launched CALM for business
- Renegotiated contracts with four unions
- Continued implementation of Professional Development Class series
- Continued Leadership and Supervisory Academy
- Redesigned new employee orientation
- Implemented diverse recruitment processes and tools
- Reduced time between offer and hire
- Implemented paperless open enrollment
- Launched multiple teambuilding workshops
- Increased staffing levels by 55%
- Decreased need for personnel investigations by 90% through proactive training
- Adopted Council Policy to address pension unfunded accrued liability
- Increased Safety Training hours by 84%
- Decreased open Worker's Compensation claims by 10%
- Increased closed Worker's Compensation claims by 8%

Goals & Objectives – FY 2023-24:

Goal 1 – Organizational Training and Development services

- Continue Succession Plan Implementation
- Enhance Mentorship Program
- Implement Performance Management Enhancements
- Enhance Professional Development opportunities

Goal 2 – Talent Attraction and Retention

- Continue inclusive hiring practices and barrier removal
- Organizational branding
- 30/60/90-day feedback check ins
- Continue Management training

Goal 3 – Health and Wellness

- Partner with insurance brokerage firm to implement proactive measures to control future benefit and cost changes
- Continue to expand the health and wellness program
- Increase City partnerships that enhance employee wellness and reduce claims
- Implement Comprehensive Leave Administration Guidelines
- Continue to add value with low cost/no cost employee benefits

Goal 4 – Employee Relations and Inclusion

- Continue implementation of the Diversity & Inclusion Program

- Continue implementation of the 5-year Equal Employment Opportunity Plan
- Continue implementation of the Language Access Plan
- Continue to enhance Just-in-time training offerings
- Strategic alignment with organizational strategic goals through goal setting

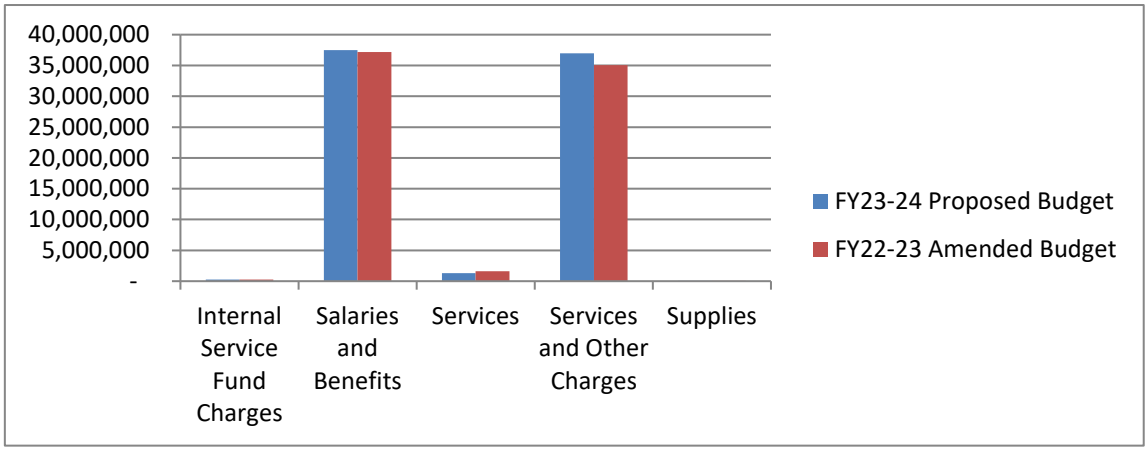
Goal 5 – Risk Management and Financial Accountability

- Implement best practices to control costs in Worker's Compensation and General Liability
- Funding plan and policy for Worker's Compensation and General Liability reserves
- Continue to enhance the Safety Program
- Create and implement a comprehensive Return-to-Work Program
- Comprehensive mitigation plan for PERS Unfunded Accrued Liability (UAL)

Expense By Category

Human Resources

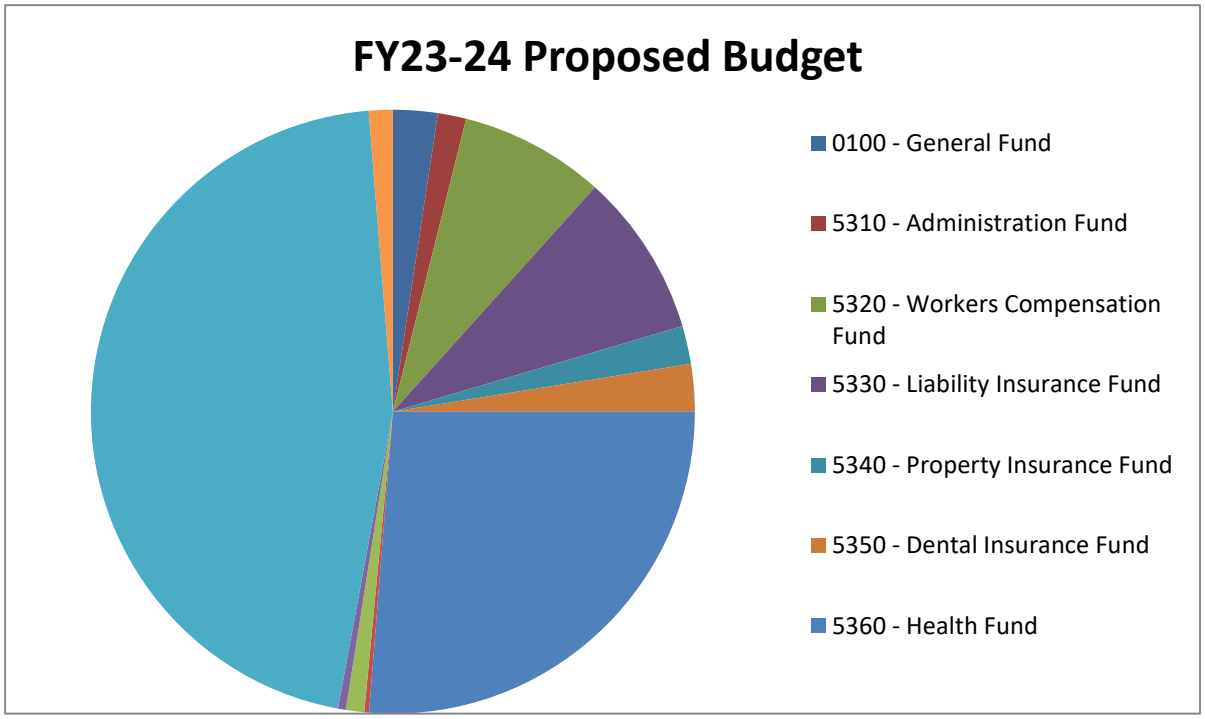
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	277,155	286,501
Salaries and Benefits	37,486,318	37,195,390
Services	1,290,418	1,616,218
Services and Other Charges	36,986,893	35,031,310
Supplies	40,661	37,858
Grand Total	**76,081,445**	**74,167,277**



Funding Source

Human Resources

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	1,815,045	1,803,029
5310 - Administration Fund	1,153,928	1,156,107
5320 - Workers Compensation Fund	5,907,816	6,051,392
5330 - Liability Insurance Fund	6,662,571	6,219,972
5340 - Property Insurance Fund	1,551,700	1,436,100
5350 - Dental Insurance Fund	1,933,732	1,841,650
5360 - Health Fund	19,974,547	18,705,983
5370 - Disability Fund	194,250	185,000
5380 - Other Employee Fund	744,758	909,452
5390 - Vision Fund	320,373	305,116
5510 - Employee Benf Mnmt Fund	34,849,259	34,587,369
5520 - Employee Benf Admin Fund	973,465	966,107
Grand Total	**76,081,445**	**74,167,277**



CITY COUNCIL OF MODESTO

Mission Statement:

The City Council enacts City ordinances, establishes policy for administrative staff, and approves and oversees the budget of the City. The Councilmembers serve on the following Council-level committees and are appointed to each committee by the Mayor: Great Safe Neighborhoods, Effective Government, Healthy Economy, Audit and Appointments. In addition, the Council directly oversees the City's three Charter Officers: City Auditor, City Attorney, City Clerk and City Manager.

Department Programs:

Governs the City and enacts City ordinances, establishes policy for administrative staff, and approves and oversees the budget of the City. The Council also appoints the City Auditor, City Attorney, City Clerk, and City Manager.

Department Accomplishments for FY 2022-23:

- Approved the FY 2022-23 Operating and Capital Budgets
- Made important public policy decisions
- Provided leadership and direction on the County-wide Transportation Sales Tax Measure L and City of Modesto Measure H Sales Tax

Goals & Objectives – FY 2023-24:

Goal 1 – Adopt the 2023-2024 Operating and Capital Budgets

Goal 2 – Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and its underlying issues.

Goal 3 – Strengthen neighborhood development, and connect City, community and culture.

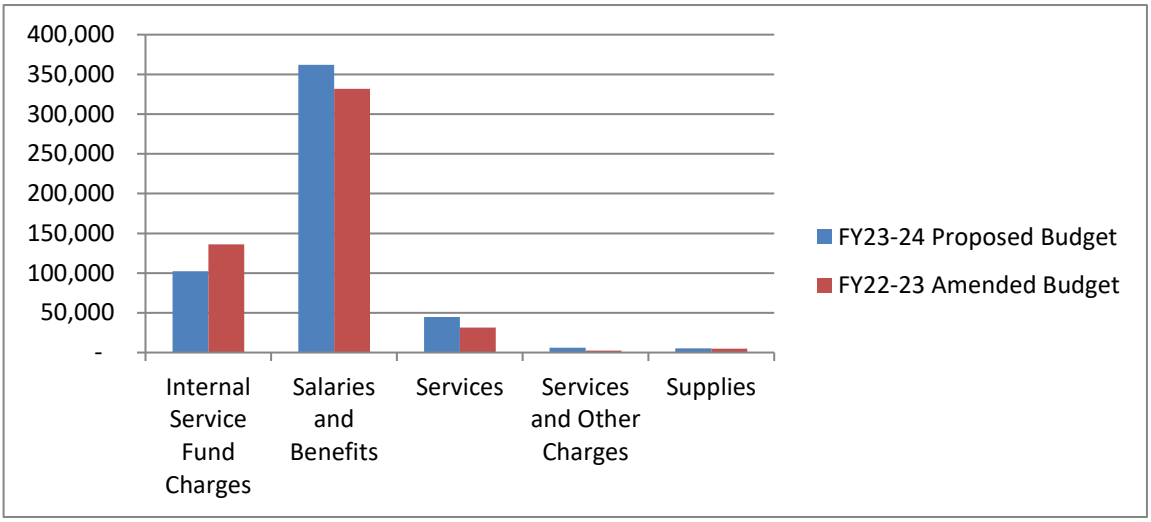
Goal 4 – Increase transparency with Council, community and staff related to the City's budget and financial management processes.

Goal 5 – Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City

Expense By Category

City Council

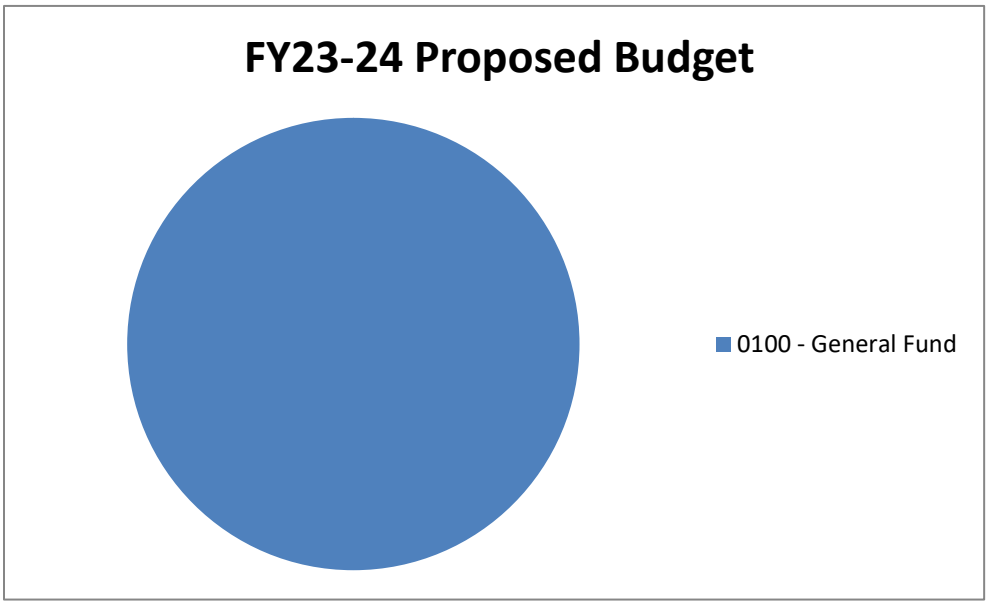
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	102,309	136,235
Salaries and Benefits	362,030	331,757
Services	44,830	31,300
Services and Other Charges	6,000	2,500
Supplies	5,200	4,800
Grand Total	**520,369**	**506,592**



Funding Source

City Council

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	520,369	506,592
Grand Total	**520,369**	**506,592**



CITY MANAGER'S OFFICE

Mission Statement:

The City Manager's Office is established under the City Charter. Specifically, the City Manager's Office executes Council direction; provides strategic leadership and implements policy; provides oversight to all City departments; develops and recommends alternatives to address current and future community needs; ensures the City's financial integrity; provides information on City government to residents;ensures that City services are provided equitably and cost-effectively; and provides oversight for the development of the City budget. The City Manager's Office also ensures that information is effectively communicated to the public, City staff, elected officials, the media and residents.

Department Programs:

In addition to the City Manager's Office responsibilities listed above, the following is performed by this office:

- Public Information Officer oversees City-wide communications, including Community and Media Relations, the City's website, social media platforms, mobile application interfaces, and collaboration with departmental leadership and public information officers.
- The Budget Division manages the preparation of the annual operating and capital improvement budgets and monitors the various funds and their funding sources throughout the fiscal year to ensure they continue to remain fiscally solvent in respect to their budgeted and actual expenditures. The Budget Division relies on many tools to carry out this responsibility which includes city-wide coordination and collaboration of budget priorities, funding strategies and various other duties.
- Develop, implement and manage the City's Strategic Plan.
- Act as a liaison with other state and local governmental agencies, which includes representing the City at a variety of meetings and other functions. This also includes activities that carry out Council direction with respect to critical areas of concern, including water resources, transportation needs, and preservation of local control.

Department Accomplishments for FY 2022-23:

- With the approval of the American Rescue Plan Act (ARPA) making available approximately $45.89 million to the City of Modesto, the City implemented the Modesto Forward strategy that included engaging the Council and public to identify key investment priorities for the first tranche of ARPA funds made available in 2020 to benefit the community and organization.
- Phase one of the Parking Master Plan and infrastructure implementation initiative has been completed. Working with a consultant, City staff identified deficiencies within the city's parking system and staff will now prepare an implementation plan to include a near-term (implementation in two to three years) and long-term (implementation in 5 or more years) recommendations based on the gaps and deficiencies in the existing parking system that consider the implementation of technology, and process/management improvements that can enrich the customer experience.
- The Blight Abatement Advisory Committee (BAAC) was created, as a major step toward achieving the strategic initiatives to improve beautification efforts and the overall quality of life in the city – one of the three pillars of the Strategic Plan. This committee serves the entire city.

and its core focus is to reduce illegal dumping, tagging, litter, illegal encampments, abandoned shopping carts and much more. Further, the Committee promotes public-private partnerships with the community to ensure a long-lasting blight abatement program; such as the recent clean-up of the Briggsmore Corridor. The BAAC has recently chosen a slogan to support the program which will be presented to the City Council for consideration in June.

- Legislative priorities aimed at bringing awareness to the policy issues that affect the City of Modesto related to homelessness, mental health, water infrastructure, transportation and County island infrastructure were adopted. This work requires continued engagement with the Governor's Office, various agencies, and legislators at the state and federal level regarding the impact that legislation may have on the City of Modesto in an effort to divert or mitigate the impact to the City and its residents. Through this advocacy work with support from Senator Susan Eggman, the City received $5 million for support with County island infrastructure. The City Manager's Office has increased communication with lobbyists and legislators by adding a Public Relations and Legislative Affairs Manager to the department.
- The City Manager's Office supported the Charter Review Committee in developing recommendations to the City Council in four key areas including: Timing of the Mayor's Election, City Auditor role, Audit Committee, City Manager's Office, and other miscellaneous sections. The recommendations to the Council were reviewed in a workshop to determine the items that will be directed to the ballot in 2022.
- To assist in the efforts of future financial planning, a 10-Year Financial Forecast was created. This forecast tool allows for various components to be adjusted to allow for estimations on possible impacts from choices that are made by the City Council. This tool will be useful as the City moves forward in implementing components of the 5-year Strategic Plan.
- As a result of the COVID-19 pandemic, public meetings continue to be held in a hybrid virtual and in-person environment. The City adopted a virtual meeting format that allows the public and Council/Committee members to attend meetings and participate in public comments via Zoom.

Goals & Objectives – FY 2023-24:

The FY 2023-24 Goals and Objectives for the City Manager's Office are:

Quality of Life

- Improve Community Safety
    - Engage staff and local organizations in public safety efforts
    - Make Modesto safer for pedestrians and cyclists
- Invest in Beautification Efforts
    - Evaluate the City's property maintenance and nuisance abatement codes as well as the code compliance process
    - Establish and implement a comprehensive citywide recycling and compost plan
    - Review and update the Tuolumne River Regional Park Master Plan
- Develop Homelessness and Housing Plan
    - Conduct a housing market analysis and implement a comprehensive housing strategy to position the City to leverage alternative revenue sources (i.e., other government grants, loans, private and nonprofit funds)
- Ensure Safe, Efficient and Reliable Infrastructure
    - Reconsideration of Measure A & M
    - Develop a Muni Park Master Plan
    - Install Railroad Quiet Zones

Economic Vitality

- Drive the Success of Vibrant and Economically Sustainable Business Climate
    - Update the General Plan consistent with the City's vision
- Build and Promote a recognizable and desirable identity for the City of Modesto
    - Engage and train the community to serve as ambassadors of Modesto's "brand"
    - Engage stakeholders and develop a comprehensive community marketing strategy
- Make Downtown a Regional Destination
    - Create a downtown economic development strategy (including infill housing, mixed-use development, business retention and attraction, and placemaking)
    - Turn Cooks Market into a Mixed-Use

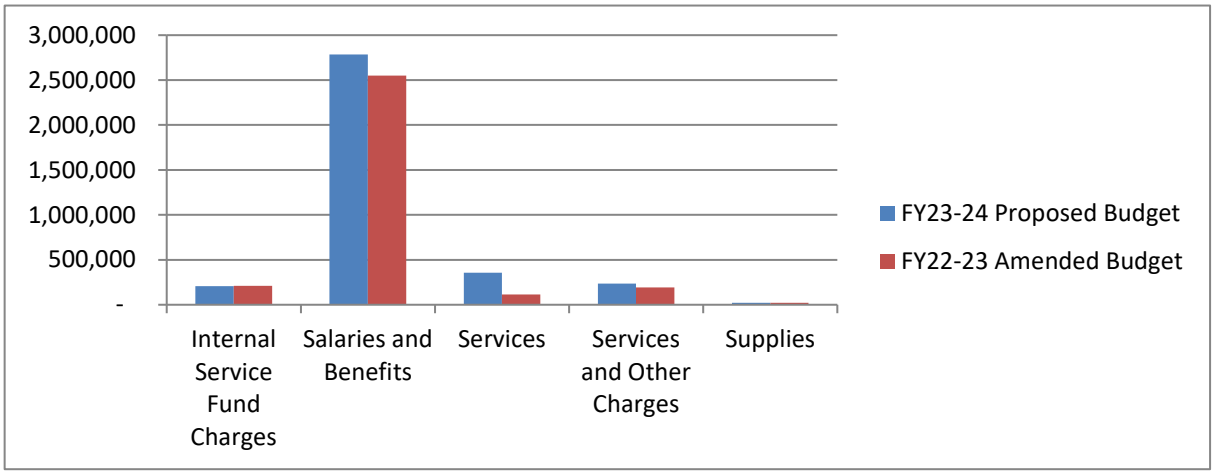
Organizational Excellence

- Achieve Long-term Financial Sustainability
    - Pursue new and alternative revenue sources
    - Address the City's pension liability and healthcare costs in alignment with long-term financial goals
- Promote Trust and Engagement
    - Develop and implement a broad community engagement plan to enhance public dialogue and trust
    - Develop a multi-lingual communications plan
- Build a High-Performance Organization
    - Develop an innovation and efficiency plan that utilizes private sector best practices
    - Additional support for Council*
    - Streamline the current appointment process for City citizen committees

Expense By Category

City Manager's Office

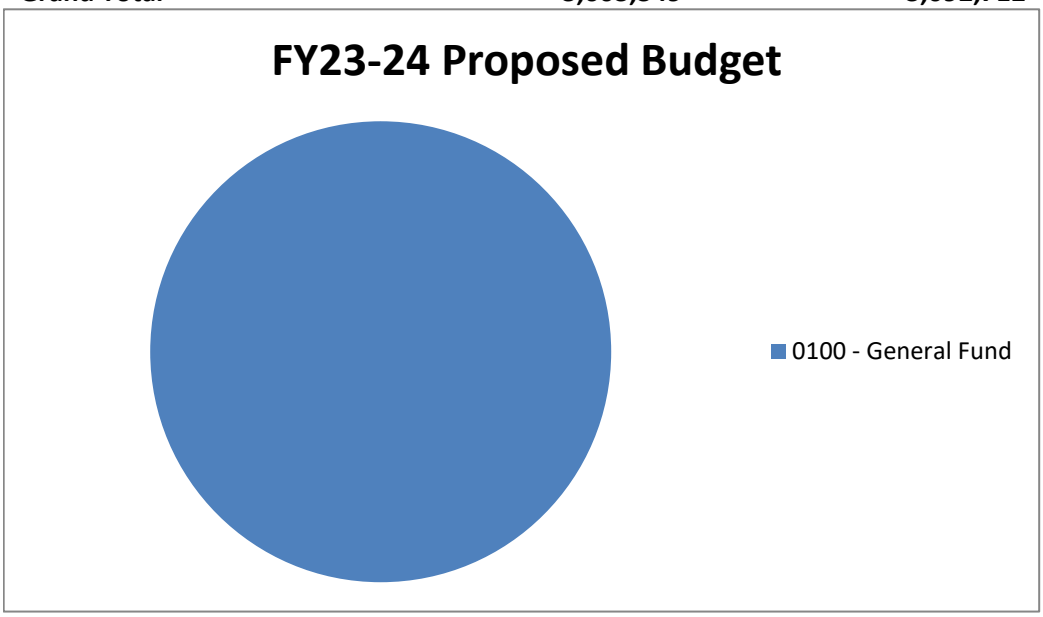
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	207,638	209,900
Salaries and Benefits	2,784,971	2,550,902
Services	355,690	115,940
Services and Other Charges	234,720	193,120
Supplies	20,330	22,850
Grand Total	**3,603,349**	**3,092,712**



Funding Source

City Manager's Office

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	3,603,349	3,092,712
Grand Total	**3,603,349**	**3,092,712**



CITY ATTORNEY'S OFFICE

Mission Statement:

The City Attorney's Office aims to provide outstanding legal services to the City of Modesto. The City Attorney's Office implements the City Council and Mayor's direction and supports the efforts of Staff by providing advice on transactional matters, litigation, and prosecutorial legal services.

Department Programs:

- General Legal Services
- Personnel
- Specialty Advice including, but not limited to, land use, environmental, eminent domain, real estate, and First Amendment
- Litigation
- Community Prosecution

Department Accomplishments for FY 2022-23:

- Assisted in placement of Charter Amendment on Ballot
- Assisted in placement of Sales Tax Measure on Ballot
- Assisted the City with the Forward Together initiative and implementation of recommendations from Committee
- Continued to manage litigation for the City
- Prosecuted 444 violations of the Modesto Municipal Code
- Assisted in 57 Administrative Hearings related to Municipal Code violations

Department Goals & Objectives – FY 2023-24:

Goal 1 – To ensure the City is in compliance with laws and uses legally acceptable means to accomplish the City's overall goals, policies, and objectives

- Collaborate with City Manager's Office and Department Directors to continue to improve the legal processes of the City.
- Review and ensure timely approval of agendas for meetings of the City's Brown Act legislative bodies.
- Provide training for Staff, City Officers, and City Council.
- Assist Staff with the development of agendas, ordinances, contracts, and other legal documents.

- Continue to assist with community prosecution and quality of life related matters, such as illegal dumping, graffiti abatement, blight, and nuisance conditions.

Priority 2 – Effectively manage limited resources

- One of the City Attorney's Office's critical objectives is to efficiently manage resources to meet the daily operational needs of the City in a cost-effective and timely manner while maintaining the capacity to respond to the City's changing legal needs.

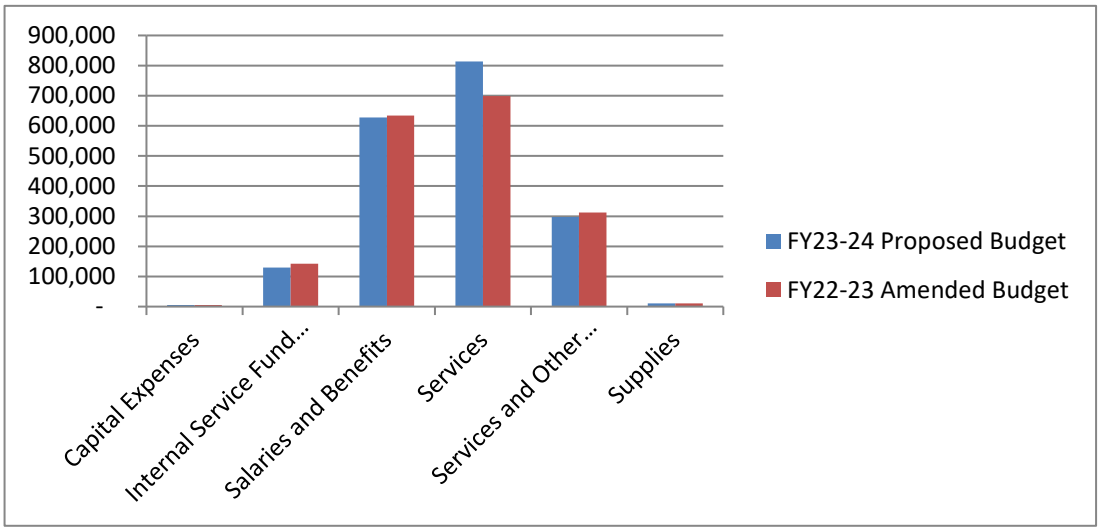
Priority 3 – Enhance communication and collaboration

- The City Attorney's Office is committed to serving the City and communicating with the public in a manner that is transparent and straightforward. The City Attorney's Office strives to explain the law in a way that the public understands both the applicable rules and also the legal reasons for the City's decisions. The City Attorney's Office collaborates with other agencies, local businesses, and citizens to fully explore innovative legal alternatives that could benefit all involved.

Expense By Category

City Attorney's Office

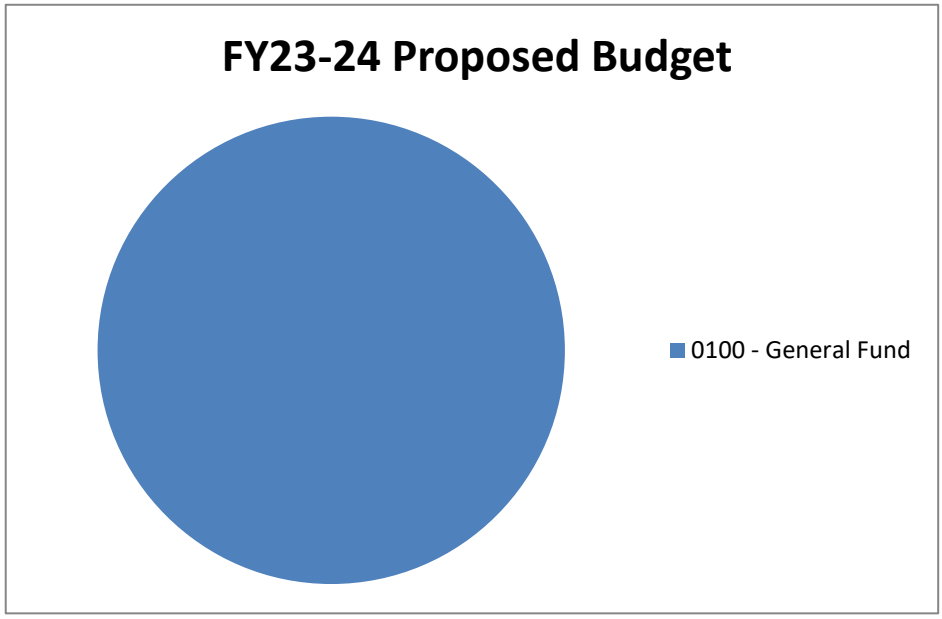
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	5,500	5,500
Internal Service Fund Charges	129,124	142,089
Salaries and Benefits	627,485	634,124
Services	814,118	698,563
Services and Other Charges	297,705	312,690
Supplies	10,600	10,600
Grand Total	**1,884,532**	**1,803,566**



Funding Source

City Attorney's Office

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	1,884,532	1,803,566
Grand Total	**1,884,532**	**1,803,566**



CITY CLERK'S OFFICE

Mission Statement

The City Clerk's Office is established under the City Charter. We are committed to accurately recording and preserving the actions of the City Council; safeguarding vital historic and permanent records of the City; providing information and support to the City Council, City staff, and the public in a timely, courteous and fiscally responsible manner; and administering open and free elections in accordance with statutory requirements. We serve the public and City staff in an efficient, courteous, and professional manner, while performing the functions and duties of the Office in accordance with State, County and Municipal laws.

Department Programs:

Clerks Office:

- Public Records Act Requests (mandated by Govt. Code Section 6250 - 6276.48) Administers the Political Reform Act (mandated by Political Reform Act of 1974)
- Prepares and distributes Council and Standing Committee Agendas, Records, Indexes and Maintains a Record of all Council proceedings (mandated by City Charter Article IX Section 901)
- Attend and record Minutes for all Council meetings; prepare, distribute and post Standing Committee minutes (mandated by Chapter 3 of Title 2, Section 2-3.302 of the MMC)
- Maintain and Update City Charter and the Modesto Municipal Code (mandated by City Charter Article IX Section 901 and Chapter 1 of Title 1, Section 1-1.08 of the MMC)
- Audit Fiscal Transactions (accounts payable, e-payables, payroll, and employee wage attachments) (mandated by Chapter 3 of Title 2, Section 2-3.302 of the MMC)
- Responsible for Records Management and Preservation. Provide access to Records on City of Modesto Website

Elections Division:

- Serves as the Elections Officer for City Council and Modesto City School Board Elections (mandated by Elections Code and City Charter Article IX Section 901)

Mail Services Division:

- Provide Mail Services throughout the City departments including sorting, metering and delivering mail.

Department Accomplishments for 2022-23

- Provided legislative support to the Mayor, City Council and their constituents.
- Effectively administered the 2022 Municipal Election and Modesto City School Board Election and Ballot Measures by conducting election research, preparing timelines, calendars, and candidate handbooks in compliance with the Elections Code, Government Code, and City Charter.
- Processed approximately 728 Public Records Requests through NextRequest (Public Records Act request system) in the 2022 Calendar Year.
- Scanned and indexed records into a document management system so that records are available online for transparency and reduce staff time research time. Documents have been scanned dating back to 1911.
- Processed Contracts and Agreements through DocuSign to assist with making sure that they are signed and transmitted expeditiously.
- Provided legislative support to the Mayor, City Council, and their constituents. One important way of accomplishing this is by emphasizing access to information as it relates to the legislative process by preparing and distributing agenda packets in compliance with the Brown Act.

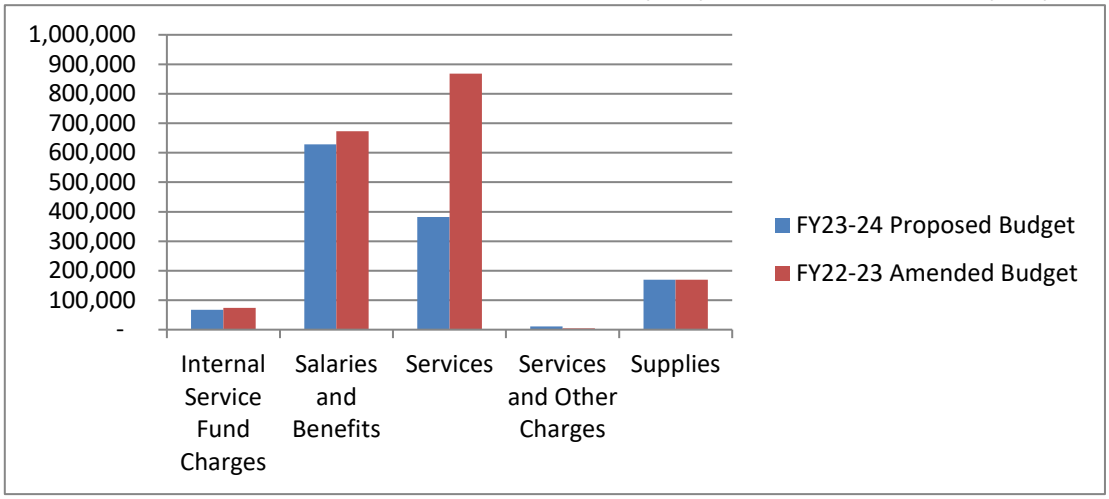
Department Goals & Objectives – FY 2023-24:

- Continue providing excellent and efficient services to the Mayor, Council, Staff, and the Public.
- Administer the 2024 Elections for the City of Modesto Mayor, the City of Modesto City Council Districts 1, 3 and 6, and the Modesto City School Board
- Continue to process Public Records Requests in accordance with the Public Records Act in a timely and efficient manner.
- Process Annual FPPC Form 700's for staff and boards/commissions, approximately 421 filings.
- Conduct the FPPC biennially review of the City's conflict of interest code
- OnBase (Agenda Management System) - assist staff and training
- Agenda Reports – assist staff and training
- Document Management Program – update annually
- Scanning records for historical reference and publish on the City's website
- Digitization of all micro-filmed documents to provide greater ease of accessibility of historical and public documents and provide more transparency to the public.
- Provide Technological Training and Support to staff on use of Zoom Room – Rm 2001.

Expense By Category

City Clerk's Office

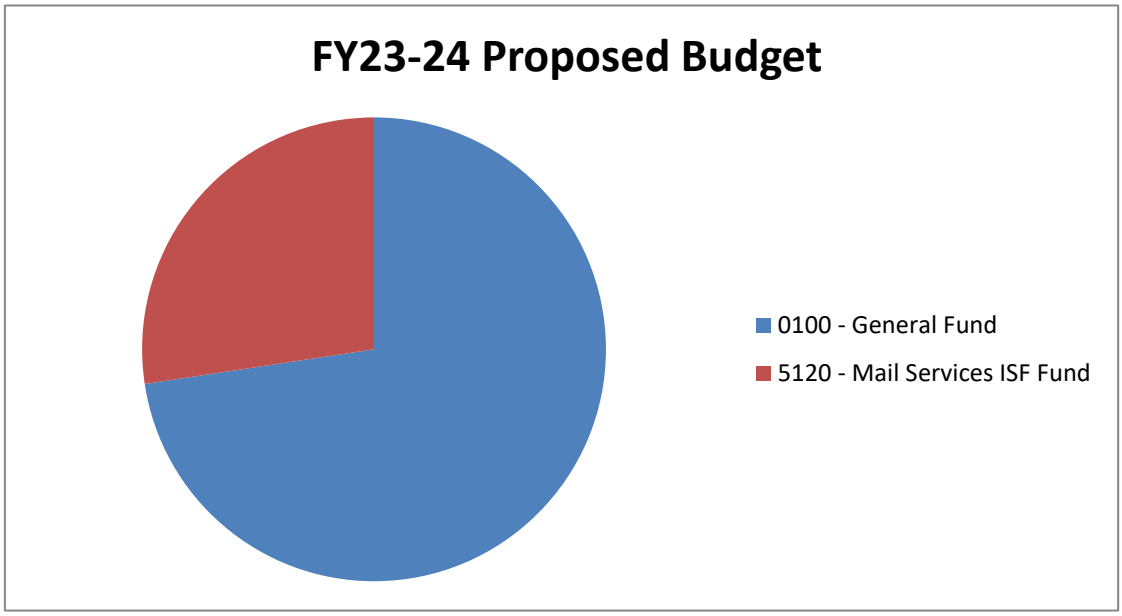
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	67,512	74,386
Salaries and Benefits	628,110	672,893
Services	382,200	867,900
Services and Other Charges	10,740	4,512
Supplies	169,850	169,000
Grand Total	**1,258,412**	**1,788,691**



Funding Source

City Clerk's Office

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	913,711	1,447,511
5120 - Mail Services ISF Fund	344,702	341,180
Grand Total	**1,258,412**	**1,788,691**

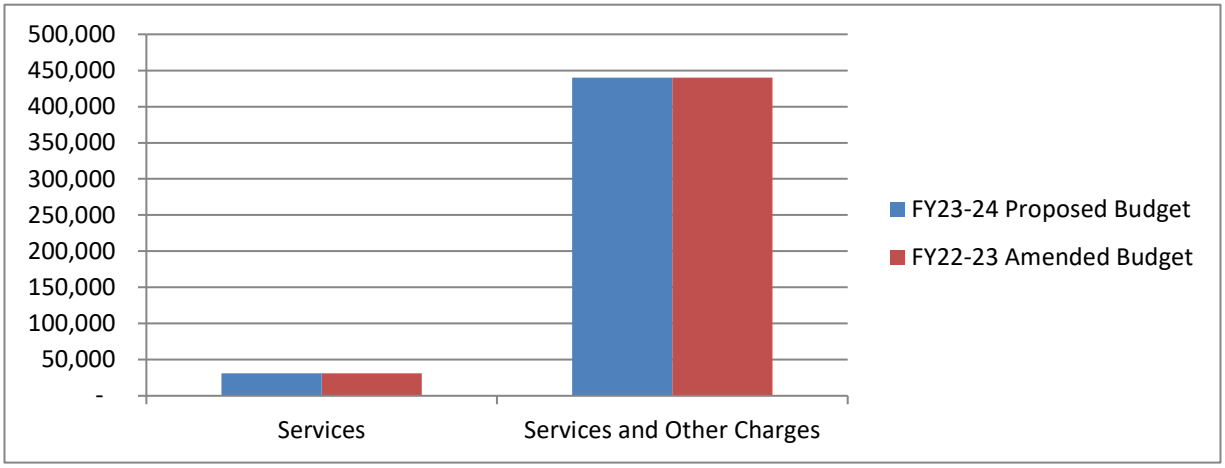


General Revenue

Expense By Category

General Revenue Department

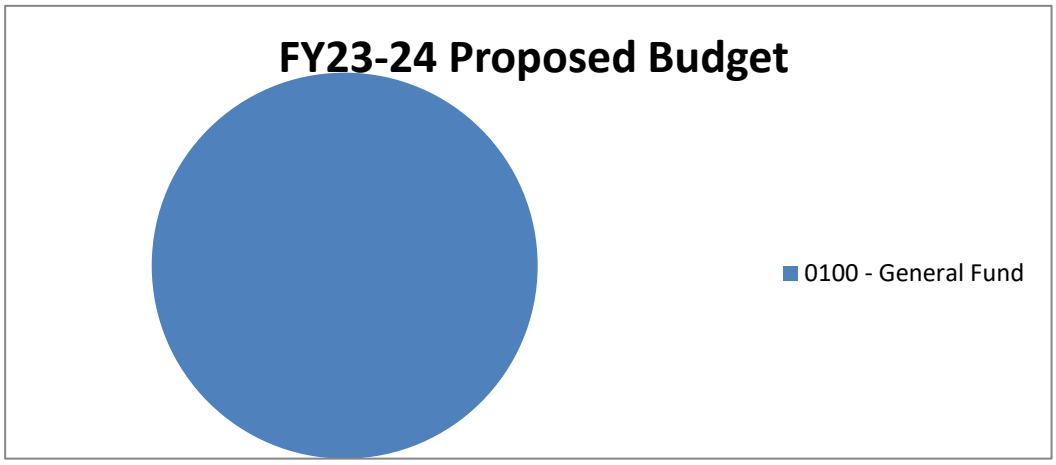
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Services	31,300	31,300
Services and Other Charges	440,000	440,000
Grand Total	**471,300**	**471,300**



Funding Source

General Revenue Department

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
0100 - General Fund	471,300	471,300
Grand Total	**471,300**	**471,300**

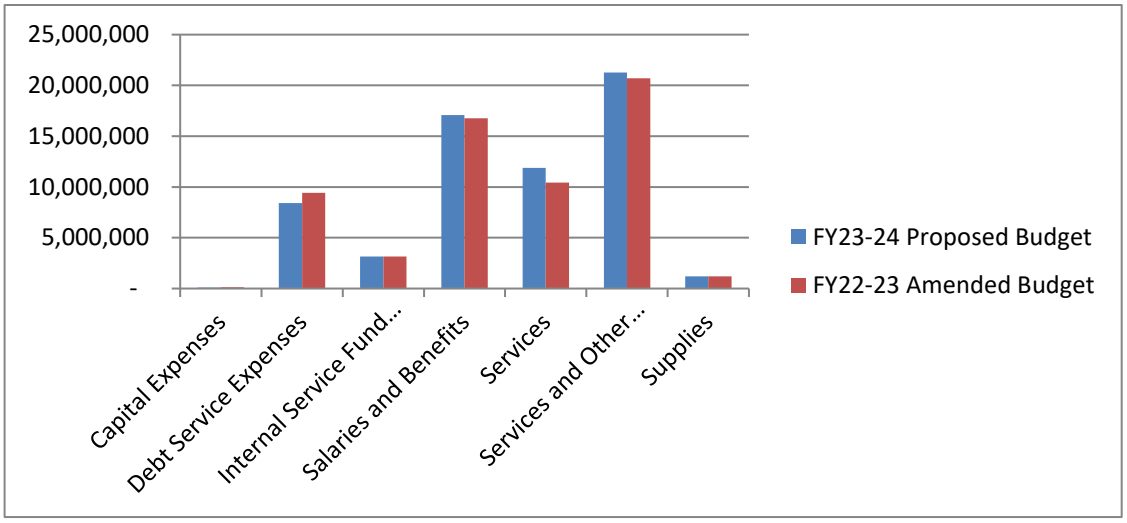


Major Enterprise Funds by Expense Category

Expense By Category

Water Operating Fund

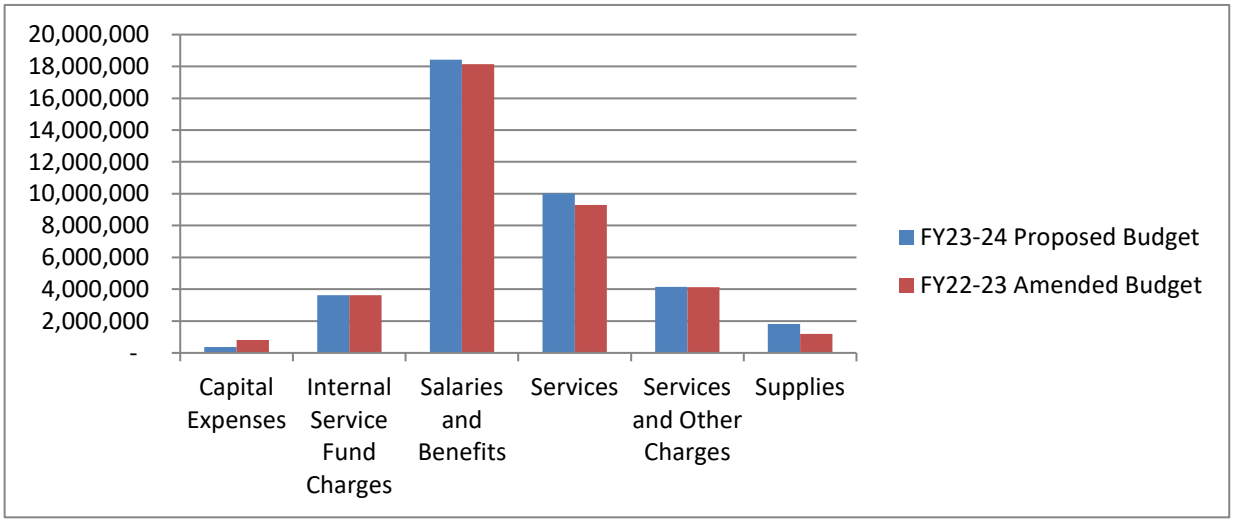
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	100,900	140,000
Debt Service Expenses	8,400,700	9,413,241
Internal Service Fund Charges	3,160,371	3,144,813
Salaries and Benefits	17,086,168	16,765,740
Services	11,887,160	10,427,728
Services and Other Charges	21,262,665	20,699,676
Supplies	1,194,445	1,199,439
Grand Total	**63,092,409**	**61,790,637**



Expense By Category

Wastewater Operating Fund

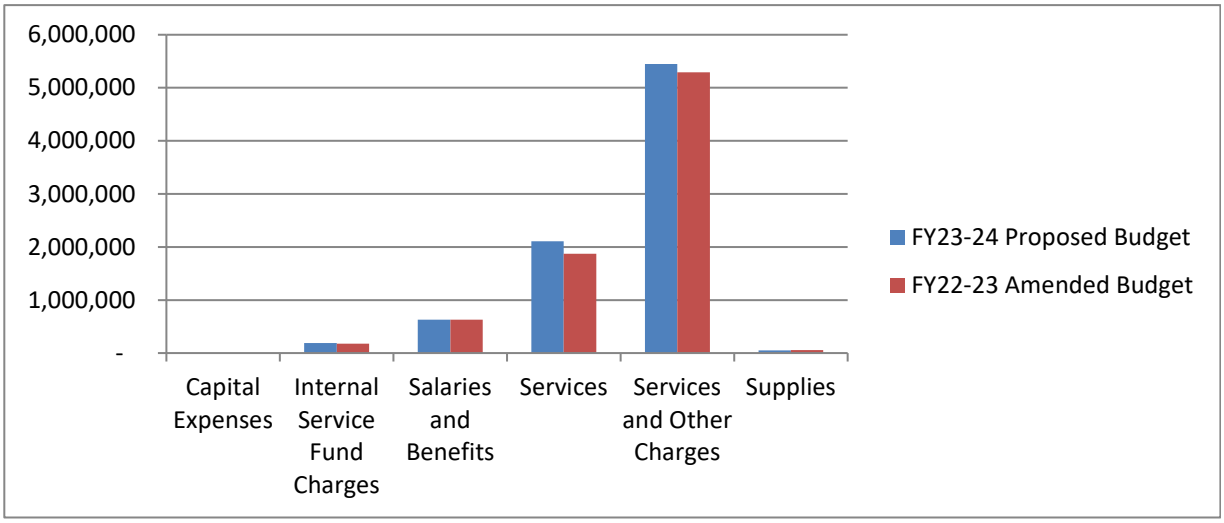
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	362,800	802,500
Internal Service Fund Charges	3,631,489	3,625,943
Salaries and Benefits	18,424,164	18,136,014
Services	10,013,203	9,304,526
Services and Other Charges	4,146,654	4,122,439
Supplies	1,822,247	1,191,753
Grand Total	**38,400,557**	**37,183,175**



Expense By Category

Storm Drain Operating Fund

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	-	
Internal Service Fund Charges	187,413	175,137
Salaries and Benefits	630,336	627,465
Services	2,106,406	1,872,119
Services and Other Charges	5,451,103	5,294,144
Supplies	47,830	57,530
Grand Total	**8,423,088**	**8,026,395**



Non-Capital Projects Budget

Fiscal Year 2023-24 Non-Capital Projects

Fund/Project	Expense Budget	Expense Commitment	Expense Actual	Expense Budget Available	Expense Budget FY23-24 Change	Revenue Budget	Revenue Actual	Revenue Budget Available	Revenue Budget FY23-24 Change
0100 - General Fund-0100									
100607 - Lift Spending Controls Project	$ 1,928,570	$ -	$ -	$ 1,928,570					
0100 - General Fund-0100 Total	**$ 1,928,570**	**$ -**	**$ -**	**$ 1,928,570**					
0180 - Fire Department Unrestricted Non-Capital Projects-0180									
100960 - AMR / General EMS	$ 1,325,952	$ 91,361	$ 1,209,956	$ 24,635	$ 300,000	$ 1,325,952	$ 1,597,872	$ (271,920)	$ 300,000
100975 - 2015 AFG - Paramedic School	$ -	$ -	$ -	$ -					
100976 - 2015 SAFER - E11 Staffing	$ -	$ -	$ -	$ -					
101234 - Fire Station 5 Remodel	$ 218,260	$ -	$ 218,259	$ 1		$ 218,260	$ 207,080	$ 11,180	
0180 - Fire Department Unrestricted Non-Capital Projects-0180 Total	**$ 1,544,212**	**$ 91,361**	**$ 1,428,215**	**$ 24,636**	**$ 300,000**	**$ 1,544,212**	**$ 1,804,952**	**$ (260,740)**	**$ 300,000**
1101 - Grants - ARRA CDBG NSP2 Program-1101									
100243 - CDBG NSP2	$ 31,914,635	$ -	$ 31,252,660	$ 661,975		$ 28,468,842	$ 32,863,893	$ (4,395,051)	
100598 - NSP3	$ 2,967,949	$ -	$ 2,955,103	$ 12,846		$ 2,967,949	$ 3,022,071	$ (54,122)	
1101 - Grants - ARRA CDBG NSP2 Program-1101 Total	**$ 34,882,584**	**$ -**	**$ 34,207,763**	**$ 674,821**		**$ 31,436,791**	**$ 35,885,964**	**$ (4,449,173)**	
1120 - Grants - PLHA Progam-1120									
101347 - PLHA 2020-21	$ 693,369	$ -	$ 21,409	$ 671,960		$ 693,369	$ -	$ 693,369	
101377 - PLHA 2021-22	$ 1,233,667	$ -	$ -	$ 1,233,667		$ 983,667	$ -	$ 983,667	
101386 - PLHA 2022-23	$ -	$ -	$ -	$ -					
101411 - 1208 9th St CHS Youth Housing	$ 4,523,353	$ -	$ 3,601,797	$ 921,556		$ 6,497,510	$ 5,627,510	$ 870,000	
101412 - James St Homekey 2.0 & PLHA	$ 1,974,157	$ -	$ 1,890,201	$ 83,956					
1120 - Grants - PLHA Progam-1120 Total	**$ 8,424,546**	**$ -**	**$ 5,513,407**	**$ 2,911,139**		**$ 8,174,546**	**$ 5,627,510**	**$ 2,547,036**	
1130 - Grants - CDBG Direct Program - CFDA No 14.218-1130									
101256 - Small Business Assistance Prgm	$ 579,602	$ -	$ 512,968	$ 66,634		$ 580,074	$ 511,301	$ 68,773	
101257 - CDBG-CV CARES Act Funding	$ 1,806,192	$ -	$ 1,411,383	$ 394,809		$ 1,805,697	$ 1,070,103	$ 735,594	
101446 - CDBG - ARPA DST 2022-25	$ 170,000	$ -	$ 6,305	$ 163,695		$ 20,000	$ -	$ 20,000	
101451 - EDI CAMP2HOME	$ 500,000	$ -	$ 1,084	$ 498,916		$ 500,000	$ -	$ 500,000	
1130 - Grants - CDBG Direct Program - CFDA No 14.218-1130 Total	**$ 3,055,794**	**$ -**	**$ 1,931,740**	**$ 1,124,054**		**$ 2,905,771**	**$ 1,581,404**	**$ 1,324,367**	
1150 - Grants - RLF Housing Loan Program-1150									
101309 - RLF FY 2021-22 Rehab Loans	$ 500,000	$ -	$ 269,573	$ 230,427		$ 250,000	$ -	$ 250,000	
101388 - RLF FY 2022-23 Rehab Loans	$ 500,000	$ -	$ 86,868	$ 413,132					
101469 - RLF FY 2023-24 Rehab Loans	$ -	$ -	$ -	$ -	$ 500,000				
1150 - Grants - RLF Housing Loan Program-1150 Total	**$ 1,000,000**	**$ -**	**$ 356,441**	**$ 643,559**	**$ 500,000**	**$ 250,000**	**$ -**	**$ 250,000**	
1170 - Grants - HOME Investment Partnership Prgm - 14.239 - City of Modesto-1170									
100918 - 522 Granger Housing (STANCO)	$ 671,996	$ -	$ 612,180	$ 59,816		$ 671,996	$ 612,180	$ 59,816	
100921 - HOME Program Income	$ 1,664	$ -	$ 996	$ 668		$ 30,918	$ 476,772	$ (445,854)	
101150 - 416 E Coolidge Ave 1322	$ 880,000	$ -	$ 823,604	$ 56,396		$ -	$ 821,510	$ (821,510)	
101184 - Archway Commons Phase II	$ 1,515,000	$ -	$ 1,511,169	$ 3,831		$ 1,510,000	$ 1,510,713	$ (713)	
101185 - Vine Street	$ 895,000	$ -	$ 61,736	$ 833,264		$ 550,000	$ -	$ 550,000	
101343 - HOME FY 2021-22 Allocation	$ 965,605	$ -	$ 193,448	$ 772,157		$ 965,605	$ 168,129	$ 797,476	
101387 - HOME FY 2022-23 Allocation	$ 1,013,807	$ -	$ 183	$ 1,013,624		$ 1,013,807	$ -	$ 1,013,807	
101414 - HOME ARP Funding	$ 3,409,774	$ -	$ 18,581	$ 3,391,193		$ 3,409,774	$ -	$ 3,409,774	
101471 - HOME FY 2023-24 Allocation	$ -	$ -	$ -	$ -	$ 1,013,807				$ 1,013,807
1170 - Grants - HOME Investment Partnership Prgm - 14.239 - City of Modesto-1170 Total	**$ 9,352,846**	**$ -**	**$ 3,221,899**	**$ 6,130,947**	**$ 1,013,807**	**$ 8,152,100**	**$ 3,589,304**	**$ 4,562,796**	**$ 1,013,807**
1180 - Grants - Emergency Shelter Program - CFDA No.14.231-1180									
101258 - ESG-CV CARES Act Funding	$ 3,928,373	$ -	$ 3,824,228	$ 104,145		$ 3,928,372	$ 3,792,593	$ 135,779	
101409 - ESG FY 2022-23 Allocation	$ 175,030	$ -	$ 45,047	$ 129,983		$ 175,030	$ 14,552	$ 160,478	
101410 - ESG FY 2021-22 Allocation	$ 116,871	$ -	$ 109,706	$ 7,165		$ 116,961	$ 103,385	$ 13,576	
101460 - ESG-CV CARES Act Reallocation	$ -	$ -	$ -	$ -					
101470 - ESG FY 2023-24 Allocation	$ -	$ -	$ -	$ -	$ 158,817				$ 158,817
1180 - Grants - Emergency Shelter Program - CFDA No.14.231-1180 Total	**$ 4,220,274**	**$ -**	**$ 3,978,981**	**$ 241,293**	**$ 158,817**	**$ 4,220,363**	**$ 3,910,530**	**$ 309,833**	**$ 158,817**
1340 - Grants - Operation Block Grants-1340									
100150 - 2002 COPS More Grant	$ 153,388	$ -	$ 146,842	$ 6,546		$ 153,388	$ 89,826	$ 63,562	
101328 - Go-Biz Cannabis Equity	$ 89,050	$ -	$ 87,835	$ 1,215		$ 14,050	$ 75,316	$ (61,266)	
1340 - Grants - Operation Block Grants-1340 Total	**$ 242,438**	**$ -**	**$ 234,677**	**$ 7,761**		**$ 167,438**	**$ 165,142**	**$ 2,296**	
1341 - Grants - Operation Grants Reimbursed-1341									
100168 - PSN Gang Reduction Grant	$ 56,650	$ -	$ 56,398	$ 252		$ 123,000	$ 54,522	$ 68,478	
100173 - Cal-Grip	$ 763,813	$ -	$ 376,714	$ 387,099		$ 766,846	$ 341,910	$ 424,936	
100177 - Buckle Up Stanislaus Grants	$ 139,761	$ -	$ 98,737	$ 41,024		$ 139,761	$ 114,178	$ 25,583	
100864 - FEMA PPE ASSISTANCE GRANT	$ 93,503	$ -	$ 93,037	$ 466		$ 93,503	$ 94,464	$ (961)	
100879 - Modesto Fire Mini-grants	$ 37,844	$ -	$ 25,297	$ 12,547		$ 37,844	$ 46,237	$ (8,393)	
100991 - UOPP7	$ 57,809	$ -	$ 57,757	$ 52		$ 57,809	$ 57,757	$ 52	
101009 - 2017 Emergency Flood Aid	$ 2,791,970	$ -	$ 2,634,715	$ 157,255		$ 2,956,580	$ 2,279,819	$ 676,761	
101255 - UOPP10	$ 57,762	$ -	$ 58,660	$ (898)		$ 57,762	$ 58,661	$ (899)	
101266 - SB2 2019 Planning Grant	$ 593,000	$ 62,730	$ 347,137	$ 183,132		$ 413,000	$ 137,254	$ 275,746	
101270 - TEA27	$ 26,686	$ -	$ 14,916	$ 11,770		$ 26,686	$ 14,916	$ 11,770	
101275 - FEMA COVID-19	$ 42,422	$ -	$ 79,992	$ (37,570)		$ 42,422	$ 79,992	$ (37,570)	
101277 - Accessory Dwelling Units - SB2	$ 40,000	$ -	$ 260	$ 39,740		$ 40,000	$ -	$ 40,000	
101312 - PRN - NCAMP Vaccination Site	$ 25,000	$ -	$ 15,662	$ 9,338		$ -	$ 12,266	$ (12,266)	
101325 - UOPP11	$ 23,943	$ -	$ 24,018	$ (75)		$ 23,943	$ 24,036	$ (93)	
101327 - TCU18	$ 29,844	$ -	$ 29,751	$ 93		$ 29,844	$ 29,751	$ 93	
101341 - TEA28	$ 31,976	$ -	$ 15,737	$ 16,239		$ 31,976	$ 15,737	$ 16,239	
101352 - LEAP 2021 Planning Grant	$ 600,000	$ -	$ 174	$ 599,826		$ 600,000	$ -	$ 600,000	
101357 - CoM Rideshare Program	$ 156,299	$ -	$ 64,226	$ 92,073		$ 156,299	$ 92,109	$ 64,190	

Fiscal Year 2023-24 Non-Capital Projects

Fund/Project	Expense Budget	Expense Commitment	Expense Actual	Expense Budget Available	Expense Budget FY23-24 Change	Revenue Budget	Revenue Actual	Revenue Budget Available	Revenue Budget FY23-24 Change
101366 - Waste Tire Amnesty Grant - TA6	$ 24,975	$ 1,200	$ 18,055	$ 5,720		$ 24,975	$ -	$ 24,975	
101400 - UOPP12	$ 29,016	$ -	$ 8,205	$ 20,811		$ 29,016	$ 29,352	$ (336)	
101405 - City/County Payment Program	$ 54,352	$ 1,290	$ 25,350	$ 27,712		$ 54,352	$ 54,680	$ (328)	
101408 - SB 1383 Local Assistance Grant	$ 310,078	$ -	$ 29,866	$ 280,212		$ 310,078	$ 311,877	$ (1,799)	
101434 - TEA29	$ 34,989	$ -	$ 3,658	$ 31,331		$ 34,989	$ -	$ 34,989	
101440 - UFMP	$ 743,454	$ 3,029	$ 24,408	$ 716,018		$ 557,420	$ -	$ 557,420	
101443 - HD39	$ 50,000	$ 36,000	$ -	$ 14,000		$ 50,000	$ -	$ 50,000	
101449 - TCU19	$ 30,014	$ -	$ -	$ 30,014		$ 30,014	$ -	$ 30,014	
101461 - CalFire Grant - Wildland PPE	$ 39,800	$ -	$ -	$ 39,800		$ 39,800	$ -	$ 39,800	
1341 - Grants - Operation Grants Reimbursed-1341 Total	**$ 6,884,960**	**$ 104,248**	**$ 4,102,731**	**$ 2,677,981**		**$ 6,727,919**	**$ 3,849,518**	**$ 2,878,401**	
1342 - Grants - Police-1342									
100191 - Party Patrol 2008-09 Stan Cnty	$ 41,500	$ -	$ 26,598	$ 14,902		$ 41,500	$ 13,377	$ 28,123	
100192 - Party Patrol 2009-10 Stan Cnty	$ 27,000	$ -	$ 11,027	$ 15,973		$ 27,000	$ -	$ 27,000	
101010 - MPD Multi-Year Donation II	$ 29,853	$ 438	$ 28,381	$ 1,034		$ 29,853	$ 30,917	$ (1,064)	
101059 - 2017-18 SLESF	$ 980,083	$ 53	$ 902,840	$ 77,190		$ 980,083	$ 981,339	$ (1,256)	
101133 - OCDETF Operations I	$ 119,473	$ -	$ 218,781	$ (99,308)		$ 119,473	$ 214,730	$ (95,257)	
101139 - 2018-19 SLESF	$ 98,732	$ 108	$ 58,942	$ 39,682		$ 59,043	$ 59,063	$ (20)	
101217 - 2019-2020 SLESF	$ 514,331	$ 27,797	$ 218,604	$ 267,930		$ 514,331	$ 517,200	$ (2,869)	
101263 - 2020 BJAG COVID19 FUNDING	$ 468,128	$ 62,624	$ 408,503	$ (2,999)		$ 468,128	$ 406,399	$ 61,729	
101264 - 2019 BJAG Grant	$ 140,934	$ -	$ 140,934	$ -		$ 140,934	$ 140,934	$ -	
101284 - 2020-2021 SLESF	$ 530,077	$ -	$ -	$ 530,077		$ 530,077	$ 530,077	$ -	
101297 - 2020 BJAG Grant	$ 126,614	$ 7,464	$ 118,472	$ 679		$ 126,614	$ 118,472	$ 8,142	
101344 - 2021-2022 ABC Grant	$ 55,000	$ -	$ 21,271	$ 33,729		$ 55,000	$ 21,271	$ 33,729	
101354 - 2022 BHRS Party Patrol Grant	$ 20,000	$ -	$ 9,136	$ 10,864		$ 20,000	$ 9,111	$ 10,889	
101355 - 2021-22 SLESF	$ 313,341	$ -	$ -	$ 313,341		$ 313,341	$ 354,208	$ (40,867)	
101356 - 2021-2022 Raymus Grant	$ 31,000	$ 215	$ 30,785	$ -		$ 31,000	$ 31,000	$ -	
101360 - De-Escalation Training Grant	$ 198,366	$ -	$ 7,574	$ 190,792		$ 198,366	$ 7,574	$ 190,792	
101363 - 2021 BJAG Grant	$ 139,368	$ 20,174	$ 96,794	$ 22,400		$ 139,368	$ 96,294	$ 43,074	
101422 - 2022-2025 BSCC CALVIP GRANT	$ 2,729,809	$ -	$ 104,914	$ 2,624,895					
101424 - 2022-23 SLESF	$ -	$ -	$ -	$ -		$ -	$ 87,026	$ (87,026)	
101437 - 2022-2023 Raymus Grant	$ 17,000	$ 632	$ 14,629	$ 1,739		$ 17,000	$ 17,000	$ -	
101441 - 2023 OTS STEP Grant	$ 440,000	$ -	$ 92,524	$ 347,476		$ 440,000	$ -	$ 440,000	
101442 - 2023 OTS PED/BIKE Safety	$ 42,500	$ -	$ 7,718	$ 34,782		$ 42,500	$ -	$ 42,500	
101444 - 2023 BHRS Party Patrol Grant	$ 10,000	$ -	$ -	$ 10,000		$ 10,000	$ -	$ 10,000	
101463 - 2022 BJAG Grant	$ -	$ -	$ -	$ -					
1342 - Grants - Police-1342 Total	**$ 7,073,109**	**$ 119,505**	**$ 2,518,425**	**$ 4,435,179**		**$ 4,303,611**	**$ 3,635,992**	**$ 667,619**	
1380 - Non-Capital Parks Fund (Non-Grant)-1380									
100880 - Fund Dev/Special Projects	$ 439,778	$ -	$ 336,975	$ 102,803	$ 16,311	$ 449,778	$ 752,026	$ (302,248)	$ 16,311
100906 - Earth Day	$ 132,750	$ 2,483	$ 82,555	$ 47,712		$ 132,750	$ 87,353	$ 45,397	
100948 - Modesto Neighborhoods Inc.	$ -	$ -	$ -	$ -					
100983 - Parade of Lights	$ 44,500	$ 1,666	$ 45,304	$ (2,470)	$ 43,104	$ 44,500	$ 87,604	$ (43,104)	$ 43,104
101229 - 19th and H Street Fountain	$ 26,221	$ -	$ 26,221	$ 0		$ 26,221	$ -	$ 26,221	
101351 - Rec Facility Improvements	$ -	$ -	$ -	$ -		$ -	$ 2,154	$ (2,154)	
101369 - MPD Stanislaus Comm Found Fund	$ 11,939	$ -	$ -	$ 11,939		$ 11,939	$ -	$ 11,939	
101465 - MYC Improvements	$ -	$ -	$ -	$ -					
1380 - Non-Capital Parks Fund (Non-Grant)-1380 Total	**$ 655,188**	**$ 4,149**	**$ 491,054**	**$ 159,985**	**$ 59,415**	**$ 665,188**	**$ 929,137**	**$ (263,949)**	**$ 59,415**
1390 - American Rescue Grants Fund-1390									
101345 - CMO - ARPA 2021 Spending (1st)	$ 5,341,528	$ 1,262	$ 8,804,202	$ (3,463,936)		$ 3,831,528	$ 9,514,596	$ (5,683,068)	
101401 - CMO - ARPA 2021 Standard Allwc	$ -	$ -	$ -	$ -					
101406 - CED - ARPA 2021 EIFD Program	$ 200,000	$ -	$ 49,872	$ 150,128		$ 200,000	$ 49,872	$ 150,128	
101426 - Parks Deferred Main - Eligible	$ 488,905	$ -	$ 7,080	$ 481,825		$ 488,905	$ 1,079	$ 487,826	
101427 - Parks Deferred Main - Gen ARPA	$ 635,000	$ -	$ 93,902	$ 541,098		$ 635,000	$ 34,236	$ 600,764	
101435 - PW - ARPA Blight Cameras	$ 100,000	$ -	$ -	$ 100,000					
101436 - PW - ARPA 2021 Blgt Abtmt Prgm	$ 280,000	$ -	$ 123	$ 279,877		$ -	$ 123	$ (123)	
101438 - PW - ARPA 2022 Prkng Infrastct	$ 250,000	$ 56,297	$ 62,943	$ 130,760		$ -	$ 51,008	$ (51,008)	
101447 - ARPA Downtown Streets Team	$ 2,100,000	$ -	$ 106,734	$ 1,993,266		$ 2,100,000	$ 106,734	$ 1,993,266	
101457 - UTL - ARPA Civic Plus Update	$ 60,000	$ -	$ 23,063	$ 36,937		$ 60,000	$ 23,063	$ 36,937	
101459 - PW - ARPA LED Lighting	$ 250,000	$ -	$ 9,424	$ 240,576		$ 250,000	$ -	$ 250,000	
1390 - American Rescue Grants Fund-1390 Total	**$ 9,705,433**	**$ 57,559**	**$ 9,157,343**	**$ 490,531**		**$ 7,565,433**	**$ 9,780,711**	**$ (2,215,278)**	
1410 - Measure L - Road Tax Fund-1410									
101039 - Task Force for School Safety	$ 55,000	$ -	$ 53,436	$ 1,564		$ 10,000	$ 10,000	$ -	
101041 - Active Transportation Plan	$ 300,000	$ 911	$ 263,729	$ 35,361					
101141 - Downtown Master Plan	$ 210,450	$ -	$ 210,000	$ 450		$ 102,000	$ 97,047	$ 4,953	
101172 - School Safety Program Study	$ 250,000	$ 97,285	$ 153,236	$ (521)					
101178 - Neighborhood Traffic Calming	$ 1,150,000	$ -	$ 125,511	$ 1,024,489	$ 400,000				
101245 - 2020 Pvmnt Condition Survey	$ 300,000	$ -	$ 189,180	$ 110,820					
101316 - Adaptive Traffic Software	$ 700,000	$ -	$ -	$ 700,000					
101394 - All-Way Stop Beacons	$ 50,000	$ 45,379	$ -	$ 4,621					
101395 - Traffic Safety Analysis	$ 195,000	$ 20,000	$ 20,000	$ 155,000					
1410 - Measure L - Road Tax Fund-1410 Total	**$ 3,210,450**	**$ 163,574**	**$ 1,015,091**	**$ 2,031,785**	**$ 400,000**	**$ 112,000**	**$ 107,047**	**$ 4,953**	
1520 - LTF - Non-Motorized Fund-1520									
100692 - Bike Lane Striping	$ 125,000	$ -	$ 64,543	$ 60,457					

Fiscal Year 2023-24 Non-Capital Projects

Fund/Project	Expense Budget	Expense Commitment	Expense Actual	Expense Budget Available	Expense Budget FY23-24 Change	Revenue Budget	Revenue Actual	Revenue Budget Available	Revenue Budget FY23-24 Change
1520 - LTF - Non-Motorized Fund-1520 Total	**$ 125,000**	**$ -**	**$ 64,543**	**$ 60,457**					
1700 - Surface Transportation Fund-1700									
101304 - Upgrade High Voltage-FY 20/21	$ 2,269,000	$ 80,963	$ 1,629,362	$ 558,674		$ 2,269,000	$ 1,604,122	$ 664,878	
101421 - Detection Cameras Downtown SB1	$ 575,000	$ 24,757	$ 510,313	$ 39,929		$ 575,000	$ 460,799	$ 114,201	
1700 - Surface Transportation Fund-1700 Total	**$ 2,844,000**	**$ 105,721**	**$ 2,139,676**	**$ 598,603**		**$ 2,844,000**	**$ 2,064,921**	**$ 779,079**	
1800 - Economic Development/Strategic Plan Fund-1800									
100838 - Modesto General Plan Update	$ 1,777,284	$ -	$ 593,732	$ 1,183,552		$ 1,777,284	$ 1,205,000	$ 572,284	
100859 - Courthouse Project	$ 751,466	$ 7,108	$ 659,900	$ 84,459		$ 793,816	$ 1,160,591	$ (366,775)	
100914 - Downtown ED Incentives	$ 50,000	$ -	$ 20,319	$ 29,681		$ 50,000	$ 50,000	$ -	
101058 - Wells Avenue Storage GPA	$ 5,231	$ -	$ 13,564	$ (8,333)		$ 5,231	$ -	$ 5,231	
101098 - W. Orangeburg Billboard	$ 10,000	$ -	$ 7,091	$ 2,909		$ 10,000	$ 10,000	$ -	
101108 - 4000 Salida Blvd Billboard	$ 10,000	$ -	$ 5,527	$ 4,473		$ 10,000	$ -	$ 10,000	
101114 - Phase 2 Non-Disp. Applications	$ 100,000	$ -	$ 35,219	$ 64,781		$ 100,000	$ 32,718	$ 67,282	
101115 - Phase 2 Disp. Applications	$ 400,000	$ -	$ 137,099	$ 262,901		$ 400,000	$ 131,274	$ 268,726	
101223 - Technology Fee	$ 655,736	$ -	$ 569,306	$ 86,430		$ 542,461	$ 748,872	$ (206,411)	$ -
101319 - Hemp Operating Agreement	$ 150,000	$ -	$ 100,000	$ 50,000		$ 150,000	$ 200,000	$ (50,000)	$ -
101350 - Enhanced Infra Fin Dist (EIFD)	$ 5,000	$ -	$ 2,353	$ 2,648		$ 5,000	$ -	$ 5,000	$ -
101402 - NPU Strategy	$ -	$ -	$ -	$ -					
1800 - Economic Development/Strategic Plan Fund-1800 Total	**$ 3,914,717**	**$ 7,108**	**$ 2,144,109**	**$ 1,763,501**		**$ 3,843,792**	**$ 3,538,455**	**$ 305,337**	**$ -**
1906 - RDA Low and Mod Income Housing Fund-1906									
100121 - North 9th Street EAH Project	$ 73,150	$ -	$ 69,827	$ 3,323		$ 73,150	$ 73,150	$ -	$ -
1906 - RDA Low and Mod Income Housing Fund-1906 Total	**$ 73,150**	**$ -**	**$ 69,827**	**$ 3,323**		**$ 73,150**	**$ 73,150**	**$ -**	**$ -**
3120 - Special Fund for Capital Outlay-3120									
101207 - Stan Foods Prod Traffic Study	$ 150,000	$ -	$ -	$ 150,000		$ 150,000	$ 150,000	$ -	
3120 - Special Fund for Capital Outlay-3120 Total	**$ 150,000**	**$ -**	**$ -**	**$ 150,000**		**$ 150,000**	**$ 150,000**	**$ -**	
3125 - John Thurman Capital Improvement Fund-3125									
101019 - CED - JTF Capital Improvements	$ 1,415,915	$ -	$ 1,262,150	$ 153,765	$ 120,000	$ 1,369,891	$ 1,259,891	$ 110,000	$ 120,000
3125 - John Thurman Capital Improvement Fund-3125 Total	**$ 1,415,915**	**$ -**	**$ 1,262,150**	**$ 153,765**	**$ 120,000**	**$ 1,369,891**	**$ 1,259,891**	**$ 110,000**	**$ 120,000**
3130 - Parks Fund-3130									
101225 - Downey Park Fire Renovation	$ 100,000	$ -	$ 100,000	$ -					
101332 - Mellis Family Pavillion Signs	$ 15,000	$ -	$ 3,903	$ 11,097		$ 15,000	$ 15,000	$ -	
101346 - PRN - Mansion Ground Imprmnts	$ 26,000	$ -	$ 19,264	$ 6,737		$ 26,000	$ 26,000	$ -	
101376 - Park Partners 2021	$ 83,350	$ -	$ 28,068	$ 55,282		$ 5,000	$ 5,000	$ -	
101380 - Park Security Camera	$ 17,000	$ -	$ -	$ 17,000		$ 17,000	$ 17,000	$ -	
101389 - Enslen Park Improvements	$ 48,000	$ -	$ -	$ 48,000		$ 48,000	$ 24,000	$ 24,000	
3130 - Parks Fund-3130 Total	**$ 289,350**	**$ -**	**$ 151,234**	**$ 138,116**		**$ 111,000**	**$ 87,000**	**$ 24,000**	
3140 - Capital Grants - CIP Projects-3140									
101301 - ACE Train Purchase-SRJCC	$ 4,000,000	$ -	$ -	$ 4,000,000		$ 4,000,000	$ -	$ 4,000,000	
101329 - EAH Bus Passes	$ 490,000	$ -	$ 35,520	$ 454,480		$ 490,000	$ -	$ 490,000	
101340 - TC Video Surveillance System	$ 116,758	$ -	$ 116,759	$ (1)		$ 116,758	$ 116,759	$ (1)	
101348 - Amtrak Station Repairs & Rehab	$ 75,829	$ -	$ 28,817	$ 47,012		$ 75,829	$ 28,817	$ 47,012	
101445 - PW - StanRTA New Bus Purchases	$ 2,006,514	$ -	$ 2,006,514	$ -		$ 2,006,514	$ 2,006,514	$ -	
101466 - AHSC Catholic Charities	$ 175,000	$ -	$ -	$ 175,000		$ 175,000	$ -	$ 175,000	
3140 - Capital Grants - CIP Projects-3140 Total	**$ 6,864,101**	**$ -**	**$ 2,187,610**	**$ 4,676,491**		**$ 6,864,101**	**$ 2,152,090**	**$ 4,712,011**	
3150 - Capital Grants - Parks CIP Projects-3150									
101289 - Revard Pk Playground Reno	$ 87,952	$ -	$ 87,079	$ 873		$ 87,952	$ -	$ 87,952	
3150 - Capital Grants - Parks CIP Projects-3150 Total	**$ 87,952**	**$ -**	**$ 87,079**	**$ 873**		**$ 87,952**	**$ -**	**$ 87,952**	
3160 - Capital Grants - Streets CIP Projects									
101482 - SS4A Action Plan	$ -				$ 1,200,000	$ -			$ 1,200,000
101489 - ATMS Upgrade for TOC	$ -	$ -	$ -	$ -	$ 822,250	$ -	$ -	$ -	$ 822,250
101490 - Raised Crosswalk Installation	$ -	$ -	$ -	$ -	$ 248,200	$ -	$ -	$ -	$ 248,200
101491 - 12th Street Bike Lane	$ -	$ -	$ -	$ -	$ 276,670	$ -	$ -	$ -	$ 276,670
3160 - Capital Grants - Streets CIP Projects Total	**$ -**	**$ -**	**$ -**	**$ -**	**$ 2,547,120**	**$ -**	**$ -**	**$ -**	**$ 2,547,120**
3160 - Capital Grants - Streets CIP Projects-3160									
100990 - System Safety Analysis Program	$ 340,000	$ 421	$ 326,152	$ 13,427		$ 340,000	$ 322,684	$ 17,316	
101128 - Synchronize Outside Downtown	$ 500,000	$ -	$ 166,592	$ 333,408		$ 500,000	$ 166,255	$ 333,745	
101243 - Travel Time Bluetooth Devices	$ 150,000	$ -	$ 5,771	$ 144,229		$ 150,000	$ 3,569	$ 146,431	
101244 - Video Detection Cameras	$ 550,000	$ -	$ 512,698	$ 37,302		$ 550,000	$ 512,698	$ 37,302	
101269 - Pelandale Ave. Rehabilitation	$ 400,000	$ -	$ 329,938	$ 70,062		$ 400,000	$ 199,242	$ 200,758	
101308 - Radio Communication Upgrades	$ 122,500	$ -	$ 2,395	$ 120,105		$ 122,500	$ 2,247	$ 120,253	
3160 - Capital Grants - Streets CIP Projects-3160 Total	**$ 2,062,500**	**$ 421**	**$ 1,343,545**	**$ 718,533**		**$ 2,062,500**	**$ 1,206,695**	**$ 855,805**	
3220 - Infrastructure Financing Program Administration-3220									
100771 - Tivoli VLDP	$ 8,705	$ -	$ 1,486	$ 7,219		$ 8,705	$ 256	$ 8,449	
101195 - Tivoli SP 2019	$ 25,000	$ -	$ (63)	$ 25,063	$ (25,000)	$ 25,000	$ -	$ 25,000	
101197 - Tivoli VLDP 2019	$ 25,000	$ -	$ -	$ 25,000	$ (25,000)	$ 25,000	$ -	$ 25,000	
101226 - Tivoli CFD 2019	$ 25,000	$ -	$ -	$ 25,000	$ (25,000)	$ 25,000	$ -	$ 25,000	
3220 - Infrastructure Financing Program Administration-3220 Total	**$ 83,705**	**$ -**	**$ 1,423**	**$ 82,282**	**$ (75,000)**	**$ 83,705**	**$ 256**	**$ 83,449**	
3410 - Streets Capital Facility Fee Fund-3410									
100048 - Claratina/McHenry Plan Lane	$ 341,500	$ -	$ 39,005	$ 302,495					
101181 - Claus Road Plan Line	$ 250,000	$ -	$ -	$ 250,000					
3410 - Streets Capital Facility Fee Fund-3410 Total	**$ 591,500**	**$ -**	**$ 39,005**	**$ 552,495**					
3510 - Securities for Future Improvements-3510									

Fiscal Year 2023-24 Non-Capital Projects

Fund/Project	Expense Budget	Expense Commitment	Expense Actual	Expense Budget Available	Expense Budget FY23-24 Change	Revenue Budget	Revenue Actual	Revenue Budget Available	Revenue Budget FY23-24 Change
100782 - Florence Avenue Improvements	$ 2,663	$ -	$ -	$ 2,663		$ 2,663	$ 2,977	$ (314)	
100783 - Shadow Creek Apartments	$ 35,272	$ -	$ -	$ 35,272		$ 35,272	$ 39,431	$ (4,159)	
100784 - Floyd Ave Walgreens	$ 28,462	$ -	$ -	$ 28,462		$ 28,462	$ 31,818	$ (3,356)	
3510 - Securities for Future Improvements-3510 Total	**$ 66,397**	**$ -**	**$ -**	**$ 66,397**		**$ 66,397**	**$ 74,226**	**$ (7,829)**	
4100 - Water Fund									
101480 - Olea, Smart Water					$ 400,000				
101481 - UCMR5					$ 125,000				
4100 - Water Fund Total					**$ 525,000**				
4100 - Water Fund-4100									
100747 - Well Field Phase III A	$ 75,000	$ -	$ 281	$ 74,719					
100748 - Well Field Phase III B	$ 25,000	$ -	$ -	$ 25,000					
100817 - Well Field Management Project	$ 421,337	$ -	$ 35,289	$ 386,048					
100875 - ASR Program	$ 374,075	$ -	$ -	$ 374,075					
101303 - TCP Litigation	$ 98,000	$ 302	$ 30,269	$ 67,430					
101396 - Utility Billing Software	$ 125,000	$ -	$ -	$ 125,000	$ 1,625,000				
101452 - W - Grant Research/Writing	$ 50,000	$ 35,000	$ 90	$ 14,910					
101456 - Well Strategy Plan	$ 126,125	$ 97,828	$ 3,104	$ 25,194					
4100 - Water Fund-4100 Total	**$ 1,294,537**	**$ 133,129**	**$ 69,032**	**$ 1,092,376**	**$ 1,625,000**				
4112 - Water PCE Mitigation Fund-4112									
100462 - Water PCE Mitigation Site 1	$ 3,592,322	$ 538,421	$ 3,013,715	$ 40,186		$ -	$ 36,623	$ (36,623)	
100463 - Water PCE Mitigation Site 2	$ 1,800,000	$ 36,316	$ 1,390,277	$ 373,407					
100809 - Destroy PCE Wells	$ 144,000	$ -	$ 1,637	$ 142,363					
101261 - PCE Water-Mitigation-20 Sites	$ 825,000	$ 158,410	$ 315,978	$ 350,612					
4112 - Water PCE Mitigation Fund-4112 Total	**$ 6,361,322**	**$ 733,147**	**$ 4,721,606**	**$ 906,568**		**$ -**	**$ 36,623**	**$ (36,623)**	
4140 - Water - Grants-4140									
101112 - Prop 1 Nitrate/Arsenic/Uranium	$ 2,246,480	$ 250,057	$ 1,973,117	$ 23,306		$ 2,265,885	$ 1,873,717	$ 392,168	
101131 - GSP Modesto Sub-Basin	$ 3,186,797	$ 114,837	$ 2,702,400	$ 369,560		$ 2,881,225	$ 2,945,146	$ (63,921)	
4140 - Water - Grants-4140 Total	**$ 5,433,277**	**$ 364,894**	**$ 4,675,517**	**$ 392,866**		**$ 5,147,110**	**$ 4,818,863**	**$ 328,247**	
4180 - Water Fund - CIP Projects-4180									
101237 - Yosemite Water Valves	$ 295,000	$ -	$ 250,958	$ 44,042					
101334 - Tanks 5 & 12 Recoat & Repairs	$ 5,804,000	$ 29	$ 1,973,698	$ 3,830,273					
101335 - AMI Water Meters - Assessment	$ 560,000	$ 440,250	$ 12,621	$ 107,129					
101368 - Well Equipping Design Template	$ 87,875	$ 38,149	$ 36,909	$ 12,817					
101390 - Water Register Replacement	$ 3,600,000	$ 3,396	$ 817,040	$ 2,779,564	$ (1,500,000)				
101415 - Modesto System Improve-100357	$ 1,888,840	$ 44,345	$ 632,865	$ 1,211,630	$ 723,740				
101416 - Water Sys Security Enha-100350	$ 175,021	$ -	$ -	$ 175,021					
101417 - Well Rehabilitation-100800	$ 2,519,658	$ 73,987	$ 32,157	$ 2,413,514					
101455 - IRWMP-100934	$ 142,114	$ -	$ -	$ 142,114					
4180 - Water Fund - CIP Projects-4180 Total	**$ 15,072,508**	**$ 600,156**	**$ 3,756,248**	**$ 10,716,104**	**$ (776,260)**				
4210 - Sewer Operations Fund-4210									
101281 - WWTP Ops Guidance Program	$ 211,218	$ 173	$ 183,656	$ 27,389					
101282 - ECS Office Improvements	$ 150,000	$ -	$ 46,086	$ 103,914					
101283 - Screw Pump Replacement	$ 1,986,355	$ 733,600	$ 1,079,008	$ 173,747					
101307 - Jennings WWTP Parcel Merger	$ 50,000	$ -	$ 10,653	$ 39,347					
101311 - Tannin & Lignin Study	$ 175,000	$ 3,711	$ 168,956	$ 2,334					
101364 - River Trunk Repair at 9th St	$ 325,000	$ -	$ 203,333	$ 121,667					
101372 - MCC Replacement	$ 775,000	$ -	$ 695	$ 774,305					
101373 - Nitrate Control - Pathway A	$ 394,000	$ -	$ -	$ 394,000					
101374 - Jennings Monitoring Well Net	$ 599,000	$ -	$ -	$ 599,000					
101381 - River Trunk Repair at 7th	$ 618,717	$ -	$ 615,961	$ 2,756					
101399 - River Trunk Inspection	$ 189,300	$ 124,385	$ 38,743	$ 26,172					
101404 - Recoating Clarifiers 1 & 2	$ 1,035,000	$ -	$ -	$ 1,035,000					
101439 - Screw Pump Replacement - 3&4	$ 25,000	$ -	$ -	$ 25,000					
101453 - WW - Grant Research/Writing	$ 50,000	$ -	$ -	$ 50,000					
101472 - Corrosion Study	$ -	$ -	$ -	$ -	$ 300,000				
101473 - Farfield Dilution & CEC	$ -	$ -	$ -	$ -	$ 700,000				
101474 - SOP Development	$ -	$ -	$ -	$ -	$ 400,000				
101475 - Treatment Capacity Eval	$ -	$ -	$ -	$ -	$ 180,000				
4210 - Sewer Operations Fund-4210 Total	**$ 6,583,590**	**$ 861,868**	**$ 2,347,092**	**$ 3,374,630**	**$ 1,580,000**				
4211 - Wastewater Developmental Fees Fund-4211									
100898 - Parklawn Sewer Improvements	$ 1,596,000	$ -	$ 1,042,493	$ 553,507		$ -	$ 1,042,696	$ (1,042,696)	
101070 - Airport Neighborhood Sewer	$ -	$ -	$ 407,432	$ (407,432)		$ -	$ 412,613	$ (412,613)	
4211 - Wastewater Developmental Fees Fund-4211 Total	**$ 1,596,000**	**$ -**	**$ 1,449,925**	**$ 146,075**		**$ -**	**$ 1,455,309**	**$ (1,455,309)**	
4212 - Wastewater PCE Mitigation Fund-4212									
100668 - WW PCE Mitigation Site 1	$ 1,915,599	$ 97,070	$ 1,779,689	$ 38,839					
100669 - WW PCE Mitigation Site 2	$ 1,000,000	$ -	$ 935,693	$ 64,307					
100765 - WW PCE Mitigation Site 3	$ 400,000	$ -	$ 335,540	$ 64,460					
4212 - Wastewater PCE Mitigation Fund-4212 Total	**$ 3,315,599**	**$ 97,070**	**$ 3,050,923**	**$ 167,606**					
4320 - Special Aviation Fund-4320									
101055 - Airport Layout Update AIP 41	$ 351,314	$ 114	$ 344,199	$ 7,001		$ 351,314	$ 344,199	$ 7,115	
101324 - CRRSA Act - FAA Airport	$ 57,162	$ -	$ 23,000	$ 34,162		$ 57,162	$ 23,000	$ 34,162	
4320 - Special Aviation Fund-4320 Total	**$ 408,476**	**$ 114**	**$ 367,199**	**$ 41,163**		**$ 408,476**	**$ 367,199**	**$ 41,277**	

Fiscal Year 2023-24 Non-Capital Projects

Fund/Project	Expense Budget	Expense Commitment	Expense Actual	Expense Budget Available	Expense Budget FY23-24 Change	Revenue Budget	Revenue Actual	Revenue Budget Available	Revenue Budget FY23-24 Change
4510 - Bus Fixed Route Fund-4510									
101132 - Electric Bus Purchase-CARB	$ 6,451,242	$ -	$ 6,451,242	$ 0		$ 6,451,242	$ 6,451,242	$ -	
101159 - Transit Route Study	$ -	$ -	$ -	$ -					
101194 - Video Surveillance System- TC	$ -	$ -	$ -	$ -					
101227 - Comp Study S/L Range Plan	$ -	$ -	$ -	$ -					
4510 - Bus Fixed Route Fund-4510 Total	**$ 6,451,242**	**$ -**	**$ 6,451,242**	**$ 0**		**$ 6,451,242**	**$ 6,451,242**	**$ -**	
4600 - Golf Fund-4600									
100863 - Golf Improvements-$1 per Round	$ 38,633	$ -	$ 1,778	$ 36,855		$ 10,753	$ -	$ 10,753	
101464 - Muni Clubhouse Remediation	$ 324,938	$ -	$ -	$ -	$ (100,000)	$ 324,938			$ (100,000)
4600 - Golf Fund-4600 Total	**$ 363,571**	**$ -**	**$ 1,778**	**$ 36,855**	**$ (100,000)**	**$ 335,691**	**$ -**	**$ 10,753**	**$ (100,000)**
4700 - Community Center Operations Fund-4700									
101251 - MCP Deferred Maintenance	$ 354,081	$ 34,977	$ 206,569	$ 112,535		$ 500,113	$ 303,580	$ 196,533	
101305 - PRN - Cntre Plaza Vaccine Site	$ 858,000	$ 1,051	$ 643,414	$ 213,535		$ -	$ 595,783	$ (595,783)	
4700 - Community Center Operations Fund-4700 Total	**$ 1,212,081**	**$ 36,028**	**$ 849,983**	**$ 326,070**		**$ 500,113**	**$ 899,363**	**$ (399,250)**	
4893 - Carpenter Road Landfill (Enterprise)-4893									
101046 - Carpenter Road LF Mitigation	$ 8,144,621	$ 220,746	$ 7,881,071	$ 42,804					
4893 - Carpenter Road Landfill (Enterprise)-4893 Total	**$ 8,144,621**	**$ 220,746**	**$ 7,881,071**	**$ 42,804**					
4895 - Waste to Energy Distribution Fund-4895									
100971 - Geer Road Landfill Litigation	$ 2,163,936	$ 871	$ 1,705,104	$ 457,961		$ 2,163,936	$ 1,503,879	$ 660,057	
101326 - Airport Landfill Maintenance	$ 40,000	$ -	$ 34,077	$ 5,923					
4895 - Waste to Energy Distribution Fund-4895 Total	**$ 2,203,936**	**$ 871**	**$ 1,739,181**	**$ 463,884**		**$ 2,163,936**	**$ 1,503,879**	**$ 660,057**	
4910 - Abatement and Public Nuisance Fund-4910									
100673 - Abatement of Public Nuisance	$ 1,333,020	$ 1,310	$ 1,187,386	$ 144,323		$ 1,383,017	$ 1,878,817	$ (495,800)	
4910 - Abatement and Public Nuisance Fund-4910 Total	**$ 1,333,020**	**$ 1,310**	**$ 1,187,386**	**$ 144,323**		**$ 1,383,017**	**$ 1,878,817**	**$ (495,800)**	
6600 - JPA - Stanislaus Drug Enforcement Agency-6600									
100883 - 2015 DCESP Grant	$ 37,500	$ -	$ 37,500	$ (0)		$ 37,500	$ 37,500	$ -	
100954 - 2016 SDEA DCESP Grant	$ 37,500	$ -	$ 37,500	$ (0)		$ 37,500	$ 37,500	$ -	
6600 - JPA - Stanislaus Drug Enforcement Agency-6600 Total	**$ 75,000**	**$ -**	**$ 75,000**	**$ (0)**		**$ 75,000**	**$ 75,000**	**$ -**	
6710 - JPA - TRRP Special Revenue Fund - CIP-6710									
101230 - TRRP Masterplan Update 2020	$ 175,359	$ -	$ 11,583	$ 163,776		$ 175,359	$ 25,359	$ 150,000	
101268 - American Legion Hall Reno 2020	$ 233,110	$ 6,600	$ 18,833	$ 207,677		$ 233,110	$ 233,110	$ 18,700	
101425 - ALH Fire Remediation	$ 1,792,931	$ -	$ 147,631	$ 1,645,300		$ 1,792,931	$ 1,692,931	$ 100,000	
6710 - JPA - TRRP Special Revenue Fund - CIP-6710 Total	**$ 2,201,400**	**$ 6,600**	**$ 178,047**	**$ 2,016,753**		**$ 2,201,400**	**$ 1,951,400**	**$ 268,700**	
1840 - Economic Vitality - Revolving Loan Fund-1840									
101467 - RLF ARPA Rehab Loans	$ -	$ -	$ -	$ -					
1840 - Economic Vitality - Revolving Loan Fund-1840 Total	**$ -**	**$ -**	**$ -**	**$ -**					
3204 - Village One Triangle CFD-3204									
101433 - Village One Triangle CFD	$ 50,000	$ -	$ 4,820	$ 45,180					
3204 - Village One Triangle CFD-3204 Total	**$ 50,000**	**$ -**	**$ 4,820**	**$ 45,180**					
3246 - Fairview Village #2									
#N/A	$ -	$ -	$ -	$ -	$ 50,000				
3246 - Fairview Village #2 Total	**$ -**	**$ -**	**$ -**	**$ -**	**$ 50,000**				
XXXX - Tivoli North									
#N/A	$ -	$ -	$ -	$ -	$ 50,000				
XXXX - Tivoli North Total	**$ -**	**$ -**	**$ -**	**$ -**	**$ 50,000**				
3255 - Tivoli CFD-3255									
101418 - Tivoli Specific Plan	$ 25,000	$ -	$ 189	$ 24,811					
101419 - Tivoli CFD Formation	$ 50,000	$ -	$ 75,758	$ (25,758)	$ 15,000				
101420 - Tivoli LDP	$ 25,000	$ -	$ 25,673	$ (673)					
3255 - Tivoli CFD-3255 Total	**$ 100,000**	**$ -**	**$ 101,620**	**$ (1,620)**	**$ 15,000**				
4480 - Storm Drainage Fund-4480									
101454 - SD - Grant Research/Writing	$ 50,000	$ -	$ -	$ 50,000					
4480 - Storm Drainage Fund-4480 Total	**$ 50,000**	**$ -**	**$ -**	**$ 50,000**					
5400 - Fleet Management Fund-5400									
101423 - Corp Yard Reconfiguration	$ 50,000	$ -	$ -	$ 50,000		$ 50,000	$ 24,000	$ 26,000	
5400 - Fleet Management Fund-5400 Total	**$ 50,000**	**$ -**	**$ -**	**$ 50,000**		**$ 50,000**	**$ 24,000**	**$ 26,000**	
6720 - TRRP - Special Revenue Fund-6720									
101429 - TRRP Master Plan Update	$ 175,000	$ -	$ -	$ 175,000		$ 175,000	$ -	$ 175,000	
101430 - TRRP Legion Veg Mgmt EC 2.23	$ 105,000	$ -	$ 104,785	$ 215		$ 105,000	$ 104,785	$ 215	
101431 - TRRP Park Sec Cameras EC 2.22	$ 120,000	$ -	$ -	$ 120,000		$ 120,000	$ -	$ 120,000	
6720 - TRRP - Special Revenue Fund-6720 Total	**$ 400,000**	**$ -**	**$ 104,785**	**$ 295,215**		**$ 400,000**	**$ 104,785**	**$ 295,215**	
Grand Total	**$ 173,448,871**	**$ 3,709,580**	**$ 116,660,421**	**$ 52,753,932**	**$ 7,992,899**	**$ 112,897,845**	**$ 101,040,375**	**$ 11,551,232**	**$ 4,099,159**

INTERNAL SERVICES
FLEET

PROGRAM DESCRIPTION

The Public Works Department, Fleet Services Division manages the Fleet Internal Service Fund and is responsible for maintaining and replacing the City's fleet of approximately 1,221 vehicles and pieces of equipment. Individual departments are charged monthly rates to finance the operations and vehicle replacements. Maintenance activities are performed primarily by City staff; however, outside vendors are utilized in specific situations. These services include preventative maintenance inspections, comprehensive mechanical repairs and specialized auto body work. Replacement reserves are maintained that are specially allocated for replacing vehicles and equipment.

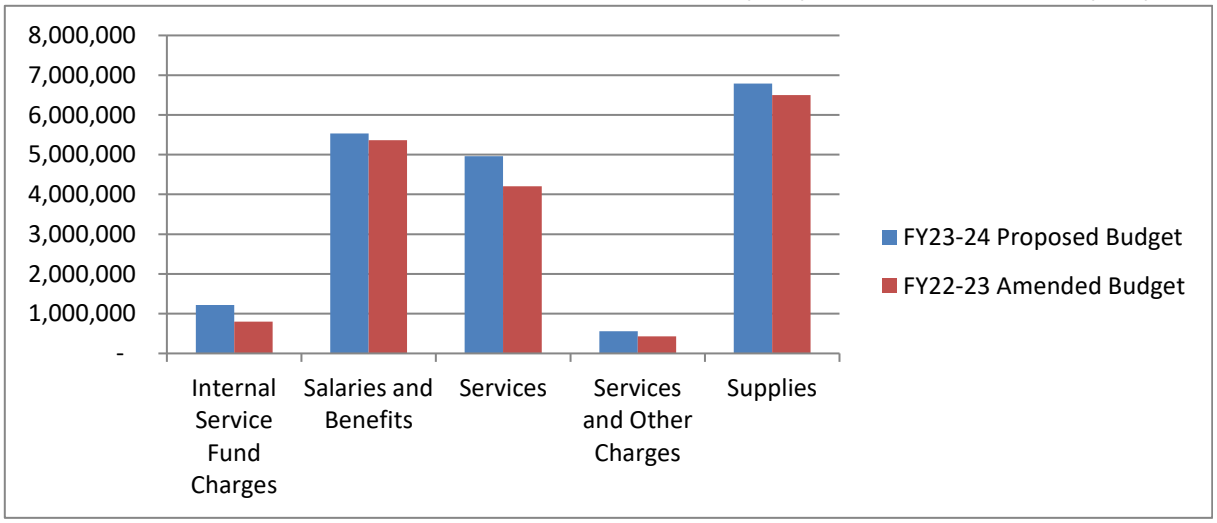
KEY CONSIDERATIONS

- FY 2023-2024 budget includes $8.2 million for vehicle and equipment replacements, including funding to repair and replace emergency vehicles and equipment for first responders.
- Replacement and setup of approximately 82 vehicles is scheduled for FY23-24 that have met or exceeded replacement lifecycles. There is also currently 290 total replacements on the active list.
- Perform remarketing operations for all vehicles replaced or otherwise removed from the fleet.
- Manage 50 employees that repair and maintain all facets of municipal equipment to high standards.
- Maintain compliance with a variety of statutory regulations including DOT, ACF, and CARB.
- Maintain fuel sites and the fueling card program for most all of the City run Fleet.
- Maintain a highly complex Fleet information system to validate every dollar spent in Fleet Services.

Expense By Category

Fleet Fund

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	1,216,910	797,959
Salaries and Benefits	5,534,580	5,366,592
Services	4,964,696	4,204,309
Services and Other Charges	558,670	426,718
Supplies	6,791,740	6,496,746
Grand Total	**19,066,596**	**17,292,324**



INTERNAL SERVICES
BUILDING SERVICES

PROGRAM DESCRIPTION

Building Services is a maintenance and operations division of the Public Works Department, under the supervision of the Director of Public Works. Building Services is responsible for preventive maintenance, general repairs, troubleshooting, and coordination of vendor repairs for most City facilities. Administrative staff manage contracts and invoicing for a wide variety of Citywide services, including custodial services, pest control, elevator maintenance, burglar alarm monitoring, fire suppression system monitoring and maintenance, HVAC and plumbing services, fire extinguisher servicing, and more.

The Building Services Division oversees the shared costs for the Corporation Yard. Maintenance technicians also assist Modesto Police with boarding up damaged commercial and residential structures, and the City Locksmith manages the key and proximity card access systems. In addition to Building Services oversight, the Facilities Manager also provides management support to the Parking Services Supervisor. The Parking Division operates three parking garages and multiple flat lots, in addition to providing parking enforcement support to the downtown business district and surrounding areas.

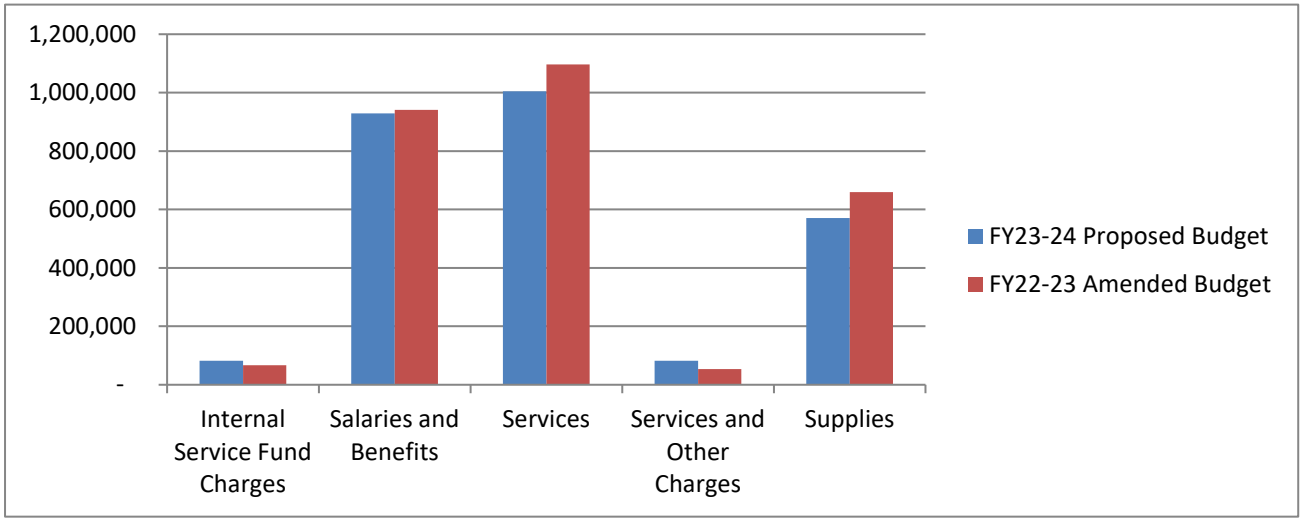
KEY CONSIDERATIONS

- Facilities Manager oversees Building Services and Parking Services Divisions
- 4 Maintenance Staff, 1 Administrative Office Assistant, 1 Administrative Analyst, 1 Manager
- 50+ City Facilities on Regular Preventive Maintenance and Repair Schedule
- Manage over $1.3 million annually in City-wide maintenance contracts and services

Expense By Category

Building Services Fund

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	81,668	67,370
Salaries and Benefits	929,252	941,491
Services	1,004,052	1,096,780
Services and Other Charges	81,921	53,703
Supplies	570,800	659,950
Grand Total	**2,667,693**	**2,819,294**



INTERNAL SERVICES
INFORMATION TECHNOLOGY

PROGRAM DESCRIPTION

The Information Technology (IT) Department manages the computer-based infrastructure used by all City offices, Public Safety and the broadcasting services for City Council and County Board meetings. The computer-based infrastructure used by the City is paid for through the internal services funds (ISF) which encompasses computer devices, application systems, network connectivity, network security, and IT staffing. The broadcasting service, for City Council and County Board meetings is funded equally between the City and County.

The City continues to replace critical data center infrastructure equipment and end user computer devices, such as network storage equipment, router and switching equipment, servers, and desktop computers and laptops.

KEY CONSIDERATIONS

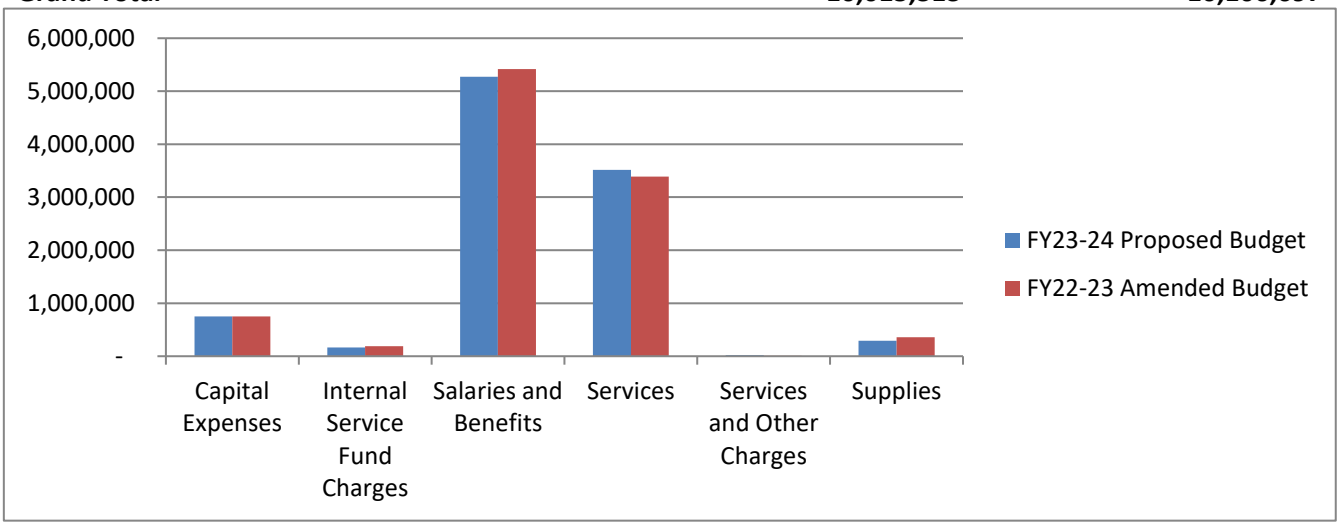
IT projects support the City's Strategic Plan Area of Focus of Governance and Service Delivery. The major FY 2023-24 projects funded by the computer-based infrastructure, used by the city offices, are as follows:

- Enterprise Resource Planning (ERP) – the City continues to allocate support towards the ERP system to allow for changing needs in functionality that is mandated by the State and Federal governments to allow for transparent reporting.
- Data Center Hardware Infrastructure – Maintain and improve the functionality of the data center to reduce the overall cost of the infrastructure while improving service delivery.
- Network and Infrastructure Improvements – Continue to install network routing and switching equipment to replace aging devices and to improve communication with all City sites. Continue replacement of aging computers for improved security and to maintain a cohesive environment.
- Geographical Information Systems – Continue implementation of Lucity, in Public Works and Parks, Recreation, Neighborhoods to improve City service and asset management.
- Cybersecurity – Continue to educate staff, research and implement new technologies to protect against cyber-attacks.

Expense By Category

Information Technology Fund

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Capital Expenses	748,000	748,000
Internal Service Fund Charges	165,415	191,779
Salaries and Benefits	5,273,481	5,415,999
Services	3,518,628	3,387,736
Services and Other Charges	18,289	7,933
Supplies	291,500	355,250
Grand Total	**10,015,313**	**10,106,697**



INTERNAL SERVICES
MAIL SERVICES

PROGRAM DESCRIPTION

The City Clerk manages the Mail Services ISF program.

Mail Services for the City of Modesto: Sorted, metered and delivered mail throughout City Departments and provides mail services at the following locations: Modesto Centre Plaza, Corp Yard, Neighborhood Center at Marshall Park, Treatment Plant, Dryden, Muni, Cop Shop, Modesto Police Department, Museum, Airport, Creekside, Senior Center and Utilities (Litt Road). Mail Services staff also pick up and deliver to the Post Office on Kearney Avenue twice daily.

There are two Administrative Office Assistant 1 staff members in Mail Services.

KEY CONSIDERATIONS

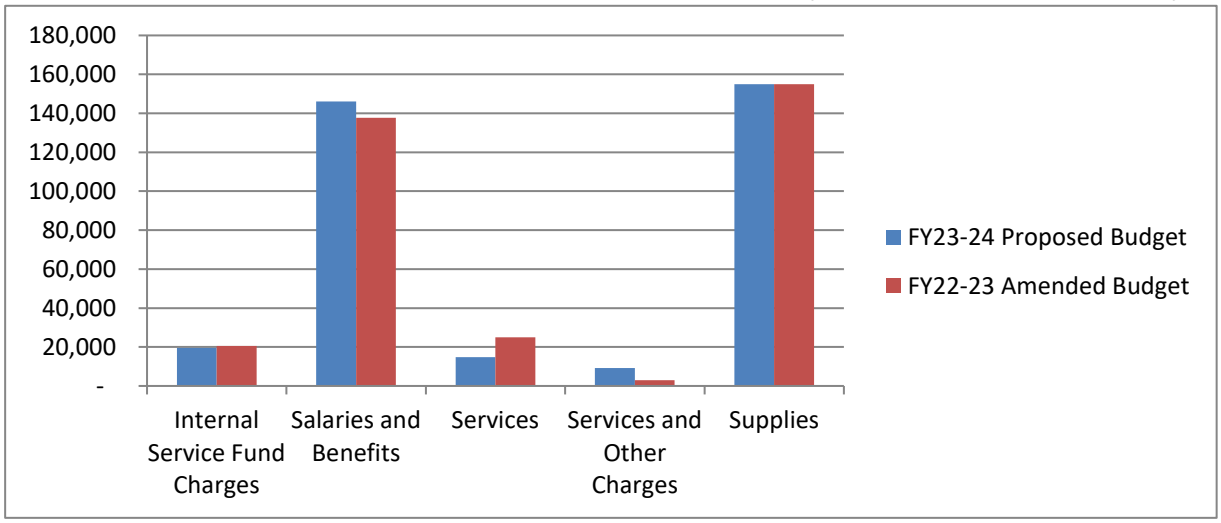
Mail Services has kept their discretionary expenses the same as Fiscal Year 2022-2023. The United States Post Office has at least one or two increases a year. However, the amount budgeted should be sufficient to continue to maintain the same level of services and deliveries.

Mail Services also leases a postage machine for metering mail and a vehicle to use for their pickups and deliveries.

Expense By Category

Mail Services Fund

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	19,558	20,565
Salaries and Benefits	146,149	137,648
Services	14,800	25,000
Services and Other Charges	9,195	2,967
Supplies	155,000	155,000
Grand Total	**344,702**	**341,180**



INTERNAL SERVICES
RISK MANAGEMENT

PROGRAM DESCRIPTION

Risk Management encompasses General Liability, Worker's Compensation, and Property Insurance to protect the City against the various types of risks faced in the day-to-day delivery of government services.

General Liability provides coverage for bodily injury, property damage and employment liability claims, as outlined in Government code 815 – 818.9. The City is self-insured up to $1 million dollars, and procures alternative insurance through a risk pooling authority for claims amounts above the self- insured limit. The General Liability Internal Service Fund (ISF) supports this program.

Worker's Compensation provides coverage for workplace health and injury claims, including the administration of return to work policies and procedures. The program is governed by the California Worker's Compensation Board and complies with OSHA and Cal/OSHA best practices for workplace injury mitigation. The City is self-insured up to $750K, and procures additional coverage for claims that exceed the self-insured limit. The Worker's Compensation ISF supports this program.

Property Insurance provides coverage of loss for the various properties and facilities owned by the City. It protects against damages and loss of revenue due to closure of facilities due to damages, or closures necessitated by emergency declarations. The City procures full insurance protection through various insurance companies. The Property Insurance ISF supports this program.

KEY CONSIDERATIONS

The General Liability program handles approximately 370 claims per year at an average annual cost of $2,823,000 and is currently administered by the City in partnership with a third-party administrator. This program is reviewed by an Actuary each year to assess costs and project future liability. The actuarial report is used to determine revenue collection needed to cover costs of outstanding claims, as well as for the upcoming fiscal year. Revenues are collected based on two calculations: one percent from all departments based on payroll, and the remaining 99 percent based on department usage based on a five-year historical average. Larger liabilities are typically paid out over time and, therefore, a sound funding level is approximately 70 percent to 80 percent of overall outstanding claims. This fund has an overall liability of $8,139,000 and a funding level of $2,255,896 or 28 percent. The cost of General Liability is increasing due to changes in laws and statues of limitations for some types of claims.

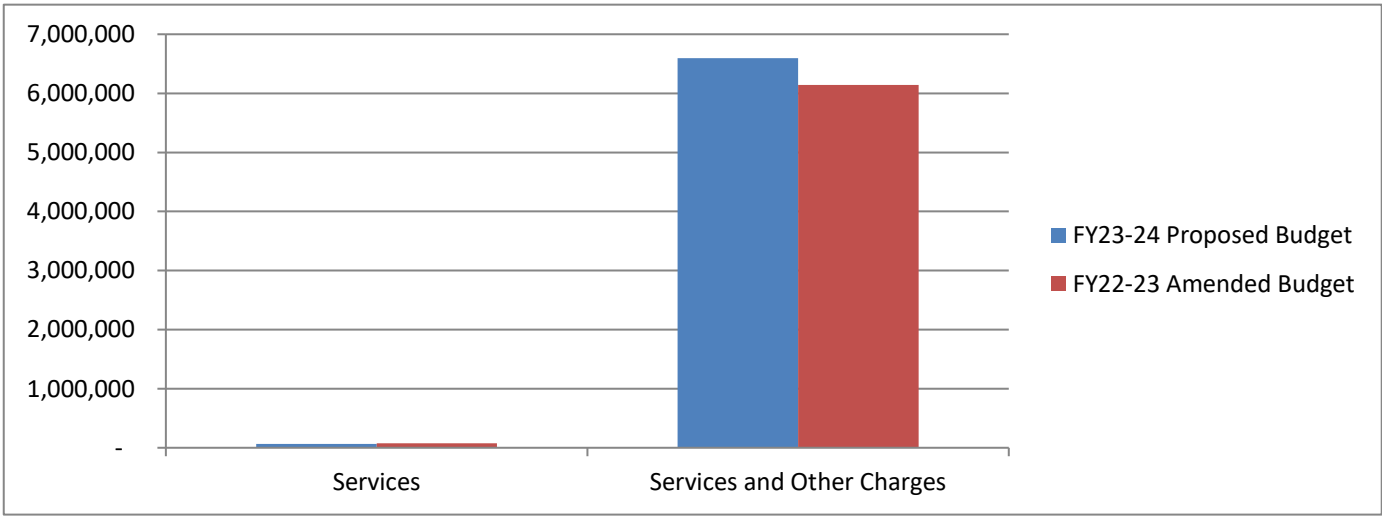
The Worker's Compensation program handles approximately 177 claims per year and is administered by a third-party administrator. This program is reviewed by an Actuary each year to determine total liability of open claims and exposure forecasting for revenue needs in the following fiscal year. Revenues are collected based on two calculations: one percent from all departments based on payroll, and the remaining 99 percent based on department usage based on a five-year historical average. Larger liabilities are typically paid out over time and, therefore, a sound funding level is approximately 70 percent to 80 percent of overall outstanding claims. This fund has an overall liability of $18,098,000 and a funding level of $8,040,387 or 44 percent. The cost of Worker's Compensation is stable.

The Property Insurance program is fully insured by procuring various policies through a Joint Powers Authority. Insurance rates for the properties are determined by the market trend as well as claims history. Revenues for Property Insurance is collected by using a formula that allocates by department and division based on property usage. Total insurance coverage cost for the new fiscal year is estimated at $1.61 million.

Expense By Category

Liability Insurance Fund

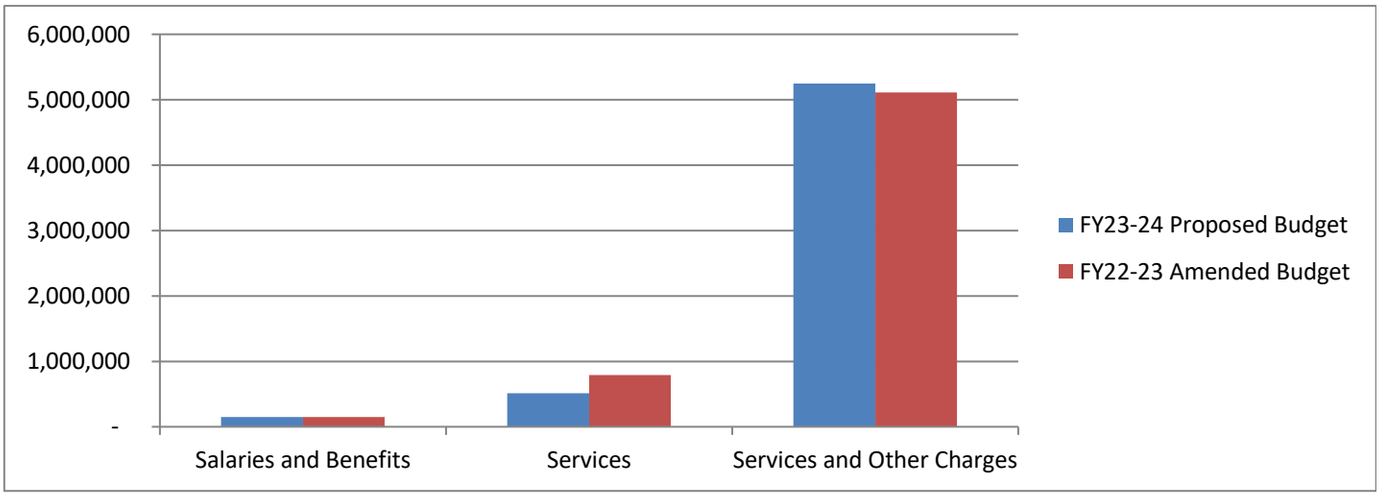
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Services	65,939	76,789
Services and Other Charges	6,596,632	6,143,183
Grand Total	**6,662,571**	**6,219,972**



Expense By Category

Workers Compensation Fund

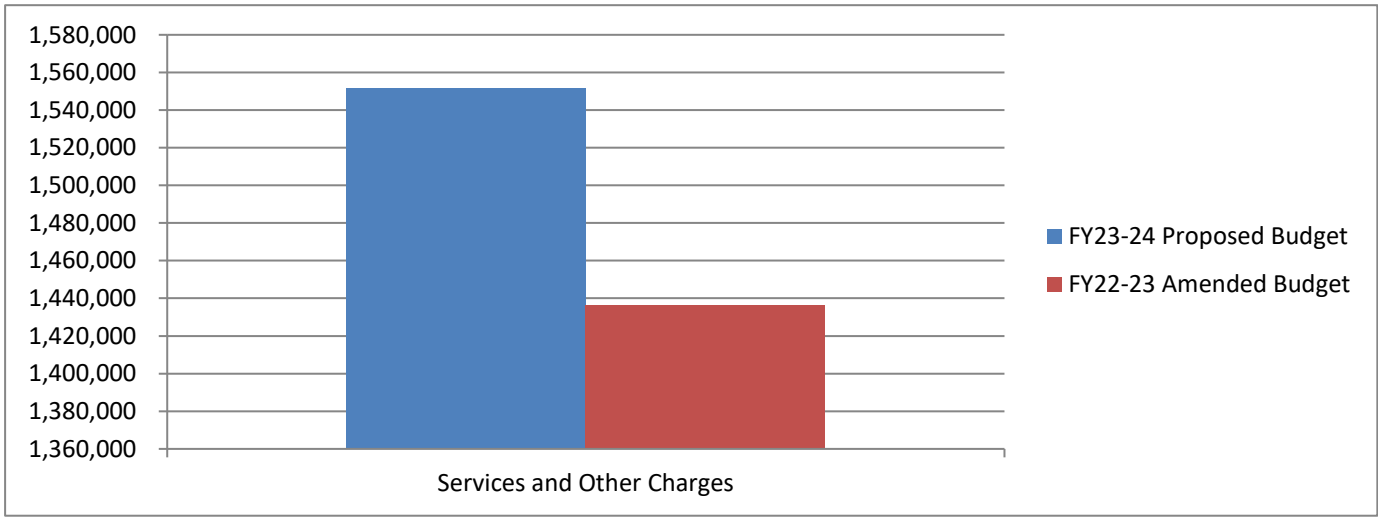
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Salaries and Benefits	150,000	150,000
Services	510,775	788,500
Services and Other Charges	5,247,041	5,112,892
Grand Total	**5,907,816**	**6,051,392**



Expense By Category

Property Insurance Fund

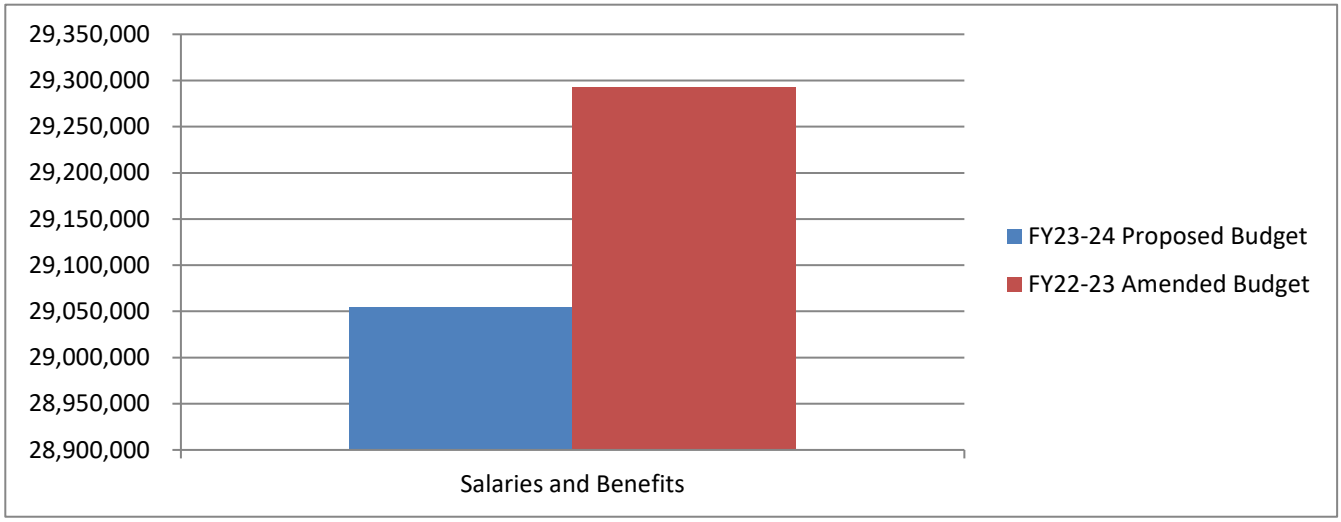
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Services and Other Charges	1,551,700	1,436,100
Grand Total	**1,551,700**	**1,436,100**



Expense By Category

CalPERS Unfunded Accrued Liability

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Salaries and Benefits	29,053,966	29,292,511
Grand Total	**29,053,966**	**29,292,511**



INTERNAL SERVICES
EMPLOYEE BENEFITS

PROGRAM DESCRIPTION

The Employee Benefits program administers of all employee benefits City-wide to include, health, dental, vision, life and disability insurance, deferred compensation, CalPERS retirement, and cash out of leave balances upon separation. Additionally, the program supports retiree benefits, referred to as "other post-employment benefits" (OPEB), such as retiree medical for eligible employees.

The Employee Benefits Fund and Employee Benefits Administration ISFs manage these programs.

KEY CONSIDERATIONS

Benefits Administration includes two full-time employees dedicated to serving employees City-wide with enrollment, election changes, leaves of absence, separation from service to include retirement based on years of service, disability and Industrial Disability retirements for our Safety employees.

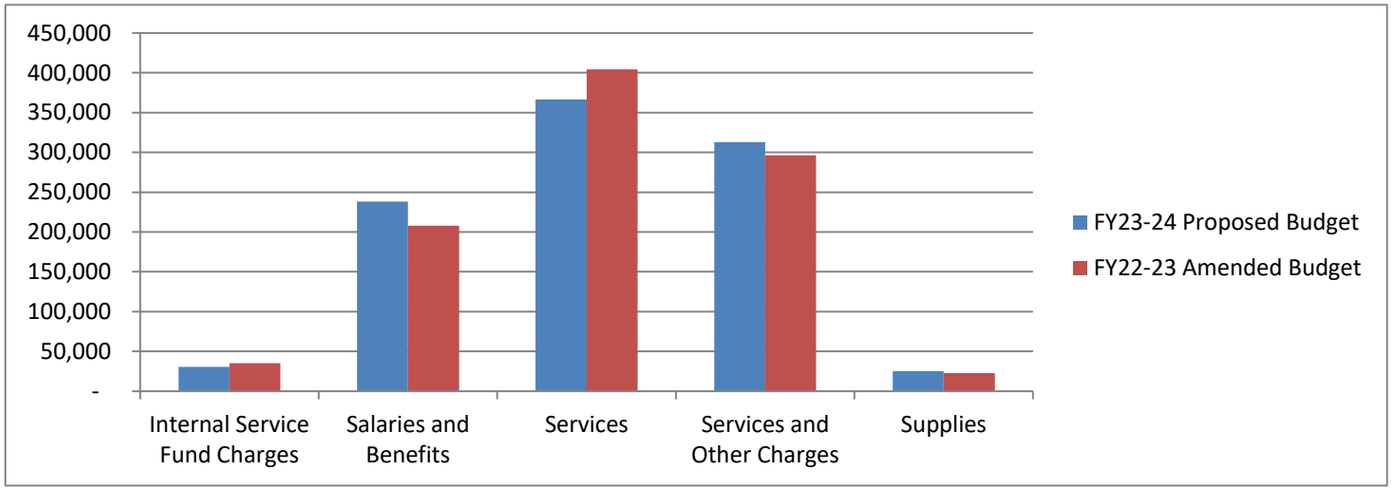
Management of premium payments and employee deductions, retiree billing, and employee educational events are additional responsibilities of the administration staff. The EBF is funded through allocation to the departments using a formula that looks at both budgeted expenses and FTE by department. Current cost of administration is approximately $975K and includes salaries, and other administrative expenses.

The Employee Benefits fund is assessed by an Actuary annually to determine overall liability and appropriate funding for the each upcoming fiscal year. Revenues are collected based on a formula that considers the payroll of each bargaining group and is charged to the departments. Total annual cost fluctuates between $4.75 million and $5.5 million based on retirements and separations for a given year. A reserve is maintained in the fund to allow for fluctuation.

Expense By Category

Employee Benefits Administration Fund

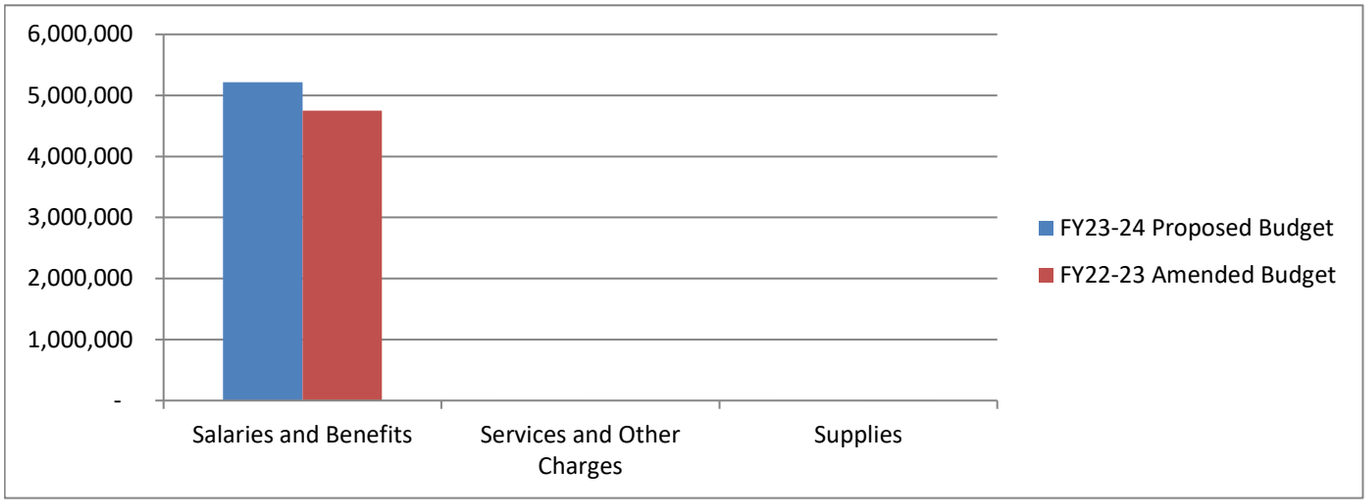
Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Internal Service Fund Charges	30,444	35,010
Salaries and Benefits	238,404	207,901
Services	366,350	404,150
Services and Other Charges	312,856	296,271
Supplies	25,411	22,775
Grand Total	**973,465**	**966,107**



Expense By Category

Employee Benefits Retiree Fund (Excluding CALPERS UAL)

Expense By Category	FY23-24 Proposed Budget	FY22-23 Amended Budget
Salaries and Benefits	5,218,511	4,749,829
Services and Other Charges	4,500	
Supplies	2,150	2,046
Grand Total	**5,225,161**	**4,751,875**



DEBT SERVICE

Overview

The City of Modesto uses debt financing to pay for certain expenditures over time. Debt financing is a tool for managing cashflow when large, one-time cash outlays are required such as in the cases of construction and infrastructure upgrades. In this section is a summary of the City's debt service for its bond issues and other long term debt (not including debt of the Redevelopment Successor Agency). It also includes the Computation of Legal Debt Margin which calculates the City's legal debt limit, as well as a summary debt service schedule that contains principal and interest payments for all debt (not including swap payments or fees).

Debt Policies

Section 43605 of the California Government Code places the aggregate debt limit of the City at 15% of gross assessed value of all real and personal property of the City. City Council has limited the use of debt even further with the adoption of City Council Policy No. 1.036: Debt Management Policy (the "Policy"). The primary objectives of the Policy are to maintain cost-effect access to the capital markets and other financing venues through prudent yet flexible policies: 1) moderate principal and debt service payments through effective planning and project cash management, 2) achieve the lowest cost of borrowing, and 3) achieve the highest practical credit ratings. Specific key provisions of the Policy include:

1. Water and Wastewater Funds are to maintain a working capital reserve equal to 25% of their operating expenses plus one annual debt service payment on any State Revolving Fund ("SRF") loans.
2. The City will seek to maintain debt service coverage on its senior lien Water and Wastewater revenue bonds at a level not less than one and a half times (1.5x) the maximum annual debt service for the aggregate outstanding senior lien bonds of the respective system.
3. Obligations of long-term debt will be structured such that the obligations generally do not exceed the average useful life of that which is being financed or the sunset date of any current, pledged revenues. At no time will the financing exceed 120% of the expected average useful life of the asset being financed.
4. Concerning revenue bonds, the maximum annual debt service for any given year must not exceed a level at which the projected net revenues are less than one and a quarter times (1.25x) the total debt service within any year unless allowed by existing bond covenants.

Issuer Credit Rating

Each entity that is allowed to issue bonds is rated on its ability to repay the debt. This rating is known as the Issuer Credit Rating (ICR), which is an independent gauge of the credit risk of the issuer. Credit risk is based on the issuer's solvency or ability to pay the interest and principal. The greater the credit risk, the more interest the issuer has to pay to sell its bonds. Not only does the credit rating of the issuer determine the initial yield of the bond, but it can also affect bond prices in the secondary market if the issuer's credit rating changes.

There are five major services that rate bonds: S&P Global Ratings, Moody's Investors Service, Fitch, A.M. Best, and Dominion Bond Rating Service. Ratings range from AAA for the highest quality bonds to D, which are bonds in default. The City currently carries an Issuer Credit Rating from Moody's of A1, given in June 2018.

Summary of FY 2022/23 Debt Service

The original FY 2022/23 debt service budget for the debts below totaled $34,285,233 in debt service payments, including swap payments and fees. None of the City's debt is applicable to the legal debt margin.

Loans Payable

- **Kiernan Business Park East Project Bank Loan** (*Governmental Activities*)**.** No-interest loan payable to the Stanislaus County Economic Development Bank loan program, to pay costs incurred by the City for the Kiernan Business Park East Project; loan intended to be repaid when the financing mechanism is established. As of June 30, 2022, no payments have been made to the Stanislaus County Economic Development Bank. According to the agreement, the Project will be completed as of the date the City first issues building permits within the Kiernan Business Park East area. To date, no building permits have been issued. Kiernan Business Park East project revenues, mainly CFD special taxes, have been pledged as collateral.

- **ARRA Water Grant Loan** (*Business-Type Activities; Water Enterprise Fund*). Loan payable to State of California Department of Public Health, also known as ARRA Water Grant. This Agreement constitutes funding in the form of a loan with forgiveness of principal made by the State under the provisions of California Safe Drinking Water State Revolving Fund Law of 1997, and the American Recovery and Reinvestment Act of 2009 (ARRA) Public Law 11 1-5. The purpose of the funding is to assist in financing construction of a project, which will enable the City to meet safe drinking water standards or to address other health concerns, herein referred to as the "Project". The total amount for the project was $1,136,656, of which 50% was to be repaid as a loan. This original loan amount of $568,328 has a payment term of 20 years at 2.5017% interest rate. Water Enterprise fund revenues have been pledged as collateral.

- **North Valley Regional Recycled Water Program** (*Business-Type Activities; Sewer Enterprise Fund*). Loan payable to California State Water Resources Control Board, State Revolving Fund. The Project, commonly known as North Valley Regional Recycled Water Program generally consists of constructing improvements to the City's existing pump station. The City will then distribute the recycled water to the Del Puerto Water District for agricultural use increasing recycled water supplies by 5.4 billion gallons per year within the first 5 years of operation and 9.9 billion gallons per year at build out. Completion of construction date was established as June 30, 2018. Project completion date was established as December 31, 2018. The City agrees to repay all project funds at an interest rate of zero percent (0%) per annum and an administrative service charge of one percent (1%) per annum. The total final loan amount was $29,747,008, including $68,857 of approved Construction Period Interest. The loan repayment term is 30 years (final payment due on June 30, 2048) and after an initial payment of $1,104,284, in the fiscal year ending June 30, 2019, the annual principal and service charge payment is $1,152,162 beginning in the fiscal year ending June 30, 2020. Sewer Enterprise fund net revenues have been pledged as collateral.

Certificates of Participation

- **1993 Golf Refunding Certificates of Participation** (*Business-Type Activities; Golf Enterprise Fund*). Issued to refund earlier certificates for the Creekside Golf Course capital project; issued with an aggregate principal of $8,130,000, with final maturity in 2023. Annual principal payments are due November 1st and beginning in 2010 range from $250,000 to $480,000, ending in 2023. The certificates are repayable from any source of available funds of the City. However, the City has elected to repay the certificates with revenues of the Golf Enterprise Fund.

- **2008 Water Refunding Revenue Certificates of Participation** (*Business-Type Activities; Water Enterprise Fund*). Issued to refund the 2006 issue, to provide funding for construction of new downstream water facilities and various water distribution system improvements in connection with Modesto Irrigation District's expansion of the regional water treatment plant. Variable rate securities maturing October 1, 2036, with interest initially calculated weekly, fluctuating according to market conditions. The Certificates may be converted to a daily, term, flexible, or fixed rate. While the 2008 COPs are in the Weekly Mode, they are subject to optional tender and mandatory tender for purchase. Funds for the payment of the purchase price of 2008 COPs that are tendered for purchase and that are not remarketed by the Remarketing Agent will be available (subject to certain conditions) under a Standby Certificate Purchase Agreement, dated May 1, 2008 (the "Liquidity Facility"). The Liquidity Facility does not support, secure or guaranty the payments of the principal or interest with respect to the 2008 COPs. Subject to the terms and conditions of the Liquidity Facility, the Liquidity Facility Provider is to provide funds for the payment of the purchase price on each purchase of 2008 COPS up to $47,625,000 in principal amount (the "Available Principal Commitment") and $548,014 an amount equal to 35 days' interest on the Available Principal Commitment at an assumed rate of 12% and accrued interest on

2008 COPs subject to the Weekly Rate tendered or deemed tendered for purchase in the event that remarketing proceeds are not sufficient to pay the purchase price of such 2008 COPs.

The Liquidity Facility will not provide for the payment of principal and interest on any 2008 COPs other than with respect to the purchase price of the 2008 COPs tendered or deemed tendered and not remarketed. Barring an event of default, any such draws on the Letter of Credit will be repaid under the terms of the Reimbursement Agreement. Under the terms of the Reimbursement Agreement, the City will repay the amount drawn in ten equal semi-annual installments of principal, plus monthly interest at the Bank Rate, over a 5 year period. However, the entire balance of the amount drawn shall become due immediately if the 2008 COPs are cancelled or prepaid, are remarketed, or converted to bear interest at a rate other than a daily rate or weekly rate; an alternate credit facility is secured; or an event of default occurs. The Credit Facility and Reimbursement Agreement initially expired May 29, 2011, and have been extended a number of times. The Credit Facility and Reimbursement Agreement are currently scheduled to expire June 15,2023 at a commitment fee of 0.575%.

The City entered into a 30-year interest rate swap agreement. The combination of the variable rate 2008 COPs and the floating rate swap creates a synthetic fixed-rate debt for the City. The City has pledged all Gross Revenues of the Water Utility System to repay the 2008 Certificates of Participation.

Lease Revenue Bonds

- **2008 Lease Revenue Bonds** (*Governmental Activities*). Issued in the amount of $65,170,000 to refund the balance of the 1998 Lease Revenue Bonds and the 2007 Lease Revenue Refunding and Capital Improvement Bonds; variable rate securities maturing September 1, 2033, with interest initially calculated weekly, fluctuating according to market conditions. The bonds may be converted to a daily, term, flexible, or fixed rate. The combination of the variable rate bonds and a floating swap rate creates a synthetic fixed-rate debt for the City.

  Regularly scheduled payments of principal and interest are supported by an irrevocable, direct pay Letter of Credit (the “Credit Facility”) issued by Bank of the West on June 13, 2019, which replaced a Letter of Credit previously issued by Bank of America, N.A. The Trustee can draw funds under the Credit Facility to pay the purchase price of tendered bonds that are not remarketed. Barring an event of default, any such draws on the Letter of Credit will be paid under the terms of the Reimbursement Agreement. Under the terms of the Reimbursement Agreement, the City will repay the amount drawn in equal quarterly installments of principal plus monthly interest, at the Bank Rate, over a 3 year amortization period. However, the entire balance of the amount drawn shall become due immediately if the tendered bonds are remarketed or defeased, or an alternate credit facility is secured, or an event of default occurs. The Credit Facility and Reimbursement Agreement are scheduled to expire June 13, 2023 and contain a commitment fee of 0.375%. The debt service is paid from Modesto Public

Financing Authority revenues including: (i) Base Rental Payments payable by the City, as lessee, to the Authority, as lessor, pursuant to the Lease Agreement; (ii) all interest or other income from any investment of any money in any fund or account (other than the Rebate Fund) established pursuant to the Indenture or the Lease Agreement; (iii) the Swap Revenues; (iv) any additional security provided for a Series of Bonds in a Supplemental Indenture.

Revenue Bonds

- **Wastewater Revenue Refunding Bonds, Series 2020A & 2020B** (*Business-Type Activities; Sewer Enterprise Fund*). Interest payable on November 1 and May 1; principal is payable in annual installments on each November 1, commencing November 1, 2021 and ending November 1, 2035. Payment of principal and interest on the Series 2020A & Series 2020B Bonds is secured by a pledge of Net Revenues of the Sewer Enterprise Fund. The Series 2020A & Series 2020B Bonds constitute "Parity Debt" under the Indenture.

  On November 10, 2021, the City issued the Series 2020A and Series 2020B Bonds as a Parity Debt to fully refund the loan payable to California State Water Resources Control Board, State Revolving Fund. The Series 2020A Bonds were issued for $68,840,000 and are Federally Taxable with interest rates varying from 0.379% to 2.479%. The Series 2020B Bonds were issued for $25,470,000 and are Tax-Exempt with an interest rate of 5%. The proceeds were used to refund the loan payable to California State Water Resources Control Board, State Revolving Fund and pay cost of issuance in connection with the financing. The loan has been fully redeemed, and the City will realize significant savings from the refunding of the loan.

  The original 2011 loan was used to fund the Tertiary Treatment Phase 1B Project, this generally consisted of constructing a 12.6 million gallon per day tertiary treatment plant. Completion of construction date was established as June 1, 2016, and project completion date was established as December 1, 2016.

- **Wastewater Revenue Refunding Bonds, Series 2018A** (*Business-Type Activities; Sewer Enterprise Fund*). Interest payable on November 1 and May 1; principal is payable in annual installments on each November 1, commencing November 1, 2025 and ending November 1, 2036, with interest rates from 4% to 5%. Payment of principal and interest on the Series 2018A Bonds is secured by a pledge of Net Revenues of the Sewer Enterprise Fund. The Series 2018A Bonds constitute "Parity Debt" under the Indenture.

  On April 19, 2018, the City issued the Series 2018A Bonds as a Parity Debt to fully refund the 2006A Wastewater Revenue Bonds. The proceeds were used to refund the 2006A Wastewater Revenue Bonds and pay cost of issuance in connection with the financing. The Series 2006A has been fully redeemed, and the City will realize significant savings from the refunding of the 2006A bonds.

- **Wastewater Revenue Refunding Bond Series 2015 - Direct Placement** (*Business-Type Activities; Sewer Enterprise Fund*). Interest payable on November 1 and May 1, commencing May 1, 2016. Principal is payable in annual installments on each November 1, commencing November 1, 2016 and ending November 1, 2024. The Series 2015 Bonds shall bear interest at a rate equal to 2.42% per annum; The Series 2015 Bonds constitute "Parity Debt" under the Indenture; Payment of principal and interest on the Series 2015 Bonds is secured by a pledge of Net Revenues of the Sewer Enterprise Fund (i.e., 1) all fees and charges received by the City for the services of the Enterprise; 2) all other income and revenue howsoever derived by the City from the ownership; 3) all sums deposited, or required under the Indenture to be deposited, in the Sewer Enterprise Fund; less the amount of Operating Expenses becoming payable during such period).

  On October 30, 2015, the City issued the Series 2015 Bonds, as a Parity Debt to fully refund the Series 2005A Bonds and partially refund the 2006A Wastewater Revenue Bonds. The proceeds were used to: 1) Refund the Wastewater Revenue Refunding Bonds, Series 2005A Bonds, which refinanced the acquisition and construction of improvements to the City's wastewater enterprise, 2) refund a portion of the Wastewater Revenue Bonds, Series 2006A, and 3) pay cost of issuance in connection with the financing. The Series 2005A Bonds have been fully redeemed and the 2023 and 2024 maturities of Series 2006A Bonds were redeemed. The City will realize significant savings from the refunding of the Series 2005A and 2006A Wastewater Revenue Bonds.

Notes Payable

- **HUD Section 108 Loan** (*Governmental Activities*). On March 26, 2015, the City received notice of a public offering to refinance the existing HUD Section 108 Loan note, with an outstanding balance of $2,789,000. The City agreed to refinance the note, as it reduced the interest on the HUD Section 108 Loan, a net savings of approximately $502,908. The public offering date was May 28, 2015. The terms of the new promissory note include semi-annual payments in August and February through the maturity date of August 1, 2024. The interest rates range from 0.28% through 2.85%. No new security provisions were required, as the Contract for Fixed Rate Note incorporates the previous additional security provisions. Housing revenues are pledged as collateral. The proceeds from the original note were used for the purpose of constructing the Neighborhood Center at Marshall Park and the expansion of the Maddux Youth Center.

Reimbursement Agreement

- **Modesto Irrigation District (MID) 2013 G & 2007 F Bonds** (*Business-Type Activities; Water Enterprise Fund*). In 1992, the City entered into a treatment and delivery agreement with the Modesto Irrigation District (MID) and the Del Este Water Company (Del Este). The City assumed Del Este's interest and obligations under the agreement when it acquired Del Este in July 1995. Under the agreement, MID built and

operates a surface water treatment plant on the Tuolumne River for the purpose of providing a long-term source of domestic treated water for the City. MID is the sole owner of the project, and has all management and operations responsibility. In exchange for the treated water, the City has agreed to pay: all debt service on bonds issued by MID for the construction of the project; a raw water charge as set forth in the agreement; project operation, administration, and maintenance costs; and insurance on the project. Gross revenues of the City's Water Fund are irrevocably pledged for the punctual payment of the MID debt service and all obligations of the City under any parity debt. Current parity debt of the City consists of the 2008 Water Revenue Certificates of Participation and the California Safe Drinking Water Act loan (as described previously). The treatment plant completed all tests and began commercial operations on May 15, 1995, at which time the City began paying for raw water and operations.

The City and MID have agreed upon an expansion of the initial Domestic Water Project facilities beyond the existing design capacity of 36 million gallons per day ("mgd") to a design capacity of 72 mgd. In June 2007, the MID issued $93,190,000 Domestic Water Project revenue bonds pursuant to the terms of the existing treatment and delivery agreement. On August 14, 2013, Modesto Irrigation District Financing Authority refunded the 1998 D Bonds, with 2013 G Bonds. As of June 30, 2022, the total outstanding on the MID bonds is: $5,795,000 for the 2013 G Bonds and $93,190,000 for the 2007 F Bonds, for a total of $98,985,000. For the 2007 F Bonds, the annual principal payments begin on September 1, 2023 and mature on September 1, 2037 in amounts from $4,275,000 to $11,870,000, with variable interest rates fluctuating according to market conditions.

The City has entered into interest-rate swap agreements for the 2007F bonds to synthetically fix the rates that the City pays at 4.38% and 4.44%.

Special Tax Bonds

- **Village One #2 CFD 2014 Special Tax Refunding Bonds** (*Governmental Activities*)**.** On July 30, 2014, the Village One #2 Community Facilities District issued Refunding Special Tax Bonds (refunding bonds) with a par amount of $29,320,000 to refund the District's $29,925,000 outstanding Special Tax Bonds (refunded bonds) issued on March 8, 2006, which were issued primarily to finance various public improvements needed to develop property located within the District. Interest on the refunding bonds is payable semiannually on each March 1 and September 1 through September 1, 2036. The refunding bonds were issued with interest rates varying from 2% to 5% and are payable solely from revenues derived from the assessment of annual special taxes to be levied on the taxable property within the District and from certain other funds pledged under the Trust Indenture. The principal of these bonds is not subject to acceleration. The City is not legally obligated to pay this debt or be the purchaser of last resort of foreclosed properties in the special assessment districts, nor is it

obligated to advance City funds to repay this debt in the event of default by any property owners. The City functions as an agent for the property owners by collecting assessments and forwarding collections to trustees for payment to bond holders.

- **Fairview Village CFD 2014 Special Tax Refunding Bonds** (*Governmental Activities*)**.** On December 16, 2014, the Fairview Village Community Facilities District issued Refunding Special Tax Bonds (refunding bonds) with a par amount of $4,420,000 to refund the District's $4,660,000 outstanding Special Tax Bonds (refunded bonds) issued on September 1, 2005, which were issued primarily to finance various public improvements needed to develop property located within the District. Interest on the refunding bonds is payable semiannually on each March 1 and September 1 through September 1, 2035. The refunding bonds were issued with an interest rate of 4.1% and are payable solely from revenues derived from the assessment of annual special taxes to be levied on the taxable property within the District and from certain other funds pledged under the Trust Indenture. The principal of these bonds are not subject to acceleration. The City is not legally obligated to pay this debt or be the purchaser of last resort of foreclosed properties in the special assessment districts, nor is it obligated to advance City funds to repay this debt in the event of default by any property owners. The City functions as an agent for the property owners by collecting assessments and forwarding collections to trustees for payment to bond holders.

Developer Advances

- **Del Este Water Company** (*Business-Type Activities; Water Enterprise Fund*). The Del Este Water Company (Del Este) entered into various agreements with developers under which infrastructure components were either constructed on behalf of Del Este or cash was advanced to the company to construct the infrastructure. Agreements in existence at the time of the City's acquisition of Del Este were assumed by the City. The terms of repayment call for no interest, with principal paid over a 40-year period. The total annual payments fluctuate depending on the ending date of each agreement.

CITY OF MODESTO
COMPUTATION OF LEGAL DEBT MARGIN
JUNE 30, 2022

Net assessed value [1][3]			$ 18,963,538,995
Plus homeowners' exemption [1][3]			197,561,852
Gross assessed value [1][3]			$ 19,161,100,847
Debt limit - 15% of gross assessed value (2)			$ 2,874,165,127
Amount of debt applicable to debt limit:			
Total general bonded debt, including special assessment debt		$ -	
Less: Assets in debt service funds available for payment of principal	$ -		
Other deductions: Special assessment debt	-		
Total deductions		-	
Total amount of debt applicable to debt limit			-
Legal debt margin			$ 2,874,165,127

Note:
(1) Source: Stanislaus County Auditor
(2) Section 43605 California Government Code
(3) Figures are based on Stanislaus County

CITY OF MODESTO
DEBT SERVICE
PRINCIPAL & INTEREST PAYMENTS

DEBT ISSUE	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028-2031/2032	2032/2033-2036/2037	2037/2038-2041/2042	2042/2043-2046/2047	2047/2048-2049/2050	TOTAL
LOANS PAYABLE											
Kiernan Business Park East Project Bank Loan											
Principal	0	500,000	0	0	0	0	0	0	0	0	500,000
Interest	0	0	0	0	0	0	0	0	0	0	0
Subtotal: Kiernan Business Park East Project Bank Loan	0	500,000	0	0	0	0	0	0	0	0	500,000
ARRA Water Grant Loan											
Principal	28,478	29,195	29,930	30,684	31,456	169,565	0	0	0	0	319,308
Interest	7,811	7,094	6,359	5,606	4,833	11,883	0	0	0	0	43,586
Subtotal: ARRA Water Grant Loan	36,289	36,289	36,289	36,290	36,289	181,448	0	0	0	0	362,894
North Valley Regional Recycled Water Program											
Principal	889,031	897,921	906,900	915,969	925,128	4,766,278	5,009,406	5,264,936	5,533,501	1,204,014	26,313,084
Interest	263,131	254,241	245,261	236,192	227,032	994,529	751,401	495,871	227,306	12,040	3,707,004
Subtotal: North Valley Regional Recycled Water Program	1,152,162	1,152,162	1,152,161	1,152,161	1,152,160	5,760,807	5,760,807	5,760,807	5,760,807	1,216,054	30,020,088
TOTAL LOANS PAYABLE	1,188,451	1,688,451	1,188,450	1,188,451	1,188,449	5,942,255	5,760,807	5,760,807	5,760,807	1,216,054	30,882,982
CERTIFICATES OF PARTICIPATION											
1993 Golf Refunding COP											
Principal	460,000	480,000	0	0	0	0	0	0	0	0	940,000
Interest	35,500	12,000	0	0	0	0	0	0	0	0	47,500
Subtotal: 1993 Golf Refunding COP	495,500	492,000	0	0	0	0	0	0	0	0	987,500
2008 Water Refunding Revenue COP											
Principal	450,000	2,300,000	2,410,000	2,515,000	2,595,000	14,700,000	17,870,000	0	0	0	42,840,000
Interest[1,2]	182,258	171,274	160,807	150,355	139,541	519,922	175,055	0	0	0	1,499,212
Subtotal: 2008 Water Refunding Revenue COP	632,258	2,471,274	2,570,807	2,665,355	2,734,541	15,219,922	18,045,055	0	0	0	44,339,212
TOTAL CERTIFICATES OF PARTICIPATION	1,127,758	2,963,274	2,570,807	2,665,355	2,734,541	15,219,922	18,045,055	0	0	0	45,326,712
LEASE REVENUE BONDS											
2008 Lease Revenue Bonds											
Principal	2,585,000	2,785,000	2,990,000	3,240,000	3,470,000	20,010,000	9,275,000	0	0	0	44,355,000
Interest[1,2]	269,003	249,258	229,968	209,824	188,208	576,131	39,819	0	0	0	1,762,211
Subtotal: 2008 Lease Revenue Bonds	2,854,003	3,034,258	3,219,968	3,449,824	3,658,208	20,586,131	9,314,819	0	0	0	46,117,211
TOTAL LEASE REVENUE BONDS	2,854,003	3,034,258	3,219,968	3,449,824	3,658,208	20,586,131	9,314,819	0	0	0	46,117,211
REVENUE BONDS											
Wastewater Revenue Refunding Bonds 2020A & B											
Principal	5,415,000	5,440,000	5,480,000	5,530,000	5,600,000	31,960,000	29,495,000	0	0	0	88,920,000
Interest	2,324,643	2,295,677	2,255,988	2,205,874	2,135,962	6,722,653	1,449,268	0	0	0	19,390,064
Subtotal: Wastewater Revenue Refunding Bonds 2020 A & B	7,739,643	7,735,677	7,735,988	7,735,874	7,735,962	38,682,653	30,944,268	0	0	0	108,310,064
Wastewater Revenue Refunding Bonds 2018A											
Principal	0	0	0	710,000	750,000	4,335,000	5,545,000	0	0	0	11,340,000
Interest	555,400	555,400	555,400	537,650	501,150	1,891,875	678,775	0	0	0	5,275,650
Subtotal: Wastewater Revenue Refunding Bonds 2018A	555,400	555,400	555,400	1,247,650		6,226,875	6,223,775	0	0	0	16,615,650
Wastewater Revenue Refunding Bonds 2015 - Direct											
Principal	2,708,639	876,795	897,767	0	0	0	0	0	0	0	4,483,201
Interest	75,719	32,335	10,862	0	0	0	0	0	0	0	118,916
Subtotal: Wastewater Revenue Refunding Bonds 2015 -	2,784,358	909,130	908,629	0	0	0	0	0	0	0	4,602,117
TOTAL REVENUE BONDS	11,079,401	9,200,206	9,200,017	8,983,524	7,735,962	44,909,528	37,168,043	0	0	0	129,527,831
NOTES PAYABLE											

HUD Section 108 Loan											
Principal	312,000	328,000	345,000	0	0	0	0	0	0	0	985,000
Interest	22,838	14,424	4,916	0	0	0	0	0	0	0	42,178
Subtotal: HUD Section 108 Loan	334,838	342,424	349,916	0	0	0	0	0	0	0	1,027,178
TOTAL NOTES PAYABLE	334,838	342,424	349,916	0	0	0	0	0	0	0	1,027,178
REIMBURSEMENT AGREEMENT											
MID 2013 G Bonds											
Principal	5,795,000	0	0	0	0	0	0	0	0	0	5,795,000
Interest	144,875	0	0	0	0	0	0	0	0	0	144,875
Subtotal: MID 2013 G Bonds	5,939,875	0	0	0	0	0	0	0	0	0	5,939,875
MID 2007 F Bonds											
Principal	0	4,275,000	4,455,000	4,650,000	4,885,000	27,955,000	35,100,000	11,870,000	0	0	93,190,000
Interest[1,2]	2,298,057	2,223,411	2,110,384	2,001,583	1,884,388	7,443,972	3,507,426	74,154	0	0	21,543,375
Subtotal: MID 2007 F Bonds	2,298,057	6,498,411	6,565,384	6,651,583	6,769,388	35,398,972	38,607,426	11,944,154	0	0	114,733,375
TOTAL REIMBURSEMENT AGREEMENT	8,237,932	6,498,411	6,565,384	6,651,583	6,769,388	35,398,972	38,607,426	11,944,154	0	0	120,673,250
SPECIAL TAX BONDS											
Village One #2 CFD 2014 Special Tax Refunding Bonds											
Principal	860,000	945,000	1,035,000	1,130,000	1,230,000	7,895,000	11,250,000	0	0	0	24,345,000
Interest	1,083,250	1,038,125	988,625	934,500	875,500	3,299,125	2,025,000	0	0	0	10,244,125
Subtotal: Village One #2 CFD 2014 Spec Tax Ref Bonds	1,943,250	1,983,125	2,023,625	2,064,500	2,105,500	11,194,125	13,275,000	0	0	0	34,589,125
Fairview Village CFD 2014 Special Tax Refunding Bonds											
Principal	155,000	165,000	180,000	195,000	205,000	1,285,000	1,365,000	0	0	0	3,550,000
Interest	142,373	135,813	128,740	121,053	112,853	418,303	116,338	0	0	0	1,175,470
Subtotal: Fairview Village CFD 2014 Spec Tax Ref Bonds	297,373	300,813	308,740	316,053	317,853	1,703,303	1,481,338	0	0	0	4,725,470
TOTAL SPECIAL TAX BONDS	2,240,623	2,283,938	2,332,365	2,380,553	2,423,353	12,897,428	14,756,338	0	0	0	39,314,595
DEVELOPER ADVANCES											
Del Este Water Company											
Principal[3]	91,891	88,330	83,942	79,793	73,598	169,593	106,741	0	0	0	693,888
Subtotal: Del Este Water Company	91,891	88,330	83,942	79,793	73,598	169,593	106,741	0	0	0	693,888
TOTAL DEVELOPER ADVANCES	91,891	88,330	83,942	79,793	73,598	169,593	106,741	0	0	0	693,888
GRAND TOTAL	27,154,896	26,099,292	25,510,849	25,399,082	24,583,499	135,123,828	123,759,229	17,704,961	5,760,807	1,216,054	413,563,647

NOTES:

(1) Interest expense is estimated for variable rate debt

(2) Swap interest payments and swap related fees are not included

(3) Payments may fluctuate from this schedule based on individual agreement terms and negotiations

SCHEDULE OF DEBT SERVICE REQUIREMENTS
FISCAL YEAR 2023-2024

Resident Fund (1)	Debt Issue	Amount (2)	Funding Source (3)	Years Remaining (4)
CITY OF MODESTO				
1130	HUD Section 108 Note Payable	$342,500	CDBG	2
4130	Water Fund Ref. Certificates of Participation - 2008	$3,545,240	Water	14
4100	2007F MID Water Refunding Revenue Bonds	$8,400,700	Water	15
4140	ARRA Safe Drinking Water State Rev Fund	$36,995	Water	9
4241	Wastewater Refunding Revenue Bonds - 2015	$913,935	Sewer	2
4271	Wastewater Refunding Revenue Bonds - 2018A	$558,800	Sewer	14
4272	Wastewater Revenue Refunding Bonds Series 2020A (Federally Taxable)	$6,469,200	Sewer	13
4273	Wastewater Revenue Refunding Bonds Series 2020B (Tax-Exempt)	$1,279,700	Sewer	13
4210	Wastewater State Revolving Loan - NVRRWP	$1,158,375	Sewer	25
4600	Creekside Golf Course Construction	$499,550	Golf	1
4605	PNC capital Lease - Cushman Hauler 800	$1,015	Golf	1
0100	Turf Tank Capital Lease - Intelligent One Robot	$7,010	General	2
0100	PNC Capital Lease - Velocity Pumpers & Tillers (2016)	$599,500	General	5
0100	PNC Capital Lease - Velocity Pumpers & Tillers (2022)	$346,850	General	10
		$24,159,370		
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO				
2903	Modesto Centre Plaza Construction	$1,657,800	RDA	1
		$1,657,800		
MODESTO PUBLIC FINANCING AUTHORITY				
2150	2008 Refunding Lease Revenue Bonds	$4,051,730	General/RDA	11
		$4,051,730		
COMMUNITY FACILITIES DISTRICTS				
3245	CFD No. 2003-1_Refunding 2014 of Fairview Village	$306,020	Fairview	13
3294	CFD No. 2004-1_Refunding 2014 of Village One #2	$1,988,400	Village One #2	14
		$2,294,420		

Note: Debt service requirements are based on debt service schedules provided in bond and lease documents.

(1) "Resident fund" is the fund in which the debt service expenses to be paid to trustees or lessors are budgeted.

(2) "Amount" consists of total cash required to pay debt service related costs during the fiscal year, including trustee administration fees. Actual principal and interest expenses may be higher or lower, due to accruals in enterprise and internal service funds, and capitalized interest held by trustees.

(3) "Funding source" is the fund or funds which provide cash to the "resident fund" for debt service payments. If the funding source is different from the resident fund, an interfund transfer is normally budgeted to move the cash.

(4) "Years remaining" are as of June 30, 2023.

CITY OF MODESTO
CONTINUING DISCLOSURE REQUIREMENTS INFORMATION (continued)
FISCAL YEAR ENDED JUNE 30, 2022

BOND RATINGS

Bonds	Moody's Rating	Standard & Poor's Rating	Fitch Rating
2008 Lease Revenue Bonds	A1	AA+/A-1	AA-
2008 Water Certificates of Participation	Aa1		
Wastewater Revenue Bonds, Series 2018A		AA	
Wastewater Revenue Bonds, Series 2020A		AA	
Wastewater Revenue Bonds, Series 2020B		AA	

Sources: www.moodys.com
www.standardandpoors.com
www.Fitchratings.com

Glossary of Budget Terms

ABATEMENT - A complete or partial cancellation of a levy imposed by a government and usually applied to tax levies, special assessments and service charges.

ACCOUNTING SYSTEM - The total structure of records and procedures which discover, record, classify, summarize, and report information on the financial position and the results of operations of a government or any of its funds, fund types, balanced account groups, or organizational components.

ALLOCATION - To divide or share out for a specific purpose or to particular persons or departments.

APPROPRIATION - An authorization granted by a legislative body to make expenditures and incur obligations for a specific purpose. An appropriation is usually limited in amount and as to time when it may be expended. Operational appropriations usually expire at fiscal year end.

ASSESSED VALUATION - A value of real estate or other property by a government as a basis for levying taxes.

ASSETS - A probable future economic benefit obtained or controlled by a particular entity as a result of past transactions or events.

BOND - A City may raise capital by issuing a written promise to pay a specific sum of money, called the face value or principal amount, at a specified date or dates in the future, together with periodic interest at a special rate. The difference between a note and a bond is that the latter runs for a longer period of time and requires greater legal formality.

BUDGET - A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. The term usually indicates a financial plan for a single fiscal year.

BUDGET HEARING - A public meeting at which any citizen may appear and be heard regarding the increase, decrease or omission of any item in the proposed budget as presented in writing by the City Manager to the City Council.

BUDGET MESSAGE - A general discussion of the proposed budget as presented in writing by the City Manager to the City Council. The message contains an explanation of primary budget issues and policy changes found in the proposed budget.

CAPITAL IMPROVEMENT - A permanent addition to the City's assets, including the design, construction, or purchase of land, buildings, or facilities, or major renovations.

CAPITAL IMPROVEMENT PROGRAM BUDGET - A financial plan of proposed capital improvement projects with single and multiple-year capital expenditures. These include the construction of new streets, sewer lines, fire stations, development of a new park, or a significant study with long-term benefits to the Community. The Capital Program plan is a ten-year plan, which is updated annually. This program is often referred to as the "CIP".

CAPITAL OUTLAY - A budget category which includes all equipment having a unit cost of more than $5,000 and an estimated useful life of over one year. Non-CIP capital outlay is budgeted in the City's operating budget.

CONTINGENCIES - A budgetary provision representing that portion of the appropriations set aside to meet unforeseen expenditure requirements.

CPI - Consumer price index is a statistical measure of a weighted average of prices of a specified set of goods and services purchased by wage earners in urban areas.

DEBT SERVICE - Payment of the principal and interest on an obligation resulting from the issuance of bonds, notes, or other long-term debt.

DEPARTMENT - A major organizational unit of the City that has been assigned overall management responsibility for a group of related operations.

DEPRECIATION - Expiration in the service life of fixed assets, attributable to normal wear and tear. The portion of the cost of a fixed asset which is charged as an expense during a particular accounting period. In accounting for depreciation, the cost of a fixed asset, less any salvage value is prorated over the estimated service life of such an asset. Each period is charged a portion of this total cost. Through this process, the entire cost of the asset is ultimately charged off an expense.

ENCUMBRANCE - Obligations in the form of purchase orders, contracts, or salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

ENTERPRISE FUND - A governmental accounting fund in which the services provided are financed and operated similarly to those of a private business. The rate schedules for these services are established to insure that revenues are adequate to meet all necessary expenditures. Enterprise funds are established for services such as water and sewer, parking facilities, transit systems, airport, and golf courses.

EXPENDITURE - Actual cash disbursements for the cost of goods delivered or services rendered.

FISCAL YEAR - The time period designated by the City signifying the beginning and ending dates for recording financial transactions. The City of Modesto has specified July 1 to June 30 as its fiscal year.

FIXED ASSETS - Assets of a long-term character such as land, building, machinery, furniture, and other equipment with a value greater than $1,000 and a useful life longer than one year.

FORFEITURES - The automatic loss of cash or other property as a penalty for not complying with legal provisions and as compensation for any resulting damages or losses.

FRANCHISE - A special privilege granted by a government, permitting the continued use of public property, such as city streets and usually involving the elements of a monopoly or regulation.

FUNCTION - A group of related activities aimed at accomplishing a major service or regulatory program for which a government is responsible (e.g., general government; streets and highways; parks and recreation; public works and public safety).

FUND BALANCE - Also known as financial position, fund balance is the excess of assets over liabilities, and represents the cumulative effect of revenues and other financing sources over expenditure and other financing uses.

FUND - An independent fiscal and accounting entity with a self-balancing set of accounts recording cash and/or other resources together with all related liabilities, obligations, reserves, and equities which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

GENERAL FUND - The primary operating fund of the City used to account for all revenues and expenditures of the City not legally restricted as to use. Examples of departments financed by the General Fund include the City Council, Police and Fire Departments, and others general services.

GENERAL FUND DISCRETIONARY REVENUE - The General Fund is the primary operating fund of the City. It accounts for normal, recurring activities traditionally associated with government. General Fund discretionary money is revenue not restricted to special purposes such as collected fees, interfund labor charges, service credits, and indirect cost recoveries and can be used to support general government activities.

GENERAL OBLIGATION BOND - Bonds used for various purposes and repaid by the regular revenue raising powers of the City. The City of Modesto has no outstanding general obligation bonds.

GNP - Gross National Product is the total market value of all final goods and services produced by the entire economy in a one-year period.

GRANT - Contributions or gifts of cash or other assets from another governmental entity to be used or expended for a specific purpose, activity, or facility. An example is the Community Development Block Grant given by the Federal Government.

INDIRECT COSTS - Those elements of cost necessary in the production of a good or service that are not directly traceable to the product or service.

INTERFUND TRANSFERS - Amounts transferred from one fund to another.

INTERNAL SERVICE FUND - Funds used to account for the financing of goods or services provided by one department to another department on a cost reimbursement basis, for example; the Fleet Management Fund, which maintains the City's equipment pool; or the Central Services Fund, which provides office supplies and various materials for maintenance and construction.

NET DISCRETIONARY SUPPORT - Total operational costs after taking into account related fees and charges and other revenue. This represents the true general tax support for an operation.

OPERATING BUDGET - The portion of the budget pertaining to the daily operations that provide basic governmental services. The operating budget contains appropriations for such expenditures as personnel, supplies, utilities, materials, travel and fuel.

ORDINANCE - A formal legislative enactment by the City Council. It has the full force and effect of law within City boundaries unless pre-empted by a higher form of law. An ordinance has a higher legal standing than a resolution.

PERFORMANCE MEASURES - A performance measure is a public oriented measure which, whether stated in terms of effectiveness or efficiency, quantitatively describes how well a service is being performed. The foundation of performance measures is understanding the relationship between program inputs, outputs, efficiency, effectiveness, and ultimately program outcomes.

RECESSION - A noticeable drop in the level of business activity.

REIMBURSEMENT - Repayments of amounts remitted on behalf of another party, or interfund transactions that constitute reimbursements to a fund for expenditures or expenses initially made from it but properly applied to another fund.

RESERVE - An account used to earmark a portion of fund balance to indicate that it is not available for expenditure.

RESOLUTION - A special order of the City Council which has a lower legal standing than an ordinance.

RETAINED EARNINGS - An equity account reflecting the accumulated earning of an enterprise or internal service fund.

REVENUE - Funds that the government receives as income. It includes such items as taxes, fees, permits, licenses, grants and interest.

SPECIAL ASSESSMENT - A compulsory levy made against certain properties to defray part or all of the cost of a specific improvement or service deemed to primarily benefit those properties.

SPECIAL REVENUE FUND - A fund in which revenue is collected and is restricted by the City, State or Federal Government as to how the city might spend its resources.

SUBSIDY - A grant by government to another government entity to assist in an enterprise deemed advantageous to the public.

TAXES - Compulsory charges levied by a government for the purpose of financing services performed for the common benefit. The term does not include specific charges made against particular persons or property for permanent benefits such as special assessments. Neither does the term include charges for services rendered only to those paying such charges as, for example, water service charges.

TRUST AND AGENCY FUNDS - Also known as Fiduciary Fund Types, these funds are used to account for assets held by the City in a trustee capacity or as an agent for private individuals, organizations, or other governmental agencies. The fiduciary funds used by the City are investment trust, non-expendable trust and agency funds.

USER CHARGES - The payment of a fee for direct receipt of a public service by the party benefiting from the service.

WORKING CAPITAL – Also known as "financial position" in the private sector, working capital is the excess of current assets over current liabilities. For enterprise funds, this term is used interchangeably with "fund balance", a comparable financial position concept in the governmental fund types.

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget
A structurally balance budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2.U se of One-Time Resources
Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions
New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves
All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which is a flat $7 million, shall be maintained. Any use of the General Fund contingency reserve will require a majority vote of the Council.

5. Debt Issuance
Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation
Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects
Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8.F ees and Charges
The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants
Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan
The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement
All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

CITY OF MODESTO
OPERATING BUDGET POLICY

INTRODUCTION

The purpose of this policy is to identify roles, responsibilities, and actions related to the preparation and monitoring of the City of Modesto's annual operating budget. The operating budget is adopted annually at the fund level by the City Council. The budget provides a detailed estimate of how much the City needs to spend in its fiscal year to meet its ongoing financial obligations and provide programs and services.

RESPONSIBILITIES

Per the City Charter (Section 1302.1 through 1304), each year:

The City Manager shall, on or before December 15 of each year, submit to the Mayor and to the Council a five (5) year economic forecast of expenditures and revenues for each City Department.

On or before January 10, the members of the Council may submit individual written budget priorities to the Mayor for consideration. The Mayor shall, after consideration of any received written budget priorities, prepare and deliver to the Council the Mayor's Proposed Budget Priorities and Direction for both the City's Capital Budget and for the City's Operating Budget.

The Mayor shall, on or before February 15 of each year prepare and deliver to the Council the Mayor's Budget Message which shall include:

a) A statement of the fiscal priorities which the City should adopt for the ensuing fiscal year; and
b) Which City services, departments, offices or agencies the Mayor proposes to be expanded or reduced.

The Council shall hold a public hearing to consider the Final Mayor's Budget Message and to make any additions or revisions the Council deems advisable. Upon closing of the public hearing, the Council shall approve the Mayor's Budget Message as presented, or as revised.

The City Manager shall, on or before March 15 of each year, prepare and deliver to the Mayor and Council, a Capital and Operating Mid-Year Budget Report for each department, office, or agency.

By April 30 of each year, the City Manager shall send to Council a draft budget consisting of a careful estimate of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards, and commissions of the City, over which the City Manager has control during the next ensuing year. The City Manager shall also include in the draft budget an estimate of the amount of income/revenues that are to be included as part of the

draft budget. The draft budget shall accurately reflect the recommendations and priorities specified in the Final Mayor's Budget Message as adopted by the Council.

At least forty-five (45) days prior to the new fiscal year, the Mayor shall prepare and deliver to the Council the Mayor's Final Budget Modifications of the draft budget as submitted by the City Manager. Following the receipt of the Mayor's Final Budget Modifications, the Council shall consider and review the draft budget as submitted by the City Manager together with the Mayor's Final Budget Modifications and make such revisions as the Council may deem advisable. The resulting document shall be deemed the "Proposed Budget."

After the creation of the "Proposed Budget" document, the Council shall determine the time for the holding of a public hearing upon the "Proposed Budget" and a notice shall be posted not less than ten (10) days prior to said hearing. This public hearing will be used by the Council to allow for interested persons desiring to be heard an opportunity to speak upon the "Proposed Budget."

At the conclusion of the public hearing, the Council shall further consider the "Proposed Budget" and make any revisions that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Any revisions may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law or for debt service provided that no budget revision to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

The Mayor is responsible for preparing and delivering to the City Council the Mayor's Proposed Budget Priorities and Direction for capital and operating budgets, the Mayor's budget message, and final budget modifications.

The City Manager is responsible for preparing and delivering to the Mayor and Council a five-year forecast of expenditures and revenues, mid-year budget reports, and a draft budget.

The City Council is responsible for reviewing the proposed budget, holding a public hearing, revising the draft budget as needed, and approving the budget.

Under the Modesto Municipal Code (MMC) 2-3.401, the Budget Division is responsible for annually preparing and submitting to the City Manager a proposed preliminary budget prior to the beginning of the next succeeding fiscal year, and to ensuring monies are available and appropriated.

POLICY

<u>Budget Development</u>

1. It is the policy of the City of Modesto to prepare an annual budget using the accounting basis that is in conformance with generally accepted accounting principles (GAAP). To prepare the organization's budget, the Budget Manager shall gather proposed budget information from all Department directors (and others with budgetary responsibilities).
2. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years. All requests for additional personnel shall include a narrative explaining the need for an increase in staff potential duties for the new

employee and expected salary. All requests for capital shall include a narrative explaining the reason for the need of the respective item.

3. After appropriate revisions and a compilation of all department budgets a draft of the organization-wide budget is prepared by the Budget Manager. The appropriated budget is prepared by:
   - Fund (e.g. General Fund)
   - Department (e.g. Police).
   - Division (e.g. Field Operations)
   - Revenue/Expense Account (e.g. Sales and Use Tax/Office Supplies)
4. The draft of the organization-wide budget, individual departments' budgets as well as the narratives, and multi-year project budgets are presented to the City Manager for discussion, revision, and initial approval. Each individual capital request is evaluated to determine whether the capital item is needed to clear a safety issue a legal requirement or to improve customer service. This process is separate from the creation and adoption of the City's Capital Improvement Program (CIP). The policy for the CIP adoption follows a different set of guidelines. All request for additional staff are reviewed for viability based on the economic condition of the City.
5. At a public hearing the Mayor submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them. The proposed budget is presented to City Council for discussion, revision and adoption.
6. Public hearings are conducted at City Hall to obtain citizen input. Prior to July 1, the budget is adopted by motion of the City Council.
7. It is the policy of the City of Modesto to adopt a final budget prior to July 1 of the new fiscal year. The purpose of adopting a final budget at this time is to allow adequate time for the Budget Division to input the budget into the accounting system and establish appropriate budget and reporting procedures to ensure proper classification of activities and comparison of budget versus actual once the year begins.
8. The City will prepare and annually refine written goals and policies to guide the preparation of financing, spending, and performance plans for the City budget. Proposed budgets will comply with the adopted budget polices and Council priorities.
9. Department and program managers will not exceed the Council-approved appropriations in any fund. The City Council may approve modifications to these appropriations throughout the year as warranted by revenue collections and activity demands.
10. Enterprise funds and other non-general fund operations should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.
11. Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.
12. Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the managers of the two programs allowing the use of the budgeted amount as the basis for the charge.
13. Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.

<u>Inter-fund Transfers and Loans</u>

1. Ongoing operating program costs will not exceed the amount of ongoing revenue to finance those costs. Inter-fund loans will not be used as a funding mechanism to address ongoing gaps between revenues and costs. If a new program is added on an ongoing basis, an ongoing revenue source will be identified to fund the program costs. Any available carryover balance will only be used to offset one-time costs.
2. Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.
3. All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.
4. All inter-fund transfers between a fund and Capital or Non-Capital project shall not lapse at the end of the fiscal year but instead shall remain active until the project is completed and the funding is no longer needed. Inter-fund transfers will be evaluated at each year-end and then the remaining funds will be re-appropriated in the new fiscal year as the inter-fund transfer continues on for the continuing project.
5. Loans between funds and loans to other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date.
    a. Note that the terms and conditions for existing loans between the City and the former Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved and are subject to the laws put into place by recent redevelopment dissolution legislation passed by the State of California.

<u>Reserves</u>

1. *General Fund Reserve:* The Council has adopted a policy that uses the Fund Balance Guidelines for the General Fund that has been established by the Government Finance Officers Association (GFOA). The Council has established the following policies pertaining to General Fund reserves:

    - The General Fund's minimum reserve requirement should be maintained at a level of no less than two months of the General Fund's regular operating expenditures. The amount of General Fund reserves are to be calculated as the total of the Emergency Reserves category.
    - Any unassigned reserves/carryover in the General Fund at the end of a fiscal year will be distributed out based upon the following guidelines:
        - 1/3 of the unassigned reserves/carryover will be assigned to the Emergency Reserves category.

    - 1/3 of the unassigned reserves/carryover will be assigned to fund pension obligations (i.e. pension trust funding, etc.)
    - 1/3 of the unassigned reserves/carryover will be assigned to fund deferred maintenance.

2. *Fund Replacement Reserves:* In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.

<u>Fund Balance Information Requirements</u>

1. The requirements of GASB Statement No. 54 are intended to enhance the usefulness, including the understandability, of fund balance information, in the financial statements. The City will spend the most restricted dollars before less restricted, given equal eligibility, in the following order:
    - Non-Spendable - if funds become spendable (inventories, prepaid amounts)
    - Restricted (grants, bond proceeds)
    - Committed (capital acquisitions, pending projects)
    - Emergency Reserves (set aside funds in the General Fund that can only be appropriated through Council action)
    - Assigned (purchase orders, encumbrances)
    - Unassigned (residual fund balance after deducting the other fund balance categories)

<u>Budget Adjustment Authority</u>

1. Any adjustment that would appropriate any amount from the General Fund Emergency Reserves must receive Council approval to be appropriated. The authority to approve any other type of budget adjustment in the amount of $25,000 or less is delegated to the Budget Manager. The authority to approve any other type budget adjustment between $25,001 and $50,000 is delegated to the City Manager.
2. Authority for any budget adjustment over $50,000 is delegated to the parties shown below with the exception of appropriations from the General Fund Emergency Reserves:

    - City Council
        - Appropriation of undesignated reserves
        - Appropriation of new revenues
            - Does not include Developer Payments
        - Budgeting inter-fund transfers
            - Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (v) under the City Manager's budget adjustment authority
        - Creation of inter-fund loans
        - Creation of, or increase in, any multi-year appropriation except for the allocation of interest
        - Addition of permanent staff positions
        - Appropriation of payments for new indebtedness including operating leases
        - All other budgetary actions not delegated to another official

- City Manager
    - Adjust appropriations between departments within a fund
    - Change any capital equipment appropriation
    - Appropriate reserves, excluding General Fund Emergency Reserves, for litigation on a case-by-case basis
    - Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than $50,000
    - Appropriate Developer Payments not previously budgeted
    - Annexation Deposits
    - Special District Formation Deposits
    - Developer Deposits to be recognized as revenue

- Budget Manager
    - Appropriate unbudgeted grant interest
    - Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected departments)
    - Changing any CIP line item appropriation
    - Revoke multi-year appropriations
    - Close Capital Improvement Program or Non-Capital projects
    - Make technical budget corrections to implement the intent of Council-approved actions and resolutions
    - Transfer fiscal appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases over $25,000)
    - Make adjustments to funds or cost centers when they are closed and encumbrances need to be cleared out and budgets need to be reduced to $0 as part of the close-out process to ensure all activity is closed out for audit purposes

- Department Director
    - Transfer appropriations within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program)
    - Acting as a designee of the City Manager, the Parks, Recreation, & Neighborhoods Director shall be authorized to appropriate private donations or grants made to the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for specified purposes up to $25,000

<u>Monitoring Performance</u>

1. It is the policy of the City of Modesto to monitor its financial performance by comparing and analyzing actual results with budgeted results. This function shall be performed periodically by the Budget Manager.
2. Budgetary review
    - Budget-to-actual comparisons are made on a monthly basis by the Budget Division.
    - Budget-to-actual comparisons are presented for City Council review at mid-year and on an as needed basis.
    - Budget-to-actual comparisons are provided in the annual comprehensive financial report (ACFR) for each individual governmental fund, for which an appropriated annual budget has been adopted.

3. The City maintains an encumbrance accounting system of purchase orders and contracts as a means of accomplishing budgetary control. Purchase orders are reviewed to ensure that funds are available and that requests are properly authorized prior to being released to vendors.

BUDGETARY ACCOUNTING

Budgetary accounting is a management tool to assist in controlling expenditures. Budgetary accounting is an important control tool because the annual budget is a legal compliance standard against which the operations of all funds are evaluated.

Budgetary accounts include appropriation, encumbrances, and estimated revenues. Appropriations are the authorizations granted by the City Council to make expenditures or incur obligations for specific programs. Appropriations are made by specific program and fund type. Encumbrances reserve a portion of an appropriation representing a current fiscal year obligation that has not been paid, or commitments related to unperformed contracts for goods and services. Estimated revenues are the anticipated resources the City expects to receive from various funding sources throughout the fiscal year.

The City Council has the responsibility for adoption of the City's budget which is legally adopted through adoption of a resolution. The budget is prepared by City staff and coordinated by the Budget Division in the City Manager's office. The adopted budget includes expenditures and the means to financing them for operating, non-capital multi-year and capital projects in all General, Special Revenue, Enterprise and Internal Service Funds. From the effective date of the budget, July 1, the amounts stated as proposed expenditures are reflected as appropriations or authorization for the various City departments to expend City resources.

The City Council may amend the budget by resolution any time during the fiscal year. The City Manager may transfer funds between departments within a fund; changing any capital equipment appropriation; appropriation of reserves for litigation on a case-by-case basis; appropriation of developer payments not previously budgeted. Budget Manager may authorize the appropriation of grant interest; revise the allocation of Internal Service Fund charges between departments provided that the total allocated amount does not increase; changing any capital improvement budget line item appropriation; make technical budget corrections to implement the intent of Council approved actions and resolutions. The City's Operating Budget Policy further outlines the budgetary authority of the City Manager, Budget Manager, and Department Director.

For the General Fund, the City Council establishes an appropriation limit pursuant to Article XIIIB of the State Constitution. This appropriation limit is a spending limit for proceeds of taxes to be spent. This limit is based on the prior year's limit, adjusted by the change in California Per Capita Income and by the change in the City population.

All appropriations lapse at the end of the fiscal year. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of applicable appropriations, are employed as an extension of formal budgetary integration. Lease contracts entered into by the City may cross multiple fiscal years and are subject to City Council review.

Generally, expenditures are recorded when a liability is incurred, as under accrual accounting. However, principal and interest payments, as well as expenditures related to compensated absences and claims and judgments are recorded as fund liabilities when due or when amounts have been accumulated in the debt service funds for payment to be made early in the following year.

Governmental funds are used to account for the government's general governmental activities. Governmental fund types use the flow of current financial resources and the modified accrual basis of accounting. Under the modified accrual basis of accounting revenues are recognized when susceptible to accrual (i.e., when revenues are "measurable and available"). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to pay liabilities of the current period.

Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. For grant revenues, the City considers this type of revenue to be available if collected within 180 days. Property taxes, taxpayer-assessed taxes (such as sales and use, utility users, business license, transient occupancy, franchise fees, and gas taxes), interest, special assessments levied, state and federal grants, and charges for current services are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Revenues from licenses, permits, and fines and forfeits are considered to be measurable and available only when cash is received by the City.

Budget amounts, reported for governmental funds of the City are adopted on a basis consistent with United States of America Generally Accepted accounting principles (GAAP). Effective fiscal control for debt service funds is achieved through bond indenture provisions and other management controls.

BASIS OF PRESENTATION, BASIS OF ACCOUNTING, AND MEASUREMENT FOCUS

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund statements. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. Agency funds have no measurement focus. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. For grant revenues, the City considers this type of revenue to be available if collected within 180 days. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, principal and interest, compensated absences, claims and judgement expenditures are recorded as fund liabilities when due or when amounts have been accumulated in the debt service funds for payments to be made early in the following year.

Substantially all property taxes, taxpayer-assessed taxes (such as sales and use, utility users, business license, transient occupancy, franchise fees, and gas taxes), interest, special assessments levied, state and federal grants, and charges for current services are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Revenues from licenses, permits, and fines and forfeits are considered to be measurable and available only when cash is received by the City.

The City reports the following major governmental funds:

> The General Fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund. The Capital Grants Fund to account for receipts and disbursements of a variety of Governmental Fund capital grants.

The Operating Grants Fund to account for a variety of governmental fund operating grants, including law enforcement grants. The City reports the following major proprietary funds:

> The Water Fund accounts for all revenues collected by the City for the purpose of financing the construction, operation, and maintenance of the City water distribution system. Revenues are derived from water service charges and various installation fees.
>
> The Sewer Fund accounts for revenues collected by the City for the purpose of financing the construction, operation, and maintenance of the City sewer system. Revenues include, but are not limited to, sewer service charges and sewer lateral charges.
>
> The Bus Fund accounts for operations, maintenance, and capital expenditures of the City's mass transportation service. This system operates pursuant to the terms of a Federal grant agreement. Buses are operated by a private contractor under the terms of a supervisory agreement with the City. A separate contract provides Dial-a-Ride service for the elderly and handicapped.

Additionally, the City reports the following fund types:

Internal service funds account for fleet management, central services ,information and technology services, insurance, employee benefits management, and building services provided to other departments or agencies of the City on a cost-reimbursement basis.

Custodial funds account for cash and investments held by the City as agent for various assessment districts, governmental entities and non-public organizations. Custodial funds cannot be major funds.

Private-purpose Trust Fund accounts as the fiduciary fund type used by the City to report trust arrangements under which principal and income benefit other governments. The fund reports the assets, liabilities, and net position of the Successor Agency.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are exchange or exchange-like transactions between functions of the government. Eliminations of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise and internal service funds are charges to customers for sales and services. The Sewer Fund also recognize as non-operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the systems. Operating expenses for enterprise and internal service funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

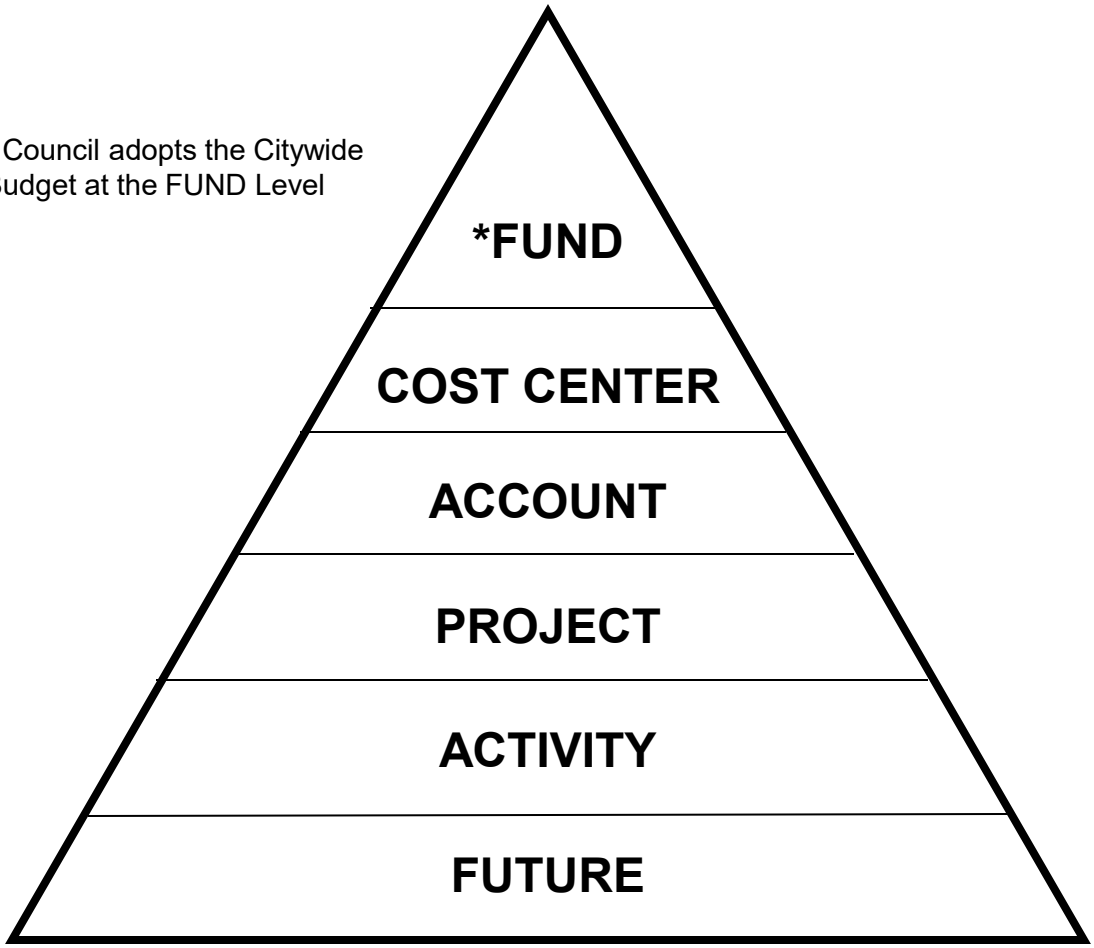
When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as they are needed.

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions. These estimates and assumptions affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period including the note disclosures. Actual results could differ from those estimates.

The basis of budgeting is same as accounting

City of Modesto Financial Structure

* Council adopts the Citywide Budget at the FUND Level



The City's financial system is organized around a structure that is commonly found in most public agencies.

Fund – Each fund represents a self-balancing group of accounts and a balance sheet that allows for the segregation of resources from all others maintained by the City.

For example, the General Fund accounting structure accumulates and tracks monies collected for the purpose of providing the services that fulfill the general government role of the City. These costs include those for central administration including the City Council, Personnel Services and the Finance Department. Other general government costs included are Police, Fire Protection and Parks, Recreation and Neighborhoods.

Cost Center – The cost center identifier is used within the City's accounting system to identify a specific cost center assigned to a department division. Thus, a single department can have one or more cost centers assigned to it in order to capture revenues and expenses for each separate function.

For example, the Finance Department has 10 "Cost Centers" assigned to it. A separate "Cost Center" is assigned to purchasing, accounting and business license costs. These ten organizational divisions allow the revenues and expenses for each function to be captured separately.

Account – The basic unit of the City's accounting structure is the account code. The purpose of the account code is to provide a means for separating each type of revenue and expense from another.

For example, full-time salaries are charged to Account Code 51001 while advertising costs are accounted for in Account Code 53175.

Project – A project tracks both Capital and Non-Capital (Multi-Year) revenue and expense.

For example, Capital Improvement Projects have multiple levels of costs; i.e. Engineering-Design, Construction and Administration, each level contains a budget. Within each project, there could be specific revenue funding the project such as grant revenue or city contribution.

Activity – An activity tracks expenditures for different types of tasks within a cost center. This field is typically used by cost centers within the Community and Economic Development department for HUD, CDBG, and HOME activities.

For example, CDBG has a cost center for CDBG Administration. Within this cost center there is a need to track expenses not only for direct administration costs but for indirect administration costs as well. To keep these expenses separate within the cost center an activity field is used (01047 for Direct Administration and 01048 for Indirect Administration costs).

Future – Capability within the Oracle software system to accommodate the need for future account strings.

2023/24 Budget Timeline

October 2022	
1st	External Auditors begin performing financial audits for the ACFR (Annual Comprehensive Financial Report)
December 2022	
15th	Submission of the 5 Year Forecast of Expenditures and Revenues to the Mayor and Council (per Charter)
January 2023	
13th	Mayor's Proposed Budget Priorities and Direction Presented to Council (per Charter)
February 2023	
1st	City Manager prepares and delivers Capital and Operating Mid-Year Budget Report for each City Department and Office to the Mayor/Council (per Charter)
15th	City Council's Budget Message: Fiscal Priorities & Program Expansions/Reductions (per Charter)
March 2023	
1st	Begin work on Budget Message/Council Policies for Proposed Budget Book
13th	Mayor/City Manager review budget
April 2023	
3rd	Mayor/City Manager review budgets and recommend ranking of Enhancement Requests for Approval
12th	Mayor/City Council review of the proposed budget
17th to 19th	Finance Committee Budget Workshops (FY 2023-24 Proposed Budget)
May 2023	
23rd	Mayor presents Final Budget Modification Message to Council (per Charter, 30 days prior to the new fiscal year)
June 2023	
6th	Adoption of Proposed Budget via Resolution

Summary of Key Revenue Assumption:

General Fund

The General Fund revenues are built off of various sources but include the following revenue categories:

- Tax Revenues
- Fee Revenues
- Departmental Revenues

The three different categories require different levels of assumptions as projections are made through each component of the category.

Tax Revenues

General Fund Tax revenues include revenues such as Property Tax, Sales Tax, Measure H General Sales Tax, Users Utility Tax, Business License/Mill Tax, Transient Occupancy Tax, and Cannabis Tax. Assumptions for each of these areas are unique and based upon various data that is gathered from external sources as well as information about the City of Modesto and its local economy's performance. For instance, Property Tax uses information about the assumptions for assessed valuations that is provided by the County Assessor's Office. This information is used as a growth factor for determining the increase in the City's property tax year-to-year. Sales Tax assumptions use a combination of information from an outside firm about local industries and their actual sales tax received, projections of sales tax for the City's future years, and then internal projections based off of prior year trends. The voters approved Measure H, a one-cent sales tax for general city services as part of the November 8, 2022 election. The City is projecting estimated revenue in the amount of $41.8 Million annually. Cannabis Tax uses assumptions based upon the number of active retail dispensaries, monthly tax revenue performance as well as prior year annual trends.

Fee Revenues

General Fund Fee revenues include Franchise Fees, Motor Vehicle Fees, and Construction Revenues. Franchise Fees are built from assumptions based upon the trends in place from franchises in place for areas of service that include cable franchises, PG&E franchises, garbage franchises, etc. and the payments received from the companies that hold the franchises. Motor Vehicle Fees are based upon a historical trend of the residual fees that are received from the state for motor vehicle fees as well as vehicle impound fees received in the City's Police Department. A historical trend is also used in these assumptions to predict future revenue growth. Construction Revenues are revenues received in the Community & Economic Development Department's Building Safety and Planning Divisions. These revenues are permit fees and other General Fund development type fees related to construction. Assumptions for these fees are developed by these divisions and are mainly based upon growth in various residential and commercial areas that are being seen throughout the City in terms of building and development.

Departmental Revenues

Departmental Revenues are made up of all other miscellaneous revenues within each department. These revenues can include sources such as rental revenue, direct charge revenue, parking fines revenue, contract services revenue, etc. These revenues are projected and determined by each department using various assumptions and methodologies depending upon the revenue source.

Gas Tax Fund

The state of California imposes per-gallon excise taxes on gasoline and diesel fuel, sales taxes on gasoline and diesel fuel and registration taxes on motor vehicles with allocations dedicated to transportation purposes. The portions of these allocation flow through the Highway Users Tax Account (HUTA) and the Road Maintenance Rehabilitation Account (RMRA). For Fiscal Year 2023-2024, revenue is projected to be 11.5 percent higher than Fiscal Year 2023-2024. The City

is estimating to receive a total of $5.9 Million in HUTA funds and $5.3 Million in Road Maintenance Rehabilitation Account (RMRA) Senate Bill 1 (SB1) funds.

Measure L Fund

The Measure L fund accounts for the one-half of one-percent sales tax passed by the County voters in November 2016 for a 25-year period. The tax provides to improve local and regional transportation facilities and services. The funding is allocated by specific transportation categories: Local Streets and Road, Traffic Management, Bike and Pedestrian, Transit Providers, and Regional Projects per the County expenditure plan. The Measure L ordinance requires that the City allocate the funds by each specific category to projects within the City. The ordinance also requires that the City maintains a Maintenance of Effort from the General Fund based on the prior three-year average of annual general fund expenditures, which the city spent at their discretion on local streets and roads. Revenue has continued to come in higher than budgeted in prior years, the budget was increased to $13.9 Million for Fiscal Year 2023-2024. The City will true-up the revenue quarterly based on actuals and allocate funds to projects.

Water Fund

There are no scheduled rate increases taking affect in Fiscal Year 2023-24. The last increase took effect on October 1, 2021 at a rate of 2%.

Wastewater Fund

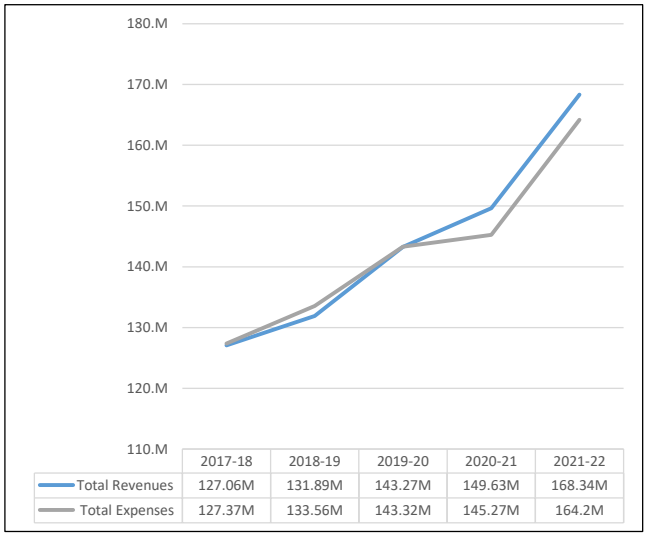
A 3.5% rate increase for residential/commercial and 2.5% increase for the Cannery Segregation took effect on July 1, 2022 as approved by voters via the Proposition 218 process and City Council on April 12, 2022.

Financial and Statistical Table

Revenue and Expenditure Trends - Last Five Completed Years

General Fund

Revenues:	Actual 2017-18	Actual 2018-19	Actual 2019-20	Actual 2020-21	Actual 2021-22
Tax					
Property Tax - Property	$16,193,739	$17,156,955	$17,954,605	$18,949,790	$19,602,435
Property Tax - VLF Swap	$15,896,805	$16,721,233	$17,596,741	$18,453,801	$19,406,502
Sales Tax	$31,302,950	$31,665,700	$30,534,694	$35,670,236	$40,389,650
Utility User Tax	$20,609,874	$19,803,859	$19,803,218	$20,764,694	$20,918,654
Transient Occupany Tax	$2,826,160	$2,961,406	$2,964,806	$2,850,231	$3,621,191
Business License / Mill Tax	$13,053,199	$13,715,997	$13,269,467	$13,899,555	$15,529,034
Fees					
Franchise Fees	$4,818,202	$5,000,174	$5,151,286	$5,236,613	$5,413,754
Motor Vehicle Fees	$309,955	$335,770	$381,066	$402,171	$474,637
Construction Revenues	$2,324,266	$2,048,880	$1,992,292	$2,343,029	$2,507,546
Other					
Department Revenues	$19,048,701	$19,034,639	$29,197,509	$24,003,792	$31,446,105
Cannabis					
Cannabis Tax	$0	$352,208	$3,201,365	$5,379,403	$4,022,800
Cannabis Admin Fee	$0	$173,940	$267,676	$338,093	$293,734
American Rescue Plan Act Funds	$0	$0	$0	$0	$4,083,430
Total Operating Revenues	**$126,383,851**	**$128,970,761**	**$142,314,725**	**$148,291,408**	**$167,709,471**
Transfers In	$678,459	$2,921,937	$953,640	$1,341,072	$628,640
Total Revenues	**$127,062,310**	**$131,892,698**	**$143,268,365**	**$149,632,480**	**$168,338,111**
Expenses:					
Police Department	$58,314,851	$62,228,401	$65,301,447	$65,838,984	$67,235,905
Fire Department	$32,258,111	$32,441,534	$39,569,085	$43,105,192	$52,905,321
Parks, Recreation, and Neighborhoods	$3,432,286	$11,351,780	$11,832,097	$11,571,563	$12,727,450
Community and Economic Development	$6,961,709	$5,982,895	$6,346,611	$5,947,198	$5,885,601
Public Works	$6,296,627	$492,415	$563,774	$0	($378)
City Council	$421,827	$418,353	$455,804	$435,926	$459,030
City Manager's Office	$1,922,529	$2,232,202	$2,719,829	$2,588,156	$3,074,434
Human Resources	$1,367,762	$1,473,750	$1,508,643	$1,537,782	$1,723,415
City Attorney's Office	$1,993,713	$1,836,315	$1,668,384	$1,432,423	$1,888,725
City Clerk's Office	$716,329	$645,168	$499,942	$897,997	$496,314
Office of the City Auditor	$183,307	$234,266	$55,766	$76,986	$103,761
Finance Department	$4,522,654	$4,622,460	$4,787,933	$4,998,891	$5,401,302
Non-Departmental	$353,382	$361,986	$365,196	$389,452	$445,865
Debt Service	$0	$0	$0	$0	$0
Total Department Expenses	**$118,745,087**	**$124,321,525**	**$135,674,511**	**$138,820,550**	**$152,346,745**
Transfers Out	$8,622,436	$9,239,588	$7,641,959	$6,444,670	$11,848,774
Total Expenses	**$127,367,523**	**$133,561,113**	**$143,316,470**	**$145,265,220**	**$164,195,519**



SCHEDULE A

FISCAL YEAR 2023-24

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2022-23 Appropriation Limit		$558,994,169
Adjustment Factors		
Per Capita Personal Income Change	4.44%	
Population Change (Modesto)	-0.32%	
Per Capita converted to a ratio	1.0444	
Population converted to a ratio	0.9968	
Calculation of factor for FY 2023-24	1.0411	
Adjustment		$22,974,660
FY 2023-24 Appropriation Limit		$581,968,829

Article XIIIB places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

City of Modesto
CALCULATION OF PROCEEDS OF TAXES
Fiscal Year 2023-24

Worksheet #1

Based on Adopted Budget: Yes

REVENUE		Proceeds of Taxes	Non-Proceeds of Taxes	Total
Funds Included:	0100, 0130, 1130, 1170, 1180, 1200, 1300, 1310, 1320, 1340, 1341, 1342, 1360, 1510, 1600, 1610, 1700, 1800, 3130, 3140, 3200, 3210, 3211, 3220, 3235, 3240, 3242, 3250, 3260, 3265, 3270, 3275, 3280, 3290, 3292, 3410, 3420, 3430, 3460, 3470, 3480			
TAXES:				
Property Tax		$22,309,343	-	$22,309,343
Sales & Use Tax		$46,163,375	-	46,163,375
Business License Tax - Revenue		$19,791,771	-	19,791,771
Utility Users Tax		$21,546,214	-	21,546,214
Transient Occupancy Tax		$3,680,000	-	3,680,000
Special Police or Fire (prop 172)		$988,500	-	988,500
Admissions Tax		-	-	-
Parking Tax (not fines)		-	-	-
Special benefit assessments		$79,688	-	79,688
CFD Annual Maintenance Fee		$3,335,000	-	3,335,000
Other taxes		180,000.00	-	180,000.00
FROM STATE				
Motor Vehicle in Lieu		21,637,453	-	21,637,453
Measure L - Road Tax		2,436,000	-	2,436,000
Trailer Coach in Lieu		-	-	-
Off-Highway Vehicles		-	-	-
Gasoline Tax		-	-	-
Cigarette Tax		-	-	-
Homeowners Relief		156,566	-	156,566
Williamson Open Space		-	-	-
Tidelands Trust		-	-	-
SB90 Reimbursements		-	-	-
Calworks reimbursement		-	-	-
AB939 reimbursement		-	-	-
Various Operating Grants Block Grants		-	-	-
State Grant Revenue		-	-	-
St Hiway Maintenance Agmt		-	-	-
Prop 40 RZH P&R		-	-	
Misc State Grants		-	-	-
Repealed Subventions:		-	-	-
	Liquor License fee	-	-	-
	Highway carriers	-	-	-
	Financial Aid to Locals	-	-	-
	Business Inventory	-	-	-
	78-79 Bailout funds	-	-	-
OTHER GOVERNMENTS				
General Revenue Sharing		-	-	-
Community Development (CDBG)		-	-	-
HOME		-	-	-
Housing (HUD)		-	-	-
Disaster Reimbursement		-	-	-
Abandoned Vehicle Allocation		-	-	-
McHenry Tax Sharing Agreement		-	-	-
County Participation		-	-	-
County Vehicle Theft Allocation		-	-	-
County Housing Auth Officer Reimburs.		-	-	-
Federal Grant OCJP		-	-	-
Crime Free Multi-Housing Grant		-	-	-
TRRP Administration Fee		-	-	-
School Police Reimbursement		-	-	-
Reimbursement, School Services Other		-	-	-
DARE Reimbursement		-	-	-
Federal Gov't Airport Sec Reimburs.		-	-	-
Various Operating Grants Reimbursed		-	-	-
Fed Juv Account Block Grant		-	-	-
Federal Police Grant		-	-	-
FEMA		-	-	-
Local Transportation Funds		-	-	-
Misc Gas Tax Maintenance Revenue		-	-	-
Emergency Shelter Grant		-	-	-
Schools		-	-	-
AQ CFF Fed Non Motorized		-	-	-
Federal Grant TEA-21		-	-	-
Other		-	-	-

LOCALLY RAISED			
Special benefit assessments	-	-	-
Licenses and permits	-	-	-
Business Licenses - Regulatory	-	-	-
Franchise Fees	-	-	-
Development Fees	-	-	-
Rents, royalties, concessions (*)	-	-	-
Fines, forfeitures, penalties	-	-	-
CHARGES FOR SERVICES:			
Recreation & Neighborhood fees	663,699	-	663,699
Park & Rec User Fee CIP	-	-	-
Police & Fire Department Charges	3,118,914	-	3,118,914
Other fees & Charges	1,235,986	-	1,235,986
Construction Related Fees	1,965,092	-	1,965,092
Recycling Fees	2,658,671	-	2,658,671
USER FEES (from Worksheet 2) (**)	-	-	-
OTHER MISCELLANEOUS			
Sale of property (*)	-	-	-
Interfund transfers	-	-	-
Misc Solid Waste Revenue	-	-	-
Developer share of project	-	-	-
Miscellaneous Revenue	581,860.00	-	581,860
SUB - TOTAL (for Worksheet 3)	152,528,132	-	152,528,132
INTEREST EARNINGS (from Worksheet 3)	1,000,000	-	1,000,000
TOTAL REVENUE	153,528,132	-	153,528,132
(use for Worksheet 4)			
RESERVE WITHDRAWALS			
(Including appropriated fund balance)		-	-
TOTAL OF THESE FUNDS	153,528,132	-	153,528,132
TOTAL OTHER FUNDS NOT INCLUDED	-	-	-
GRAND TOTAL Budget	**$153,528,132**	-	**$153,528,132**

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MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, April 17, 2023 at 5:00 PM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Wright
Alternate Member Williams

Absent: Member Bavaro
Also Present: Councilmember Alvarez

PUBLIC COMMENTS

None

NEW BUSINESS

Presentations:

City of Modesto Budget Overview

- **Budget Overview Presentation:**
  Budget Manager Steve Christensen gave Presentation: General Fund Daft Proposed Operating Budget; General Fund Draft Proposed Revenues; General Fund Revenue History; General Fund Draft Proposed Expenditures; General Fund Expenditure History; General Fund Revenues and Expenditures History; Proposed Non-Measure H Adjustments; , Current Policy for General Fund Unassigned Reserves/Carryover; Staff Recommendations for Revisions to Financial Policy on General Fund Reserves/Carryover; Measure H Overview; Other Major Funds

Department Presentations

• **Quality of Life**

• **Police Department**

Police Chief Brandon Gillespie gave General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **Fire Department**

Fire Chief Alan Ernst gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **Parks, Recreation & Neighborhoods Department**

Parks, Recreation & Neighborhoods Director Laurie Smith gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Recessed at 6:35 p.m.
Reconvened 6:47 p.m.

• **Charter Offices**

• **City Manager's Office**

City Manager Joe Lopez gave Presentation: Department Overview; Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **City Attorney's Office**

City Attorney Jose Sanchez gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Vice Chair Escutia-Braaton left at 6:22 p.m./returned at 7:09 p.m.

• **City Clerk's Office**

City Clerk Diane Nayares-Perez gave Presentation - Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **Community & Economic Development Department**
Community & Economic Development Department Interim Director Jessica Hill gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Presentations will continue at the April 18, 2023, Finance Committee meeting.

ADJOURNMENT

This meeting adjourned at 7:32 p.m.

Attest:_____

Andrea Cook for

Diane Nayares-Perez, City Clerk

Volume 90%

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*Via Conference Call
Vice Mayor Ricci
City of La Quinta
Study Session Room
78495 Calle Tampico
La Quinta, CA. 92253

MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Tuesday, April 18, 2023 at 8:30 AM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Wright
Alternate Member Williams

Absent: Member Bavaro
Also Present: Councilmember Alvarez, *Vice Mayor Ricci

PUBLIC COMMENTS

None.

NEW BUSINESS

Presentations continued:

• **Departments**

• **Public Works Department**
Public Works Director, Bill Sandhu gave Non-General Fund presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **Information Technology Department**
Information Technology Director Scott Conn gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart

and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Councilmember Alvarez left at 9:25 a.m.

Recessed at 9:41 a.m.
Reconvened at 9:51 a.m.

• **Finance Department**
Director of Finance, DeAnna Christensen gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **Human Resources Department**
Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

• **Risk Management & Benefits Division**
• **Employee Benefits Fund**
• **Workers Compensation Fund**
• **Liability Fund**
Human Resources Director, Christina Alger gave Presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Councilmember Alvarez returned at 10:37 a.m.

• **Utilities Department**
Utilities Director, Will Wong gave presentation: Department Overview, Department Priorities for Fiscal Year 2023-2024, Organizational Chart and Department Staffing, Departmental Revenues & Expenditures, Departmental Opportunities, Departmental Challenges.

Special Presentations

• **Organizational Structure Changes Presentation**
Human Resources Director, Christina Alger gave Presentation: Background; Overview of Recommended Changes by Department; Neighborhood Preservation; Single Class Audits.

Vice Mayor Ricci left at 11:58 a.m.

Recessed at 11:58 a.m.
Reconvened at 1:00 p.m.

• **Equipment/Hardware/Software Maintenance Presentation**
Director of Finance, DeAnna Christensen gave overview of Equipment Maintenance; Type of Equipment, List of Maintenance Agreements, Funding Sources; Director of IT, Scott Conn gave overview of Software Maintenance, Type of Software, List of Maintenance Agreements, Funding Sources

• **Revenue Manual/Fee Increases Presentation**
Director of Finance, DeAnna Christensen gave overview of revenue manual and potential fee increases along with Revenue Collections and Compliance Manager Jennifer Martin. Interim Director of CEDD, Jessica Hill gave proposed Fee changes for CEDD. Director of PRN, Laurie Smith gave proposed Fee changes presentation for PRND. Director of Public Works, Bill Sandhu gave proposed Fee changes presentation for PW. Director of Utilities, Will Wong gave proposed Fee changes for UTL.

• **Grant Status Update Presentation**
Director of Finance, DeAnna Christensen opened up the presentation on updates of grant applications and awards by department. Interim Director of CEDD, Jessica Hill gave update for grant applications and awards and proposed grant applications for CEDD. Assistant Fire Deputy Chief Kevin Wise gave update for grant applications and awards and proposed grant applications for Fire Department. Chief Brandon Gillespie gave update for grant applications and awards and proposed grant applications for Police Department. Director Bill Sandhu gave update for grant applications and awards and proposed grant applications for Public Works. Director Will Wong gave update for grant applications and awards and proposed grant applications for Utilities.

Presentations will continue at the April 19, 2023, Finance Committee meeting.

ADJOURNMENT

This meeting adjourned at 3:00 p.m.

Attest: _____

Andrea Cook for

Diane Nayares-Perez, City Clerk

*Via Conference Call
Vice Mayor Ricci
City of La Quinta
Council Chambers
78495 Calle Tampico
La Quinta, CA. 92253

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MINUTES

City of Modesto

FINANCE COMMITTEE / COUNCIL WORKSHOP

Chambers, Basement Level
1010 10th Street
Modesto, California
Wednesday, April 19 2023 at 8:30 AM

Roll Call: Present: Vice-Chair Escutia-Braaton and Chair Wright
Alternate Member Williams

Absent: Member Bavaro
Also Present: Councilmember Alvarez (Arrived 10:06 a.m.), *Vice Mayor Ricci (Arrived 8:34 a.m.)

PUBLIC COMMENTS

- Chris Murphy spoke regarding the Graffiti USA Classic Car Museum, California Welcome Center, and travelling tourism. Requested ARPA funds that will be matched by a sponsor to help with the continued financial support from the City.

- John Sanders spoke regarding needing financial support for the Graffiti USA Classic Car Museum for renovations and maintenance.

- Cecil Russel spoke regarding needing financial support for the Graffiti USA Classic Car Museum for renovations and maintenance and continued use of local craftsmen along with building tourism.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items

NEW BUSINESS

Special Presentations continued:

- **Deferred Maintenance Presentation**
  Director Laurie Smith gave a presentation of deferred maintenance for Parks, Recreation, and Neighborhood Department. Director Bill Sandhu gave a presentation of deferred maintenance for Public Works Department. Director Will Wong gave a presentation of deferred maintenance for the Utilities Department.

- **Pension Presentation**
  Human Resources Director Christina Alger gave a pension presentation of CalPers Unfunded Accrued Liability.

Recessed at 9:49 a.m.
Reconvened at 9:57 a.m.

- **Sponsorships Presentation**
  Parks, Recreation, and Neighborhood Director Laurie Smith gave a presentation on Sponsorships.

- **American Rescue Plan Act (ARPA) Presentation**
  Finance Director DeAnna Christensen gave ARPA funding presentation.

- **Measure H Presentation**
  Budget Manager Stephan Christensen opened up and gave Measure H presentation. City Attorney Jose Sanchez gave Measure H presentation. Police Chief Brandon Gillespie gave Measure H presentation. Fire Chief Alan Ernst gave Measure H presentation. Parks, Recreation, and Neighborhood Director Laurie Smith gave Measure H presentation. CEDD Interim Director Jessica Hill gave Measure H presentation.

Vice Mayor Ricci left at 11:44 a.m.

Recessed at 11:44 a.m.
Reconvened at 1:01 p.m.

- **Measure H Presentation continued:**
  Public Works Director Bill Sandhu gave Measure H presentation. IT Director Scott Conn gave Measure H presentation. Budget Manager Stephan Christensen gave Measure H Admin Support Adjustments and Spending Plan Recap.

• **Follow-up**
Budget Manager Stephan Christensen gave follow up. Police Chief Brandon Gillespie followed up on Fuel Expenditures. Public Works Director Bill Sandhu followed up on Bulky Item Pickup and Fuel Contracts and Terms. Human Resources Director Christina Alger followed up on open positions. Director Will Wong followed up on five-year history on the Water and Wastewater Funds. CEDD Interim Director Jessica Hill followed up on Development User Fees and Building Permit Fees for Single Family Homes, Cost Recovery for Land Design Engineering and Building Permits, and Current Building Permits. Parks, Recreation, and Neighborhood Director Laurie Smith followed up on fees/revenues by renting the Mansion and Museum.

• **Recap and Committee Recommendations**
Budget Manager Stephan Christensen gave a recap of the Budget Workshop.

1. Consider accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2023-24 Operating and Multi-Year Budget for the City of Modesto. (Funding Source: All City Funds)

   - Motion accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2023-24 Operating and Multi-Year Budget for the City of Modesto.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Williams/Escutia-Braaton; 3/0) Motion accepting and forwarding on to Council for final review and adoption the Draft Proposed Fiscal Year 2023-24 Operating and Multi-Year Budget for the City of Modesto.

2. Consider approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation. (Funding Source: American Rescue Plan Act Fund)

   - Motion approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Escutia-Braaton/Williams; 3/0) Motion approving the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan funds and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocation.

3. Consider accepting the changes to the City's Financial Policies as it relates to General Fund Unassigned Reserves/Carryover at Fiscal Year-End and forwarding to Council for approval. (Funding Source: General Fund)

   - Motion accepting the changes to the City's Financial Policies as it relates to General Fund Unassigned Reserves/Carryover at Fiscal Year-End and forwarding to Council for approval.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion accepting the changes to the City's Financial Policies as it relates to General Fund Unassigned Reserves/Carryover at Fiscal Year-End and forwarding to Council for approval.

4. Consider approving payment of various equipment maintenance agreements for Fiscal Year 2023-24 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $896,155 and forwarding to Council for approval. (Funding Sources: Various City Funds)

   - Motion approving payment of various equipment maintenance agreements for Fiscal Year 2023-24 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $896,155 and forwarding to Council for approval.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Williams/Escutia-Braaton; 3/0) Motion approving payment of various equipment maintenance agreements for Fiscal Year 2023-24 with multiple equipment manufacturers for all City Departments, for an annual cost not to exceed $896,155 and forwarding to Council for approval.

5. Consider approving payment of various software / hardware maintenance agreements for Fiscal Year 2023-24 with multiple vendors for all City Departments, for an annual cost not to exceed $6,435,813 and forwarding to Council for approval. (Funding Source: Various City Funds)

   - Motion approving payment of various software / hardware maintenance agreements for Fiscal Year 2023-24 with multiple vendors for all City Departments, for an annual cost not to exceed $6,435,813 and forwarding to Council for approval.

   BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

   ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving payment of various software / hardware maintenance agreements for Fiscal Year 2023-24 with multiple vendors for all City Departments, for an annual cost not to exceed $6,435,813 and forwarding to Council for approval.

6. Consider approving the changes related to the reorganizations as specified during the Budget Workshops and forwarding to Council for approval. (Funding Source: Various City Funds)

- Motion approving the changes related to the reorganizations as specified during the Budget Workshops and forwarding to Council for approval.

BUDGET; Steve Christensen, 209-577-5390, schristensen@modestogov.com

ACTION: (Wright/Escutia-Braaton; 3/0) Motion approving the changes related to the reorganizations as specified during the Budget Workshops and forwarding to Council for approval.

ADJOURNMENT

This meeting adjourned at 2:18 p.m.

Attest:_____

Andrea Cook for

Diane Nayares-Perez, City Clerk

Volume 90%

List of Funds by Category

City-Wide

Expense By Fund	FY23-24 Proposed Budget	FY22-23 Amended Budget
Debt Service Funds	4,051,730	4,308,200
2150 - Public Financing Authority 98 & 07 Bonds	4,051,730	4,308,200
General Fund	183,884,075	180,783,015
0100 - General Fund	183,884,075	180,783,015
Internal Service Funds	120,799,599	116,320,316
5100 - Central Services Fund	-	
5110 - Inventory Purchases Fund	4,898,175	5,206,559
5120 - Mail Services ISF Fund	344,702	341,180
5230 - Information Technology Fund	10,015,313	10,248,085
5310 - Insurance - Administration Fund	1,153,928	1,156,107
5320 - Insurance - Workers Compensation Fund	5,907,816	6,572,690
5330 - Insurance - Liability Insurance Fund	6,662,571	6,641,020
5340 - Insurance - Property Insurance Fund	1,551,700	1,496,250
5350 - Insurance - Dental Insurance Fund	1,933,732	1,841,650
5360 - Insurance - Health Fund	19,974,547	18,705,983
5370 - Insurance - Disability Fund	194,250	185,000
5380 - Insurance - Other Employee Fund	744,758	909,452
5390 - Insurance - Vision Fund	320,373	305,116
5400 - Fleet Management Fund	19,066,596	17,292,324
5409 - Fleet Management Fleet Replace Fund	8,134,200	5,630,375
5410 - General Fund Fleet Equipment Replacement	-	
5520 - Employee Benefits Administration Fund	973,465	966,107
5810 - 10th Street Place Building Services	1,406,520	1,415,755
Non-Operating Funds	6,240,904	7,033,357
1850 - Disability Access and Education Fund	14,000	2,350
3130 - Parks Fund		8
3200 - Village One CFD Fund	895,528	819,274
3210 - Kiernan Business Park West CFD Fund	64,750	71,047
3212 - Kiernan Business Park East CFD Fund	56,330	66,651
3215 - The Vintage CFD Fund	71,468	66,639
3216 - Woodglen 2018-1 CFD Fund	68,100	61,269
3235 - North Beyer #2 CFD Fund	105,197	90,303
3240 - Fairview Village CFD Fund	217,157	201,170
3245 - Fairview Village CFD - 2014 Debt Service Refunding	335,444	326,444
3250 - North Beyer Park CFD	4,756	6,511
3260 - Enterprise Park 1998 CFD Fund	22,989	12,981
3265 - NorthPointe CFD Fund	46,873	33,377
3270 - Carver/Bangs Pelandale/Snyder CFD Fund	129,326	110,393
3275 - Coffee/Claratina CFD Fund	215,228	177,379
3290 - Village One #2 CFD Fund	974,821	905,760
3294 - Village One #2 CFD 2014 Debt Fund	2,020,264	1,969,261
3440 - Police Department Capital Facility Fee Fund		215,000
3450 - Fire Department Capital Facility Fee Fund		105,000
3470 - General Government Capital Facility Fee Fund		175,000
1390 - American Rescue Grant Fund	783,477	1,342,114
1381 - Non-Capital Public Works (Non-Grant)	199,013	237,371
1810 - Agricultural Mitigation	16,183	13,055
3246 - Fairview Village #2 CFD Fund		25,000
Other Agencies	1,547,467	4,598,607
1910 - RDA Successor Agency Administration Fund	33,138	175,991
2903 - RDA Successor Agency Debt Service Fund	2,483	2,979,751
6100 - JPA - Industrial Fire	686,145	682,061
6600 - JPA - Stanislaus Drug Enforcement Agency	-	
6700 - JPA - Tuolumne River Regional Park (TRRP)	825,701	760,804
Other Funds	38,149,111	38,032,707
1130 - Grants - CDBG Direct Program	955,965	1,496,165

1133 - HUD Administration	1,785,089	1,583,286
1155 - Grants - RLF Program Income	-	250,000
1185 - Community System of Care (CSoC)	-	
1210 - Downtown Modesto Community Benefit District	-	780,150
1300 - Capital Improvement Support	5,808,565	5,879,965
1320 - Education and Government Cable	284,625	323,877
1321 - Public Educational Governmental (PEG) Fund	-	65,913
1341 - Grants - Operation Grants Reimbursed	1,404,001	1,593,313
1342 - Grants - Police	451,017	407,311
1345 - Grants - ARRA Public Safety	-	
1360 - Carpenter Road Landfill	-	
1600 - Traffic Safety Fund	545,498	537,835
1610 - Traffic Offender Fund	239,299	266,093
3220 - Infrastructure Financing Program Administration	1,186,555	1,187,979
3480 - Capital Facility Fees Administration Fund	145,503	136,813
4000 - Parking Fund	2,471,686	1,852,555
4600 - Golf Fund	2,476,229	2,512,787
4605 - Golf Kemper Fund	1,333,103	1,156,275
4700 - Community Center Operations Fund	1,842,734	1,897,417
4890 - Compost Fund	2,688,371	2,286,286
4891 - Solid Waste Fund	3,082,370	2,339,637
4892 - Green Waste Fund	8,710,606	8,153,779
4893 - Carpenter Road Landfill (Enterprise)	240,371	898,350
4894 - Geer Road Landfill Mitigation Costs	189,239	206,721
4895 - Waste to Energy Distribution Fund	11,141	11,113
6470 - Landscape and Lighting District Shackleford	32,013	28,799
6480 - Landscape Assessment District #1	21,106	18,477
6490 - Landscape Assessment District #2	23,567	18,530
4896 - Compost Facility Improvements Fund	1,850,000	1,850,000
1120 - Grants - PLHA Program	3,515	
Transportation Funds	17,392,072	44,698,407
1410 - Measure L - Road Tax Fund		16,474,468
1700 - Surface Transportation Fund	15,968,452	13,806,817
1730 - Gas Tax Fund		11,696,782
1740 - Garbage Franchise Fees - Streets Fund		1,350,000
4310 - Airport Operating Fund	1,223,620	1,304,340
4330 - County Aircraft Tax Fund	200,000	66,000
4520 - Bus Service Fund - DAR	-	
4550 - Bus Fixed Route - Altern Transport Fund	-	
Utilities	124,741,607	139,515,169
4100 - Water Fund	63,092,409	64,765,963
4112 - Water PCE Mitigation Fund	854,615	885,069
4130 - Water 2008 Water Refunding Revenue COP 2008 Series A	3,546,482	2,164,623
4140 - Water - Grants	38,237	46,723
4210 - Sewer Operations Fund	38,400,557	51,351,031
4211 - Wastewater Developmental Fees Fund	-	
4212 - Wastewater PCE Mitigation Fund		1,000
4235 - Sewer NVRRWP (North Valley Regional Recycled Wtr Prgrm) SRL	1,159,617	1,158,373
4240 - 2006 Wastewater Revenue Bonds	-	
4241 - 2015 Wastewater Refunding Private Placement	915,177	2,796,223
4245 - State Revolving Loan (Teritary Treatment Funding)	-	
4271 - Wastewater Revenue Refunding Bonds Series 2018A	560,042	563,623
4273 - Wastewater Revenue Refunding Bonds Series 2020B(Tax-Exempt)	1,280,942	1,281,723

OVERVIEW OF CITY FUNDS

The following provides brief descriptions of the City's principal funds, grouped by functional area.

General Fund

The General Fund (0100) is the primary operating fund of the City. Its principal revenue sources include property tax, sales tax, utility user taxes, business licenses & franchise taxes, and certain general purpose revenues allocated by the State. Police and Fire services account for the bulk of expenditures in the General Fund, with the balance going to a variety of programs including parks, recreation, planning & economic development, and general government.

Measure H Fund

The Measure H Fund (0160) is a newly created fund to track activity related to Measure H local sales tax revenue and expenses. The fund will be used to deposit revenue and track expenditures related to approved Measure H programs and projects.

Transportation Funds

Surface Transportation Fund (Special Revenue – 1700 thru 1750): This fund accounts for the City's street maintenance & traffic operations, electrical and engineering costs. Its revenue sources include the City's share of the State gas tax, Senate Bill 1 (Road Maintenance and Rehabilitation Account) funding, and a share of the local garbage collection service agreement fee.

Measure L Funds (Special Revenue – 1410 & 1420): This fund accounts for the City's local control portion of the Stanislaus County Measure L sales tax proceeds. The local control funds make up 65% of the total County Measure L funds and are categorized as follows: Local Streets and Roads (50%), Traffic Management (10%) and Bike and Pedestrian (5%). A small portion of the revenue is also for Transit Services. The funds are transferred to approved Measure L local control projects and transit as expenses are incurred. The fund also receives a transfer from the General Fund for the Maintenance of Effort requirements for Measure L and Senate Bill 1.

Local Transportation Fund (Special Revenue - 1510): This fund accounts for the City's share of a ¼% sales tax imposed by the State and distributed to cities and counties for transportation purposes. (By law, transit services have priority over street maintenance in claiming this revenue; the LTF revenue received by the City for transit purposes is accounted for in the Bus Fund, below.) Most of the revenue received in this fund is transferred to the Gas Tax fund for expenditure on street maintenance.

LTF Non-Motorized (Special Revenue - 1520): This fund accounts for a portion of the Local Transportation Fund revenue that is earmarked by law for expenditure on pedestrian, bicycle, and other non-motorized transportation purposes.

Bus Funds (Enterprise – 4510 thru 4560): These funds account for the operation of the City's transit system, including fixed-route buses, dial-a-ride, and the Modesto Amtrak station. Principal revenue sources in this fund include a portion of the State's ¼% sales tax for transportation (see Local Transportation Fund, above), transit-related grants, and rider fares.

Airport Fund (Enterprise – 4310 thru 4330): This fund accounts for the operation of the Modesto Airport. Primary revenue sources for this fund include hangar rental fees and taxes levied on the owners of aircraft housed in Modesto. The Airport fund also receives FAA grants for capital improvements.

Utilities

Water Fund (Enterprise – 4100 thru 4181): This fund accounts for the City's water utility. All expenses relating to the provision of water services are charged to this fund, which is financed with customer utility rate payments and connection fees. This fund also accounts for debt issued on behalf of the water utility and for the repayment of such debt.

Sewer Fund (Enterprise – 4210 thru 4271): This fund accounts for the City's sewer utility. All expenses relating to the provision of sewer services are charged to this fund, which is financed with customer utility rate payments and connection fees. This fund also accounts for debt issued on behalf of the sewer utility and for the repayment of such debt.

Storm Drain Fund (Enterprise – 4480 thru 4489): This fund accounts for the City's storm water drainage utility and is financed primarily with storm water drainage fees.

Internal Service Funds

Fleet Fund (Internal Service – 5400 thru 5410): This fund accounts for the acquisition, maintenance and operation of most of the City's vehicles and heavy equipment. (Exceptions include buses, which are accounted for in the Bus Fund; and fire equipment, which is accounted for in the General Fund.) The Fleet Fund is financed by monthly "rental" charges applied to the operating budgets of departments, which use vehicles and equipment. These charges pay for the maintenance and operations of equipment as well as its eventual replacement. The portion of the rent charged for future replacement is accumulated in a distinct sub-fund (7210) of the Fleet Fund.

Information Technology (Internal Service – 5230 thru 5239): This fund accounts for the City's acquisition, maintenance and replacement of information systems and telecommunications. Fund 7130 is financed by monthly charges to the operating budgets of City departments based on a formula encompassing various factors (such as the number of PC's in a department and special applications supported for the department). Fund 7131 was created to assist in future replacements of complex software infrastructure, such as the City's financial system.

Building Services (Internal Service – 5800 & 5809): This fund accounts for the maintenance and operation of the City's buildings and facilities, with the exception of Tenth Street Plaza and facilities accounted for in Enterprise or Internal Service funds. The fund is financed by monthly charges applied to the operating budgets of City departments.

Tenth Street Building Services (Internal Service – 5810): This fund accounts for the maintenance and operation of Tenth Street Plaza. The fund is financed by monthly charges applied to the operating budgets of City departments.

Mail Services (Internal Service – 5120 & 5129): This fund accounts for the mail postage and operating expense of the City. The fund is financed by monthly charges applied to the operating budgets of City departments.

Central Services (Internal Service – 5100 thru 5129): This fund accounts for a number of internal central services, including mailroom, copying & printing, and internal inventory stores. This fund is financed by monthly charges applied to operating budgets of City departments.

Insurance Funds (Internal Service – 5310 thru 5390): These funds account for the City's self-insurance reserves (workers compensation and general liability) and for the purchase of third-party insurance (property insurance, excess liability coverage for workers compensation and general liability, employee health, vision, dental and disability coverage), as well as insurance administration costs. Employee benefit insurance is financed as a pass-through from operating budgets. Other insurance types are financed by monthly charges applied to operating budgets of City departments.

Employee Benefit Fund (Internal Service – 5510 & 5520): This fund accounts for accrued vacation liability City-wide, as well as the cost of post-retirement employee health benefits. It is financed by monthly charges applied to operating budgets of City departments.

Debt Service Funds

Debt service funds (2100, 2140, 2150 & 2902) account for principal and interest payments on certificates of participation (COP's) and bonds issued by the City other than those accounted for in Enterprise and Internal Service funds. The primary revenue sources for these funds are transfers from the General Fund and the Modesto Redevelopment Agency (RDA).

Other Funds

Capital Improvement Support (Special Revenue – 1300 & 1309): This fund was established to account for all operations governed by a Federal Indirect Cost Allocation Plan agreement. It is financed almost exclusively by labor charges to capital improvement program (CIP) projects.

Education & Government Communication (Special Revenue – 1320 & 1321): This fund accounts for the costs of providing educational and government – related cable television programming. It is financed with transfers from the General Fund and payments from other Access Modesto agencies.

Operating Grants – Block (Special Revenue – 1340): This fund was established to account for non-capital grants received by the City (other than grants received by Enterprise and Internal Service funds). This fund receives revenues from block grant-style programs, in which the City receives a fixed amount of funding "up front." The types of expenditures incurred in this fund depend on the specific grants being received in any given year. Currently, the largest grant received in this fund is from the State's Special Law Enforcement Service Fund program.

Operating Grants – Reimbursed (Special Revenue – 1341 thru 1343): These funds were established to account for non-capital grants received by the City on a reimbursement basis. In

these programs, the City incurs the “up front” cost of delivering services, then requests reimbursement for those costs from the granting agency. The types of expenditures incurred in this fund depend on the specific grants being received in any given year. Currently, the largest grant received in this fund is from the Federal COPS grant program.

American Recovery and Reinvestment Act (ARRA) Grants (Special Revenue – 4140, 3100, 1345, 1353, 1100, 1101): These funds were established to account for the various functional grants received by the City from the ARRA of 2009. For these programs, the City incurs the “up front” cost of services, then request reimbursement for these costs from the granting agency. These grants were intended to provide stimulus to the U.S. economy in response to the national economic downturn.

Traffic Safety Fund (Special Revenue – 1600): This fund accounts for revenues received from traffic safety fines and forfeits. Money from this fund is transferred to the General Fund to pay for traffic related maintenance and expense.

Traffic Offender Fund (Special Revenue – 1610): This fund accounts for revenues received from a portion of vehicle release fees. Expenditures include general police operations.

Downtown Improvement District (Special Revenue – 1200 & 1210): This fund accounts for the activities of the business improvement district which covers the core downtown area of Modesto. Revenues are derived from an additional mill tax (a gross receipts tax) imposed on businesses within the area. Expenditures include various promotional programs intended to boost business activity in the area served.

CDBG – Direct (Special Revenue – 1130 & 1140): These funds account for Federal Community Development Block Grant (CDBG) revenues received by the City. Expenditures include a variety of housing-related programs primarily targeted at low-income areas.

CDBG – NSP Entitlement (Special Revenue – 1131): This fund accounts for Federal Community Development Block Grant (CDBG) revenues received by the City for neighborhood stabilization programs. Expenditures include a variety of housing-related programs primarily targeted at low-income areas.

Housing Loan Program (Special Revenue – 1150 thru 1155): These are revolving funds, which provide housing loans to low-income individuals. Original funding to establish the funds was received from the Federal Department of Housing and Urban Development (HUD). Current revenues in the funds reflect loan repayments, which are accumulated to make new loans.

Housing Economic Development Fund (Special Revenue – 1160): This fund accounts for monies used to increase employment, economic activity and economic diversity in low to moderate income groups as defined by HUD.

HOME Program (Special Revenue – 1170): This fund accounts for revenues received from HUD under the Home Investment Partnerships program.

Emergency Shelter Program (Special Revenue – 1180 thru 1190): This fund accounts for emergency shelter grant revenue received from HUD.

CFF Administration (Capital Projects – 3480): This fund accounts for administrative costs associated with the Capital Facilities Fee (CFF) program. The fund is financed with CFF revenues.

CFD Administration (Capital Projects – 3220): This fund accounts for administrative costs associated with the Community Facilities Districts (CFD) program. The fund is financed with CFD revenues and inter-fund service credits.

Landscape Maintenance District (Capital Projects – 6470, 6480 & 6490): These funds account for costs associated with the landscape maintenance within special district areas. The funds are financed with landscape maintenance district revenues.

Parking Fund (Enterprise – 4000 & 4009): This fund accounts for the City's off-street parking facilities, including the downtown parking garages. Parking fees for validated lots and other off-street parking are the primary revenues in this fund. Operation, maintenance, and development of the parking facilities constitute the primary expenditures.

Solid Waste Fund (Compost) (Enterprise Fund – 1310 thru 1319, 1370 thru 1379, 4890 thru 4892, & 4895 thru 4899): This fund accounts for the operational activity from the sale and operations for compost. The primary revenues from this fund come from tip fees and the sale of compost. Beginning in FY 11, this fund will account for the cost of administering the City's service agreements with private solid waste hauling firms as well as the costs of recycling programs and green waste diversion. The primary revenue sources for this fund include income from the waste energy JPA, State funding for recycling, recycling program fees. The fund also receives inter-fund service credit revenue based on staff time charged to other City programs.

Carpenter Road Landfill (Enterprise Fund – 1360 & 4893 thru 4894): This fund accounts for the activity for the City to maintain, mitigate and monitor the Carpenter Road Landfill, a closed disposal facility.

Golf Fund (Enterprise – 4600 & 4605): This fund accounts for the maintenance, operation, and improvement of the three City-owned golf courses. Revenues in this fund are derived primarily from green fees. Expenditures include golf course maintenance and debt service on COP's issued to finance the development of the Creekside golf course.

Centre Plaza Fund (Enterprise – 4700 thru 4710): This fund accounts for the operation of the Modesto Centre Plaza convention and community center. The primary revenue sources for this fund include room rental fees, commissions, transfers from the General Fund.

Abatement and Public Nuisance Fund (Special Revenue 4910): This fund is used by the Neighborhood Preservation Unit (NPU) and Building Safety Division to battle against blight in the City and enforce accountability to improve the City's image.

Non-Operating Funds

These funds account for non-operating activities, such as CIP projects and long-term planning projects.

Strategic Planning Fund (Special Revenue – 1800 & 1805): This fund was established to accumulate resources for major long-term planning projects, such as updates to the General Plan. In past years, the fund's principal revenue sources have been transfers from the General

Fund and from the Village I CFF Fund. Both of these revenues have been eliminated in the current year's budget, so expenditures from this fund are financed with accumulated fund balance only. The remaining budgets in this fund are for "multi-year projects," which are adopted separately from the City's annual operating budget.

CFF Funds (Capital Projects – 3410 thru 3470): These funds account for the accumulation and expenditure of Capital Facilities Fees, which are charged to new development in the City to offset the impact of growth on community infrastructure. Each fund accounts for fees collected for a specific type of capital facility. Expenditures from these funds are governed by the City's Capital Facilities Fee plan. Expenditure budgets for these funds are adopted as part of the City's CIP.

Special Fund for Capital Outlay (Capital Projects – 0180, 0190, 3120, & 3510): This fund accounts for general City capital improvement projects and is funded from other funds including the General Fund as appropriate for the specific project.

Park Funds (Capital Projects – 1380, 3100, 3125, & 3130): This fund was established to accumulate funds for capital improvements in the City's parks. Its principal revenue sources include transfers from the General Fund and development fees. The fund also receives transfers from the Parks CFF fund (see Non-Operating Funds, above) and grant revenue.

Capital Grant Funds (Capital Projects – 3140 thru 3170): These funds were established to accumulate funds for capital improvements for various City functions such as roads and streets and traffic related projects. Its principal revenue sources include grants from various state agencies such as Caltrans with City match funds from the Surface Transportation Fund, General Fund or Capital Facility Fees.

CFD Funds (Capital Projects – 3200 thru 3295): These funds account for the accumulation and expenditure of Community Facilities District capital and maintenance levies. Expenditures from these funds include CIP project costs and debt service on bonds issued to finance earlier capital projects. CFD funds are organized by district. Budgets for the CFD funds are adopted as part of the City's CIP.

Measure L Funds (Capital Projects – 3300): These funds account for the accumulation and expenditure of Measure L funded capital projects.

Other Agencies Funds

Other Agencies funds represent the finances of outside agencies for which the City of Modesto acts as fiscal agent. The City performs day-to-day accounting and treasury functions for these entities, but they are governed by independent boards and are not City departments. Budgets for agency funds are adopted by their respective governing boards and are outside the City's operating budget process. Notable agency funds include the following:

Industrial Fire Joint Powers Agency (6100)
Modesto Regional Fire Authority (6200 thru 6299)
Stanislaus Regional Water Authority (6301)
Tenth Street JPA (6500 thru 6599)
Stanislaus Drug Enforcement Agency (6600)
Tuolumne River Regional Park (6700 thru 6799)
Modesto Redevelopment Successor Agency (1906, 1910 & 2903)

Capital Improvement Program

The City publishes a separate CIP Book. This section only the CIP Finance Committee/Planning Commission minutes. Please see the CIP Book for details regarding projects.

Fiscal Year 2023-24 Capital Improvement Project Summary

Department and Project	FY24 Request	FY24 Available Budget
Community and Economic Development		
100046 - CED - Pelandale Interchange at State Route 99 - FHWA - CalTrans-STPL-5059(169) - 2010-20.205 HWY Planning and Con (Suspended)	$ -	$ 326,844
100051 - CED - Claratina: McHenry to Coffee (4 Lanes & Intersection Improvements)	$ -	$ 1,296,734
101295 - CED - 9th St Corridor Improvements AHSC Grant	$ -	$ 10,619,579
101296 - CED - HUD - PFI First Tee Activity 1373	$ -	$ 90,572
101314 - CED - Coffee Rd. Pavement Rehabilitaion Phase II (Scenic Drive to Nowegian Avenue) (Capital/Non-Capital Mix)	$ -	$ 2,731,962
101315 - CED - Dale Road Pavement Rehabilitation (Standiford to Bangs) (Capital/Non-Capital Mix)	$ -	$ 2,158,184
101383 - CED-Oakdale Road Improvements-FHWA-CalTrans-HSIPSL 5059 (255)-2021-20.205 HWY Planning and Con	$ -	$ 328,139
101384 - CED-Sylvan/Standiford PHB's-FHWA-CalTrans-HSIPSL 5059 (254)-2021-20.205 HWY Planning and Con	$ -	$ 243,214
101391 - CED - Neighborhood ADA Improvement Program II	$ -	$ 75,000
101392 - CED - Orangeburg Avenue Pavement Rehabilitation Phase 2 (McHenry Avenue to Coffee Road)	$ -	$ 1,735,386
101462 - CED CALAPP+ Implementation	$ -	$ 99,572
101485 - CED - Prescott Pavement Rehabilitation Project-FHWA-CalTrans-STPL-5059(259)-2023-20.205 HWY Planning and Con	$ 390,002	$ 390,002
101486 - CED - Lakewood Avenue and Scenic Drive Improvement Project	$ 2,990,000	$ 2,990,000
Community and Economic Development Total	**$ 3,380,002**	**$ 23,085,188**
Parks, Recreation, and Neighborhoods		
101294 - PRN - Dryden Golf Course Clubhouse Renovation	$ -	$ 318,734
101379 - PRN - TRRP Gateway Phase 3	$ -	$ 150,000
101382 - PRN - Dr MLK Jr Park Renovation	$ -	$ 8,497,392
101393 - PRN - Pamela Monterosso Trailhead Parking Lot Acquisition	$ -	$ 815,000
101398 - PRN - Ustach Park Renovation	$ -	$ 58,000
101428 - PRN - Graceada Park Fence	$ -	$ 124,928
101432 - PRN - TRRP Legion Outdoor Improvements EC 2.22	$ -	$ 350,000
101477 - PRN - Mancini Park Playground	$ -	$ 450,000
Parks, Recreation, and Neighborhoods Total	**$ -**	**$ 10,764,054**
Public Works		
101317 - PW - Carpenter/Maze/Prescott Fiber Drop	$ 1,199,999	$ 1,228,853
101318 - PW - Fiber Drop Downtown (G & H)	$ 974,999	$ 994,142
101322 - PW - Claus Road Signal Coordination CMAQ	$ -	$ 324,950
101323 - PW - Scenic Dr Signal Coordination	$ -	$ 447,822
101333 - PW - Installation of Rectangular Rapid Flashing Beacons (RRFB) at 10 Locations-FHWA-CalTrans-HSIPSL-5050(251)-2021-20.205 HWY Planning and Con	$ 923,200	$ 1,007,914

Fiscal Year 2023-24 Capital Improvement Project Summary

Department and Project	FY24 Request	FY24 Available Budget
101361 - PW - Install RRFB at 3 Locations-FHWA-CalTrans-HSIPSL-5059(252)-2021-20.205 HWY Planning and Con	$ 156,600	$ 184,307
101362 - PW - Signal heads with retro-reflective back plates, ATC cabinets and advance limit lines-FHWA-CalTrans-HSIPSL-5059(253)-2021-20.205 HWY Planning and Con	$ 1,235,500	$ 1,444,142
101337 - PW - BMF Parts Storage Room Upgrade (101022) - Suspended	$ -	$ 6,891
101338 - PW - Downtown TC Improv - CS Area (101045)	$ -	$ 78,514
101339 - PW - Transit Center Improvements (101095)	$ -	$ 307,209
101397 - PW - Sisk Rd Signal Coordination	$ 1,044,321	$ 1,073,810
101496 - PW - Upgrade Traffic Signals 2023 - 3 Locations: Briggsmore/Craver Dale/Panera, and Tuolumne/RoselawnFHWA-CalTrans-CML-5059(260)-2023-20.205 HWY Planning and Con	$ 709,035	$ 709,035
Public Works Total	**$ 6,243,654**	**$ 7,807,589**
Utilities		
100372 - UPP - Sutter Plant Parking Lot & Security Upgrade	$ -	$ 5,513,029
100467 - UPP - DSI Yosemite Transmission Main (100464)	$ -	$ 223,156
100473 - UPP - Del Rio Water Tank (100471)	$ -	$ 304,207
100533 - UPP - Sonoma Trunk Extension (100530)	$ -	$ 128,264
100534 - UPP - New Tivoli Sewer Main to Sonoma Trunk	$ -	$ 1,933,024
100576 - PW - Residential Meter Installation - South Modesto	$ -	$ (480,459)
100586 - CED - 7th Street Bridge at Tuolumne River - FHWA - CalTrans-BRLS-5938(167)-2010-20.205 HWY Planning and CON	$ -	$ 901,804
100614 - CED - State Route 132 West Expressway-FHWA-CalTrans-HPLUL-5059(230)-2018-20.205 HWY Planning and CON	$ -	$ 501,286
100642 - UPP - Downtown Sewer Improvements - F Street and D Street	$ -	$ 181,715
100646 - UPP - River Trunk Realignment	$ -	$ 16,734,679
100648 - UPP - New Jennings WQC Entrance/Exit	$ -	$ 161,686
100695 - UPP - Water Fund Master Plan	$ -	$ 27,351
100727 - CED - Bus Turnout SB Dale Rd, South of Veneman-FHWA-CalTrans-CML 5059 (197)-2012-20.205 HWY Planning and Con (Suspended)	$ -	$ 250,270
100728 - CED - Right Turn Lane W B D Street @ NB 9th Street - FHWA-CalTrans-CML 5059(198)-2012-20.205 HWY Planning and Con (Suspended)	$ -	$ 53,133
100793 - UPP - Roosevelt Park Storm Drain Cross Connection Removal	$ -	$ 81,893
100813 - PRN - Virginia Corridor Phase 7 - Design-FHWA-CalTrans-CML-5059(216)-2015-20.205 HWY Planning and Con	$ 1,500,000	$ 6,210,224
100815 - PW - Wastewater On-Call Engineering	$ -	$ 229,576
100842 - UPP - Sutter Trunk Rehabilitation and Reliability	$ -	$ 1,094,171
100844 - UTL - Woodland Lift Station Rehabilitation	$ -	$ 1,455,679
100846 - UTI - Highway Village Strengthen & Replace Water Mains	$ -	$ 687,005

Fiscal Year 2023-24 Capital Improvement Project Summary

Department and Project	FY24 Request	FY24 Available Budget
100847 - UTL - East Morris Neighborhood Sewer Replacement	$ -	$ 1,509,976
100860 - UPP - Jennings Facultative Ponds Biosolids Removal	$ -	$ 1,539,865
100861 - UPP - Downtown Sewer Collection System Replacement	$ -	$ 1,342,925
100866 - PRN - Senior Playground 2014	$ -	$ 16,434
100916 - UTL - La Loma Sewer	$ -	$ 664,607
100922 - CED - Downey Shade Structure Replacement	$ -	$ 318,972
100923 - UTL - SR 132 Relocation - Water Mains	$ -	$ 353,814
100931 - UTL - Plant Structural Improvements	$ -	$ 529,530
100933 - UTL - 7th Street Bridge Water Main	$ -	$ 1,341,338
100940 - PW - Synchronize Traffic Signals Downtown 2015-FHWA-CalTrans-CML-5059(217)-2016-20.205 HWY Planning and Con	$ -	$ 206,842
100944 - CED - Tuolumne Blvd, 7th St, & B St Intersection Improvements	$ -	$ 349,492
100945 - CED - Hetch-Hetchy and Claratina Structural Crossing	$ -	$ 4,499,242
100968 - PW - Upgrade Traffic Signals 2017	$ -	$ 295,000
100984 - PRN - Awesome Spot Playground at Beyer Park	$ -	$ 388,858
100998 - UPP - Encina Sewer Lift Station Replacement	$ -	$ 1,306,114
101003 - UPP - SCADA Master Plan	$ -	$ 9,718,305
101004 - UPP - Wastewater Building Upgrades	$ -	$ 200,066
101017 - PRN - Mary E. Grogan Community Park - Phase 2	$ 1,000,000	$ 3,666,427
101040 - CED - Orville Wright Elementary - Traffic Flow and Safety Improvements	$ -	$ 23,572
101057 - UTL - La Loma Phase 2C Strengthen and Replace Water Mains	$ -	$ 9,875,746
101061 - PRN - TRRP Carpenter Road Area Soccer Complex	$ -	$ 1,012,392
101063 - CED - Pelandale Avenue Interchange - Phase II	$ -	$ 5,583,287
101065 - MFD - Station 1 Roof Replacement and Repainting (Non-Capital)	$ -	$ 63,478
101066 - PW - New Traffic Signal Oakdale at Claratina-FHWA-CalTrans-HSIPL-5059(227)-2017-20.205 HWY Planning and Con	$ -	$ 122,742
101071 - PRN - TRRP Neece Drive Boat Launch	$ 200,000	$ 807,196
101072 - CED - American Avenue/Bangs Avenue Intersection Improvements - CAP	$ -	$ 300,874
101073 - CED - Carver/Bangs Pelandale/Snyder Bike Trail System - CAP	$ -	$ 939,707
101074 - CED - Sylvan So. Bet.Oak/Wood Sorrell	$ -	$ 2,137,225
101075 - CED - Oakdale Rd from Floyd to Sylvan	$ -	$ 2,664,498
101079 - UTL - Well Flush Lines 2018-2019	$ -	$ 592,810
101081 - UTL - Grayson System Improvements	$ -	$ 311,121
101089 - CED - Tully Rd. Safety Improvement Project	$ -	$ 473,237
101090 - UTL - 2018-2019 Lift Station Improv	$ -	$ 1,144,711
101092 - UTL - Caustic Soda Handling Facility	$ -	$ 2,488,320

Fiscal Year 2023-24 Capital Improvement Project Summary

Department and Project	FY24 Request	FY24 Available Budget
101093 - UTL - Jennings Well Treatment Improvements	$ -	$ 178,481
101094 - UTL - West Trunk Rehabilitation	$ -	$ 6,333,216
101102 - UTL - West Trunk Crossing HWY 132	$ -	$ 628,094
101103 - UTL - River Trunk Section Repair	$ -	$ 1,300,000
101109 - PRN - TRRP River Overlook	$ 150,000	$ 798,321
101119 - CED - SR 132 West Expressway - CON-FHWA-CalTrans-TGHPLUL-5059(230)-2019-20.205 HWY Planning and CON	$ -	$ 16,194,483
101123 - PW - Fiber Drop Traffic Signal Cabinet	$ -	$ 180,216
101124 - PW - Replace 35 Obsolete Traffic Controllers	$ -	$ 28,101
101126 - CED - Dry Creek Trail Maintenance	$ -	$ 29,193
101135 - PRN - TRRP River Pavilion	$ 100,000	$ 618,654
101152 - UTL - Colorado Avenue Strengthen & Replace Water Main	$ -	$ 2,010,778
101154 - UTL - Sutter Avenue Strengthen & Replace Water Mains	$ -	$ 2,762,575
101164 - PRN - TRRP Riverwalk Gateway-Neece Drive	$ -	$ 3,105,880
101169 - CED - Scenic Drive Pavement Rehabilitation Phase 2 (Downey Ave to Lakewood Ave)	$ -	$ 5,721,570
101175 - PW - School Crosswalk Beacon	$ -	$ 164,463
101179 - PW - HAWK System at Hetch-Hetchy on Tully and Prescott	$ -	$ 370,410
101180 - CED - Dry Creek Trail Pavement Rehabilitation & ADA Upgrade Phase II	$ -	$ 1,394,281
101182 - CED - Standiford Interchange Project Initialization Documents	$ -	$ 6,987,297
101186 - PW - Upgrade Traffic Signals - 2019-FHWA-CalTrans-CML-5059(236)-2019-20.205 HWY Planning and Con	$ -	$ 2,344,208
101192 - PW - Upgrade ATMS 2019-FHWA-CalTrans-CML-5059(238)-2019-20.205 HWY Planning and Con	$ -	$ 352,149
101196 - CED - 10th Street Improvements (B St to D St) Stanislaus Foods	$ -	$ 2,384,600
101201 - UTL - Sewer Line Replacment - Tully and Briggsmore	$ -	$ 384,626
101202 - UTL - ATS Replacement - Sutter WWTP	$ -	$ 156,648
101206 - CED - 10th Street Aesthetic Improvements	$ -	$ 200,000
101212 - UTL - Riverdale Park Water System	$ -	$ 119,741
101213 - UTL - Sunrise Water Mains	$ -	$ 2,567,394
101214 - CED - Granger Neighborhood Pavement Rehabilitation	$ -	$ 70,359
101221 - CED - School Safety Program Projects (Capital/Non-Capital Mix)	$ -	$ 1,075,000
101224 - UTL - Jennings Road Improvement	$ -	$ 12,000
101231 - PRN - VA Corridor Phase 8	$ 150,000	$ 600,000
101232 - PRN - TRRP Riverwalk Gateway to Legion	$ -	$ 492,251
101233 - PRN - Dry Creek to TRRP Trail Connection	$ -	$ 380,564
101246 - CED - Briggsmore Avenue Pavement Rehabilitation (McHenry Avenue to Oakdale Road)	$ -	$ 449,683
101247 - CED - Virginia Corridor Trail Maintenance	$ -	$ 124,630
101248 - CED - Orangeburg Avenue Pavement Rehabilitation Phase 1 (Coffee Rd to Oakdale Ave)	$ -	$ 274,307

Fiscal Year 2023-24 Capital Improvement Project Summary

Department and Project	FY24 Request	FY24 Available Budget
101249 - CED - Pelandale Neighborhood Pavement Maintenance Project	$ -	$ 230,614
101250 - CED - Neighborhood ADA Improvement Program	$ -	$ 78,450
101252 - PW - Parking Enforcement Strategy Capital Plan	$ -	$ 92,371
101259 - UTL - High Voltage Improvements Sutter	$ -	$ 66,654
101262 - UTL - Command Ctr & Restroom Jennings WWTP	$ -	$ 253,207
101267 - UTL - Del Rio Well 70 Landscaping	$ -	$ 223,423
101271 - CED - Briggsmore/Carpenter at SR-99 Interchange	$ -	$ 5,648,342
101276 - PRN - Cesar E. Chavez Park Renovation Project	$ -	$ 7,676,713
101286 - UTL - Bystrom Water Main	$ -	$ 3,140,837
101290 - UTL - River Trunk Realignment - Gravity System	$ -	$ 4,231,939
101292 - UTL - SCADA System Replacement	$ -	$ 281,192
101298 - UTL - Sutter Trunk - P2 Improvements	$ -	$ 4,989,079
101302 - UTL - Bangs-Tully Sewer and Water Main Improvement (Suspended)	$ -	$ 247,901
101313 - UTL - JM Pike Park Stormwater to Sanitary Cross Connection Removal	$ -	$ 17,516,848
101331 - UTL - Coffee Road Water Main Upgrade	$ -	$ 1,219,302
101349 - UTL - Del Rio Well 70 Treatment	$ -	$ 43,592
101367 - UTL - Sylvan Water Main Upgrade	$ -	$ 437,182
101370 - UTL - Sonoma Sewer Trunk Ext Ph 3	$ -	$ 1,894,047
101371 - UTL - Sonoma Sewer Trunk Ext Ph 4	$ -	$ 1,895,754
101375 - UTL - 2020-2021 Sanitary Sewer Replacement	$ -	$ 1,957,274
100451 - PW - Fleet Maintenance Facility - Suspended	$ -	$ 18,311
100535 - UPP - Sonoma Trunk Extension Lift Station (100530)	$ -	$ 1,368,028
100632 - CED - Right Turn Lane Southbound McHenry Ave to Westbound Briggsmore Ave-FHWA-CalTrans-CML-5059(186)-2011-20.205 HWY Planning and Con (Suspended)	$ -	$ 1,043,045
100737 - UPP - Headworks Improvements at Sutter Ave WQC (suspended)	$ -	$ 8,460
100794 - UPP - Dryden Box & Influent Flume Improvements (suspended)	$ -	$ 332,238
100798 - PW - Installation of Flush Lines	$ -	$ 2,086,358
100804 - UPP - Paradise Water Main	$ -	$ 2,529,700
100806 - PW - 2016 Pavement Rehabilitation Project-FHWA-CalTrans-STPL-5059(205)-2014-20.205 HWY Planning and Con (Suspended)	$ -	$ 157,892
100812 - UPP - Water Corp Yard (Suspended)	$ -	$ 33,692
100849 - UTL - North Trunk (suspended)	$ -	$ 184,539
100851 - UTL - Pike Park Neighborhood Strengthen & Replace Water Mains	$ -	$ 5,698,648
100853 - Well 72 (Replacing Well 229) (suspended)	$ -	$ 313,205
100881 - CED - Pavement Rehabilitation of Crows Landing Rd, Pelandale Ave & Standiford Ave-FHWA-CalTrans-STPL-5059(208)-2014-20.205 HWY Planning and Con - Capital and Non-Capital Mix - Suspended	$ -	$ 219,273

Fiscal Year 2023-24 Capital Improvement Project Summary

Department and Project	FY24 Request	FY24 Available Budget
100942 - CED - Paradise Road from S. Carpenter Road to 1st Street-FHWA-CalTrans-STPL-5059(219)-2016-20.205 HWY Planning and Con - Capital and Non-Capital Mix	$ -	$ 443,563
100953 - UTL - La Loma Phase 3A S&R Water Mains	$ -	$ 7,816,603
101015 - UPP - Destruction of Wells 2017 (suspended)	$ -	$ 290,647
101035 - UTL - Grogan Park Production Well (suspended)	$ -	$ 200,610
101042 - CED - Paradise Road Area Pedestrian and Bicycle Safety Improvements - Capital/Non-Capital Mix	$ 4,577,032	$ 7,271,181
101051 - PRN - PerfectMind Rec Software	$ -	$ (2,060)
101069 - UTL - Empire S&R Water Mains Ph1	$ -	$ 2,506,667
101078 - UTL - Del Rio Well 70 (Replacing Well 271) Surface Improvements (Suspended)	$ -	$ 412,688
101080 - UTL - Grayson Well 274 (Surface)	$ -	$ 252,477
101084 - UTL - Replacement Well 226 Surface Improvements	$ -	$ 510,227
101085 - UTL - Replacement Well 229 (Surface Improvements)	$ -	$ 2,907,709
101091 - UTL - 2018-2019 Sewer Replacement (suspended)	$ -	$ 679,999
101157 - CED-Tuolumne Blvd. Pavement Rehabilitation from Paradise Rd to Neece Dr. - FHWA-CalTrans-SPTL-5059(234)-2019-20.205 HWY Planning and Con - Capital/Non-Capital Mix	$ -	$ 3,701,355
101168 - CED - Scenic Drive Pavement Rehabilitation Phase 1 (Lakewood Ave to Claus Rd) (Suspended)	$ -	$ 101,776
101188 - PW - Retroreflective Backplates and Striping-FHWA-CalTrans-HSIPL-5059(237)-2019-20.205 HWY Planning and Con - Non-Capital	$ -	$ 149,519
101285 - UTL - Chicago-Paradise S&R	$ -	$ 574,941
101287 - UTL - Grayson S&R	$ -	$ 3,422,196
101291 - River Trunk - Shackelford Pump	$ -	$ 1,723,003
101321 - UTL - Codoni Lift Station Force Main Replacement (suspended)	$ -	$ 57,272
101403 - UTL - Well 312 Treatment & Flushline	$ -	$ 1,466,423
101450 - UTL - Bret Harte S&R Water Mains	$ -	$ 1,670,000
101458 - UTL - Empire Yosemite Water Main Crossings S&R Project	$ -	$ 927,500
101468 - UTL - Pump Station at Jennings WWTP	$ 1,210,000	$ 1,235,000
101484 - UTL - Grayson Nitrate Treatment System Replacement	$ 1,735,348	$ 1,750,348
Utilities Total	**$10,622,380**	**$ 259,962,346**
MPD		
101448 - MPD - Real Time Crime Center Construction	$ -	$ 1,004,823
MPD Total	**$ -**	**$ 1,004,823**
Grand Total	**$20,246,036**	**$ 302,623,999**

City of Modesto Planning Commission
Minutes
May 15, 2023

Being the hour of 6:00 pm, the meeting was called to order by Chairperson Silva.

I. ROLL CALL

Commissioners Russell, Shanks, Silva, and Vohra present

Commissioners Birring and Vazquez absent

MOTION

It was moved by Commissioner Vohra, seconded by Commissioner Shanks, and carried unanimously that Commissioners Birring and Vazquez be excused from this meeting.

Committee Members Bavaro, Escutia- Braaton, and Wright present.

II. CONFLICT OF INTEREST DECLARATION

None

III. PUBLIC HEARINGS

Item A Fiscal Year 2022-23 Capital Improvement Program
Contact Info: Steve Christensen, Budget Manager, 577-5267
schristensen@modestogov.com,

Motion/Action (Approved)

It was moved by Commissioner Vohra, seconded by Commissioner Shanks, and carried unanimously 4-0 (Russell, Shanks, Vohra, Silva, ayes; None, noes; Birring, Vazquez, absent; None, recused) that the Planning Commission adopt Resolution No. 2023-15 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

Motion/Action (Approved)

It was moved by Committee Member Escutia- Braaton, seconded by Committee Member Bavaro, and carried unanimously 3-0 (Bavaro, Escutia- Braaton, ayes; None, noes; None, absent; None, recused) that the Finance Committee adopt Resolution No. 2023-15 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

V. OTHER BUSINESS

None.

VI. ORAL COMMUNICATIONS

None.

VII. MATTERS TOO LATE FOR THE AGENDA

None.

VIII. ADJOURNMENT

The meeting was adjourned at 7:10 pm.

Original, signed copy on file in CEDD

Jessica Hill, Secretary

PLANNING COMMISSION
RESOLUTION NO. 2023-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MODESTO FINDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM IN CONFORMANCE WITH THE MODESTO URBAN AREA GENERAL PLAN PURSUANT TO SECTION 65401 OF THE GOVERNMENT CODE (CITY OF MODESTO)

WHEREAS, each year the Planning Commission must review all capital projects that will be planned, initiated or constructed during the ensuing fiscal year for conformity with the General Plan as required by State Planning and Zoning Law (Government Code Section 65401); and

WHEREAS, the Planning Commission has been furnished a copy of and reviewed the Draft 2023-2024 Capital Improvement Program (CIP), which includes all capital projects to be planned, initiated or constructed during the 2023-2024 fiscal year for conformity with the General Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 15, 2023 at which it considered the proposed CIP, the General Plan, staff reports, oral and written, and the testimony and evidence of all those wishing to be heard; and

WHEREAS, the Planning Commission finds that the determination of whether the Draft 2023-2024 CIP is consistent with the Modesto Urban Area General Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question - a determination as to General Plan consistency - may have a significant effect on the environment; and

WHEREAS, the Finance Committee accepts the Fiscal Year 2023-2024 CIP and recommends forwarding to the City Council for approval; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Modesto hereby determines that those projects in the Draft 2023-2024 CIP conform to and are consistent with the Modesto Urban Area General Plan.

The foregoing resolution was introduced at the special joint meeting of the Planning Commission and the Finance Committee held on May 15, 2023, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Shanks, and carried by the following vote:

Ayes:	Russell, Shanks, Vohra, Silva
Noes:	None
Absent:	Birring, Vazquez
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO

Jessica Hill, Secretary

EXHIBIT A

2023-2024 Capital Improvement Program

On file with the City Clerk and the
Community & Economic Development Department, Planning Division

Or Available online:

https://www.modestogov.com/253/Capital-Improvement-Budgets

List of Expenditure Categories

Expense

Capital Expenses

57002 - Furnishing and Office Equipment > $5,000
57003 - Vehicles > $5,000
57004 - Tools and Equipment >$5,000
57005 - Information Technology Equipment >$5,000
57020 - Non-CIP Capital
57025 - Major City-owned Facility Repairs > $5,000
57030 - Fire Equipment > $5,000
57031 - Police Equipment > $5,000
57110 - Capital Outlay - Leases Right to Use

Debt Service Expenses

59001 - Principal Retirement
59002 - Interest Expense
59006 - Trustee Fees
59008 - Interest - Local Fees
59009 - Remarketing Agent Fees
59010 - Professional Services Debt
59015 - Debt Service - Amorization of Bond Premium

Depreciation Expenses

55002 - Loss of Sale of Asset
55010 - CIP - Oracle Capital Project Expense

Internal Service Fund Charges

58010 - ISF - Mail Services - Inside
58020 - ISF - Building Services
58025 - ISF - JPA City Allocation
58030 - ISF - Cost Allocation
58040 - ISF - Infrastructure Technology and Information Charges
58041 - ISF - Replacement Technology and Information Charges
58042 - ISF - Operations Technology and Information Charges
58043 - ISF - Phones Technology and Information Charges
58060 - ISF - Property Insurance
58070 - ISF - Liability Insurance
58991 - Cost Distribution Appr Unit B - Intrafund

Salaries and Benefits

51001 - Salaries and Wages - Regular
51004 - Salaries and Wages - Time Bank
51005 - Salaries and Wages - Out of Class Pay
51006 - Salaries and Wages - Acting Pay
51008 - Salaries and Wages - Misc Pay Adjustment
51040 - Salaries and Wages - Part-time
51042 - Salaries and Wages - Part-time Straight
51050 - Vacation - Regular
51051 - Vacation - Fire Payoff
51060 - Special Leave Pay
51065 - Wellness Program Leave
51100 - Sick Pay - Regular

List of Expenditure Categories

Expense

51110 - Sick Pay - Part-time Hourly
51120 - SDI Pay Adjustment
51150 - Compensation Time Off
51151 - Holiday Regular
51152 - Holiday - Compensation Time Off
51153 - M&C Leave
51154 - Jury Duty
51155 - Military Leave
51156 - Bereavement Leave
51157 - Workers Compensation - Safety
51158 - Workers Comp - Misc. Non-Taxable
51159 - Interview Leave Pay
51160 - Cashout - Compensation Time Off
51161 - Cashout - Management Leave
51162 - Cashout - Holiday
51163 - Cashout - Grandfathered Hours
51164 - Cashout - Vacation (Term/Retirees)
51165 - Cashout - Sick Leave (Term/Retirees)
51166 - Cashout - Holiday CTO (Term/Retirees)
51167 - Cashout - CTO (Term/Retirees)
51168 - Cashout - Holiday GF (Term/Retirees)
51169 - Cashout - Management Leave (Term/Retirees)
51175 - Cashout - Special Leave
51200 - Overtime
51210 - Police Outside Services
51211 - Overtime - Salaries and Wages FLSA
51212 - Overtime - Misc Pay Adjustment
51213 - Overtime - Strike Team Pay
51219 - Fatigue Pay
51220 - Shift Differential
51221 - Meal Allowance
51222 - Severance Pay
51223 - Incentive Pay
51224 - Certification Pay
51225 - Stand-by Pay
51226 - EMT Payback & Retro Pays
51228 - Retention Bonus Pay
51229 - Recruitment Incentive Pay
51230 - Misc Special Pay Adjustment
51235 - Payroll Settlement Pay
51300 - Car & Mileage Allowances
51301 - Tool Allowances
51302 - Fire Chief Officer Stipend Pay
51305 - MCEA Time Agreement
51306 - Bilingual Pay
51307 - Boot Allowance

List of Expenditure Categories

Expense

51308 - MPOA Time Agreement
51309 - MPMA Time Agreement
51310 - MCFFA Time Agreement
51315 - Cell Phone Allowance
51316 - Notary Pay
51400 - Budget Only - Salary Adjustment - Increase
51401 - Budget Only - Salary Adjustment - New Position
51403 - Budget Only - Salary Adjustment - Decrease
51501 - Life Insurance
51502 - Health Insurance
51503 - Dental Insurance
51504 - Vision Insurance
51505 - Disability Insurance
51506 - Medicare
51507 - Cafeteria Plan - Fire
51508 - HSA Plan City Paid All Groups
51509 - RHS Plan City Paid
51510 - Public Agency Retirement System
51511 - PERS - Employer Actuarial Portion
51513 - PERS - Employer Misc Contribution and Misc EPMC
51514 - PERS - Employer Safety Contribution and Safety EPMC
51515 - PERS - Unfunded Accrued Liability Lump Sum
51517 - Pension Expense - GASB 68
51519 - Retiree Medical Trust ER
51520 - Long-term Disability Surcharge Component
51530 - Deferred Compensation
51531 - Deferred Compensation - City Paid
51532 - Deferred Compensation - Health Differential
51533 - Deferred Complensation - 401a City Paid
51550 - Workers Compensation
51551 - Workers Compensation - Reimbursement
51555 - Unemployment Insurance
51560 - Employee Assistance
51565 - Employee Benefits Admin
51570 - Employee Leave Reimbursement
51579 - Police Fitness
51580 - Annual Physical Examination
51581 - Uniform Allowance
51600 - Employee Benefits - OPEB Expense
51601 - Sick Leave Conversion
51900 - Budget Only - Benefit Adjustment - Increase
51901 - Budget Only - Benefit Adjustment - New Position
51902 - Budget Only - Benefit Adjustment Part-time
51903 - Budget Only - Benefit Adjustment - Decrease
51991 - Service Credits - Intrafund
51320 - Emergency FMLA - COVID -19

List of Expenditure Categories

Expense

51115 - Sick Pay - Emergency Leave COVID-19
51303 - Furlough Pay
51516 - PERS - Unfunded Accrued Liability Payback
51525 - Police Long Term Disability Payment
51304 - Furlough Leave Bank
51603 - Payroll Taxes ARPA Credit
51290 - Budget Only - Reimbursed Overtime

Services

53001 - Marketing Services
53002 - Drip Irrigation Rebate Program
53003 - High Efficiency Sprinkler Nozzles Rebate Program
53004 - Rain Barrels Rebate Program
53005 - Toilet Rebate Program Expenses
53006 - Washing Machine Rebate Program
53007 - Res Turf Rebate Program
53008 - Smart Irrigation Controllers Rebate Program
53011 - Com Turf Rebate Program
53015 - Public Safety Specialized Training
53020 - Conference Expenses
53025 - Training Expenses
53026 - Mileage Expenses
53030 - Business Expenses
53040 - Electricity Utility Expenses
53041 - Gas Utility Expenses
53042 - Sewer Utility Expenses
53043 - Water Utility Expenses
53044 - Storm Drain Utility Expenses
53045 - Garbage Utility Expenses
53047 - Phone Expenses
53048 - Cell Phone Utility Expenses
53049 - Cable/Internet Utility Services
53051 - Project Utility Expenses
53052 - General Utility Expenses
53060 - Weed Abatement
53070 - Rental of Real Property
53072 - Rental of Equipment
53073 - Rental of Photocopy Service Supply
53080 - Pest Control Services
53086 - Records Services - Outside
53100 - Repair and Maintenance Services
53101 - Repair - House Sewer Lines
53102 - Repair and Maintenance Services - Vehicles
53105 - Repair and Maintenance Services - Equipment
53110 - Repair and Maintenance Services - Vandalism
53150 - Repair and Maintenance Services - Real Property
53165 - Repair and Maintenance Services - Landscape

List of Expenditure Categories

Expense

53166 - Repair and Maintenance Services - Copier
53167 - Repair Services - Bus Accidents
53170 - Laundry and Cleaning
53175 - Advertising
53176 - Promotion Expense
53177 - Newsletter Expense
53300 - Professional Services
53305 - CRF Fees
53306 - Long-term Contract
53310 - Criminal Justice Mandatory Fees
53320 - Election Expenses
53325 - Emergency Dispatch Expenses
53330 - Delivery Expenses
53335 - Testing and Sampling Services
53336 - Testing and Sampling Services - DBCP
53337 - Testing and Sampling Services - PCE
53350 - Transportation Operating Contract Expenses
53431 - Outside Legal Services - City Manager
53432 - Outside Legal Services - Public Works
53433 - Outside Legal Services - Finance
53434 - Outside Legal Service - PRN
53435 - Outside Legal Services - CEDD
53437 - Outside Legal Services - Human Resources
53438 - Outside Legal Services - MPD
53439 - Outside Legal Services - MFD
53450 - Legal Services
53455 - Contractor Reimbursed Services
53501 - Intergovernmental Services - State
53502 - Intergovernmental Services - County
53503 - Intergovernmental Services - Local
53504 - Intergovernmental Services - JPA
53505 - Intergovernmental Services - Other
53506 - Intergovernmental Services - Ceres
53507 - Intergovernmental Services - Stanislaus Probation
53508 - Intergovernmental Services - Sheriff's Office
53516 - Intergovernmental Purchases
53521 - Intergovernmental Services - Stanislaus County - In-kind
53522 - Intergovernmental Services - City of Turlock - In-kind
53523 - Intergovernmental Services - City of Ceres - In-kind
53600 - Temporary Employee Services
53160 - Repair and Maintenance Services - Property Damage

Services and Other Charges

54001 - Budget Only - Discretionary Adjustment
54101 - Water Treatment and Delivery - O&M
54103 - Water Treatment and Delivery - Debt Service 1998
54104 - Water Treatment and Delivery - Debt Service 2007

List of Expenditure Categories

Expense

54105 - Water Treatment and Delivery - Debt Service 2013
54106 - Water Treatment and Delivery - MID Escrow Agmt Phase II
54107 - MID - Terminal Reservoir Bypass Agreement
54160 - Membership and Dues
54200 - Insurance Premiums
54201 - Insurance Premiums - Outside Services
54203 - Other Insurance
54205 - Retiree Medical Contribution Program
54210 - Claims Payments
54215 - Replacement Benefit Contribution Expense
54250 - Settlements
54300 - Taxes and Assessments
54400 - Utility Tax Collections
54401 - Property Tax Collections
54410 - Cashier Shortages
54420 - Uncollectible Accounts Expenses
54425 - Senior/Disabled Discount Charges
54427 - Water Rate Assistance WRAP
54428 - Utility Billing Assistance Program
54450 - Golf Management Payroll
54500 - Services City Forces - Interfund
54501 - Services City Forces - Intrafund
54502 - Services City Forces Non-Labor
54550 - ISF - Fleet Operating and Maintenance
54551 - ISF - Fleet Replacement Expenses
54552 - ISF - Fleet Motor Pool Replacement Expense
54555 - Survey GPS Replacement Fee
54560 - ISF - Copier Charges - Inside
54601 - Dump Fees
54602 - Dump Fees - Pruned Refuse
54603 - Dump Fees - Forestry Brush
54606 - Title Report Fees
54702 - Project Area Revitalization
54703 - Temporary Relocations
54704 - Housing Demolition
54706 - Direct Grants
54720 - Direct Loans
54731 - Lead Based Paint - Testing
54900 - General and Administrative Services
54920 - Donations and Contributions
54991 - Cost Distribution Appr Unit C - Intrafund
54421 - Loan Converted to Grant Expense

Supplies

52001 - Miscellaneous Supplies
52010 - Office Supplies
52015 - Printing and Binding

List of Expenditure Categories

Expense

52025 - Postage Expenses
52030 - Books and Periodicals
52035 - Fire Fighter Fitness
52036 - Fire Fighting Supplies
52037 - Public Education Expenses
52038 - Public Safety Equipment < $5,000
52039 - Emergency Medical Services Equipment
52102 - Stores Services - Inside
52111 - Oracle Inventory - Cost of Goods Sold
52112 - Oracle Inventory - Deferred COGS
52117 - Cost of Goods Sold - Golf Merchandise
52118 - Cost of Goods Sold - Golf Food and Beverage
52150 - Custodial and Cleaning Supplies
52151 - Janitorial Services
52160 - Personal Protection Equipment
52170 - PC Software and Supplies
52180 - Gardening Supplies
52190 - Chemical and Lab Supplies
52200 - Vocation and Recreation Supplies
52210 - Microfilm Supplies
52220 - Oil Lubricants Expense
52225 - Fuel Expense
52230 - Employee Service Awards and Appreciation
52240 - Food and Beverages
52300 - Tools and Field Supplies <$5,000
52301 - Computer Equipment <$5,000
52303 - Video Equipment < $5,000
52304 - Communication Equipment <$5,000
52305 - Office Equipment <$5,000
52306 - Office Furniture <$5,000
52307 - Appliances <$5,000
52110 - Oracle Inventory - Receiving Invoice Price Var.
52105 - Oracle Inventory - Material
52109 - Oracle Inventory - Receiving Purchase Price Var.
52103 - Inventory Purchases - Stationary

STRATEGIC PLAN – YEAR 3 PROGRESS

Quality of Life

Goal/Strategy Description	***Progress Update***
Evaluate current waste removal and city beautification policies and procedures	City staff is currently evaluating a bulky item pickup program for multi-family dwellings.
Motivate and encourage staff and community members to identify and mitigate blight issues	The Blight Abatement Advisory Committee has developed the blight mitigation slogan, “Modesto Mo' Beautiful”. Council is anticipated to approve the slogan in July 2022, followed by a campaign to promote public awareness.
Create and implement a comprehensive tree health, maintenance and replacement program and education campaign	The Public Works Department received a State grant in FY 21/22 toward the development of a citywide tree masterplan. The plan will provide updated inventory up to 100,000 street trees, including the implementation of Tree Keeper software and support. The Urban Forestry Master Plan is scheduled to be complete in July 2023.
Determine priority areas for proactive code enforcement	The Building Safety Division has implemented a strategy that involves focused code enforcement for blight related issues such as trash or tagging removal. This has significantly reduced the amount of time between violation notification and compliance.
Develop and implement homelessness action plan that reduces encampments in public spaces, and ensures the provision of supportive services	Staff has convened an internal working group with County staff to prepare a comprehensive homelessness action plan. Council is anticipated to adopt the Homeless Action Plan in July 2022.
Conduct a housing market analysis and implement a comprehensive housing strategy to position the City to leverage alternative revenue sources (i.e., other government grants, loans, private and nonprofit funds	The City entered into an agreement with Opticos to conduct a housing market analysis and prepare the comprehensive housing element strategy for implementation. Upon completion of a final community workshop, it is expected the housing strategy will be adopted by Council in August 2022.
Review and update the Tuolumne River Regional Park Master Plan	Staff completed the RFP process for a consultant to prepare the Master Plan. Council is expected to award this contract in Fall 2022. The process is anticipated to take approximately one year with a target completion date of Fall 2023.

Economic Vitality

Goal/Strategy Description	***Progress Update***
Develop a citywide business incentive plan that fosters economic diversification	Staff is currently planning for the implementation of enhanced infrastructure financing districts (EIFD). These districts will be a component of the citywide business incentive plan.
Collaborate with downtown partners to expand upon existing successful downtown events and entertainment offerings	The Downtown Modesto Partnership has developed an evaluation tool to assess the impacts of proposed events to be held downtown. Events which positively promote downtown, create new market opportunities and generate sales for local businesses are the goal. CED is continuing to work with the DOMO Partnership to coordinate with our downtown partners on offering new events and capitalizing on events that have historically been quite successful.
Create a downtown economic development strategy	Staff have prepared various downtown economic development strategy scopes. They range from targeted individual plans to a complete comprehensive plan. The scope, budget, and scheduling for this project is currently being evaluated. Once this evaluation is complete, staff will move forward with a request for proposals.

Governance and Service Delivery

Goal/Strategy Description	***Progress Update***
Pursue new and alternative revenue sources	City departments continue to pursue grant opportunities for various projects and programs. City departments continue to review current fees to validate full cost recovery or annual increases due to inflation. A one-cent sales tax measure is being considered for the November 2022 Ballot.
Review and update the capital improvement plan and deferred maintenance needs	The Modesto Energy Action Plan Report has been completed. It identifies components to address key elements of deferred maintenance for the City's facilities and fixtures associated with electricity conservation such as HVAC, lighting and more.
Attract and retain high performance employees	City Council adopted a comprehensive Diversity, Equity, and Inclusion Program. This program outlines the City’s commitment to a culture where employees experience a sense of belonging and have equal opportunities regarding employment while delivering services that are inclusive and equitable to our community. The program includes several plans which consist of the Equal Employment Opportunity Plan, the Language Access Plan, the Americans with Disabilities Plan, and the supporting Equity Commission – a Citizen Advisory Group. The City began implementing initiatives set with the program and supporting plans and will continue. Metrics have been established to monitor progress.
Streamline the development review process	CED has implemented a new modern permitting system called TRAKiT which offers a customer portal allowing public users to apply and pay for permits online. The new TRAKiT system has automated workflows that streamline the permit application process. Several videos have been developed to assist customers on using the new system which can be accessed online. Quarterly performance measures are now shared with the Economic Development Committee. An action plan is also currently being worked through by the Building Safety Division which was developed in response to the Moss Adams study.
Implement the organizational workforce development and talent management plan.	This plan is currently being implemented and is an ongoing nine-step program that includes professional development, SOP's, mentoring program, and workforce planning.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-268

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE NEW CLASSIFICATIONS AND AMEND EXISTING CLASSIFICATIONS

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2022-263 pursuant to Rule 2.2 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:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended as per **EXHIBIT 6** in the agenda item and **attached** hereto.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2023 falls, (Pay Period beginning June 20, 2023).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Classification Attachment Agreement
Exhibit 6

Description of Adjustment	Salary Range Assignment	Cost Center	Department	OPN
New Classification ICMA Management Fellow	415	02010	City Manager Office	New
Range change adjustment for existing Central Stores Supervisor	430	12510	Finance Department	1467
New Classification of Assistant Fire Chief	528	18110	Fire Department	New
New Classification of Emergency Medical Services Quality Improvement Coordinator - RN	437	18221	Fire Department	New
Title Change of existing Outreach Specialist position to Public Safety Outreach Specialist	N/A	19205/19206	Police Department	1458/ 1459/ 1460/ 1461/ 1545/ 1546/ 1572/ 1573/ 1574/ 1575
Title Change of existing Senior Outreach Specialist position to Senior Public Safety Outreach Specialist	N/A	19220	Police Department	1569/ 1570
New Classification of Police Hiring Supervisor	433	19420	Police Department	New
New Classification of Police Park Ranger	1114	19225/19226	Police Department	New
New Classification of Police Aircraft Pilot	1150	19322	Police Department	New
New Classification of Public Safety Communications Manager	445	19420	Police Department	New
Title and Range change adjustment for existing Public Safety Information Coordinator to Public Safety Information Officer	445	19110	Police Department	0901
New Classification of Senior Landscape Architect/ Senior Architect	440	32020	Parks Recreation and Neighborhoods	New
Title Change from Parks Project Coordinator to Associate Landscape Architect/ Associate Architect	436	32020	Parks Recreation and Neighborhoods	1402/ 1164/ 1325/ 1552
New Classification of Senior Public Works Manager	453	53254	Public Works Department	1243
Title change of existing Electrician Assistant I/II/III to Electrician Apprentice I/II/III	N/A	53540	Public Works Department	0662/ 0663/ 1398
Title change of vacant Welder/ Fabricator to Heavy Equipment Mechanic II	N/A	53255	Public Works Department	0568
Title change of vacant Traffic Operations Engineer to Senior Civil/ Traffic Engineer	450	53510	Public Works Department	0147
Title change of vacant Materials Management/City Arborist to Forestry Manager	448	56040	Public Works Department	1232
New Classification of Solid Waste Specialist	120	56010	Public Works Department	New
Title change from vacant Property Agent to Engineering Project Coordinator	135	42024	Utilities	0039
New Classification of Process Control Technician Trainee	119	42020/45050	Utilities	New
New Classification of Process Control Technician	132	44313/44410	Utilities	New
Title change of existing Electrical & Instrumentaion Crewleader to SR Electrical & Instrumentation Technician	135	44410	Utilities	0668
New Classification of Director of Engineering Services	1429	13110	Engineering Services	New

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-269

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2023-24 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 07, 2022, as part of the Annual Budget of the City of Modesto for Fiscal Year 2022-23, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which July 1, 2023 falls, (Pay Period beginning June 20, 2023), unless otherwise noted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2023-24 Operating Budget for various departments as **attached** in **Exhibit 7** to this agenda item and **attached** hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Alvarez

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Position Allocation Resolution
Exhibit 7

QTY	Description of Adjustment	Cost Center	Department	OPN
1.0 FTE	Allocate (1) Deputy City Attorney III	04011	City Attorney Division	New
1.0 FTE	Allocate (1) Legal Secretary II	04011	City Attorney Division	New
1.0 FTE	Reallocate (1) Administrative Office Assistant III Conf. to (1) Deputy City Clerk	05010	City Clerk's Division	0457
2.0 FTE	Reallocate (2) existing Administrative Office Assistants I to (2) Administrative Office Assistants II flex - Reclassify existing incumbents	05010	City Clerk's Division	0472/ 0473
1.0 FTE	Allocate (1) Deputy City Clerk Position	05011	City Clerk's Division	New
2.0 FTE	Allocate Two (2) ICMA Management Fellows	02010	City Manager's Office	New
1.0 FTE	Allocate (1) Community Development Program Specialist II in HUD	14111	Community and Economic Development Department	New
1.0 FTE	Allocate (1) Business Analyst Position in Building Safety Division	14180	Community and Economic Development Department	New
1.0 FTE	Allocate (1) Development Services Technician in Planning Services	14410	Community and Economic Development Department	New
1.0 FTE	Allocate (1) Admin Analyst 1/II in Planning Services	14410	Community and Economic Development Department	New
2.0 FTE	Allocate (2) Code Enforcement Officers in Neighborhood Preservation Division	19228	Community and Economic Development Department	New
1.0 FTE	Move (1) existing City Engineer	13120	Engineering Services	0024
1.0 FTE	Move (1) existing Traffic Engineer	13220	Engineering Services	0037
1.0 FTE	Move (1) existing Senior Land Surveyor	13120	Engineering Services	0085
1.0 FTE	Move (1) existing Senior Civil Engineer	13220	Engineering Services	0137
1.0 FTE	Move (1) existing Senior Civil Engineer	13220	Engineering Services	0138
1.0 FTE	Move (1) existing Senior Civil Engineer	13120	Engineering Services	0142
1.0 FTE	Move (1) existing Senior Civil Engineer	13220	Engineering Services	0143
1.0 FTE	Move (1) existing Associate Civil/Traffic Engineer	13220	Engineering Services	0149
1.0 FTE	Move (1) existing Associate Engineer	13220	Engineering Services	0150
1.0 FTE	Move (1) existing Associate Civil/Traffic Engineer	13210	Engineering Services	0155
1.0 FTE	Move (1) existing Associate Civil/Traffic Engineer	13220	Engineering Services	0156
1.0 FTE	Move (1) existing Assistant Engineer	13220	Engineering Services	0157
1.0 FTE	Move (1) existing allocation of Associate Engineer from CED	13120	Engineering Services	0160
1.0 FTE	Move (1) existing Engineering Assistant II	13220	Engineering Services	0161
1.0 FTE	Move (1) existing Construction Inspection Supervisor	13210	Engineering Services	0205
1.0 FTE	Move (1) existing Senior Construction Inspector	13210	Engineering Services	0206
1.0 FTE	Move (1) existing Senior Construction Inspector	13210	Engineering Services	0207
1.0 FTE	Move (1) existing Construction Inspector	13210	Engineering Services	0208
1.0 FTE	Move (1) existing Construction Inspector	13210	Engineering Services	0209
1.0 FTE	Move (1) existing Construction Inspector	13210	Engineering Services	0210
1.0 FTE	Move (1) existing Construction Inspector	13210	Engineering Services	0211
1.0 FTE	Move (1) existing Engineering Assistant II	13120	Engineering Services	0213
1.0 FTE	Move (1) existing Engineering Assistant II	13220	Engineering Services	0224

Position Allocation Resolution
Exhibit 7

QTY	Description of Adjustment	Cost Center	Department	OPN
1.0 FTE	Move (1) existing Associate Civil/Traffic Engineer	13220	Engineering Services	0225
1.0 FTE	Move (1) existing Engineering Assistant II	13210	Engineering Services	0227
1.0 FTE	Move (1) existing Associate Land Surveyor	13210	Engineering Services	0228
1.0 FTE	Move (1) existing Development Services Technician II	13120	Engineering Services	0237
1.0 FTE	Move (1) existing Administrative Analyst II	13210	Engineering Services	0287
1.0 FTE	Move (1) existing Administrative Office Assistant III	13120	Engineering Services	0371
1.0 FTE	Move (1) existing Administrative Office Assistant III	13210	Engineering Services	0381
1.0 FTE	Move (1) existing Administrative Office Assistant III	13210	Engineering Services	0382
1.0 FTE	Move (1) existing Associate Civil/Traffic Engineer	13220	Engineering Services	1234
1.0 FTE	Move (1) existing Engineering Assistant II	13220	Engineering Services	1326
1.0 FTE	Move (1) existing Administrative Analyst II	13220	Engineering Services	1390
1.0 FTE	Move (1) existing Assistant City Engineer	13220	Engineering Services	1404
1.0 FTE	Move (1) existing Construction Inspector	13210	Engineering Services	1446
1.0 FTE	Move (1) existing Survey Party Chief	13210	Engineering Services	1447
1.0 FTE	Allocate (1) Director of Engineering Services	13110/ 13120	Engineering Services	New
1.0 FTE	Allocate (1) Executive Assistant	13110	Engineering Services	New
1.0 FTE	Allocate (1) Administrative Analyst	13110	Engineering Services	New
1.0 FTE	Allocate (1) Account Clerk Position in Business Licensing	12430	Finance Department	New
.75 FTE	Allocate (.75) Senior Account Clerk in Business Licensing	12430	Finance Department	New
1.0 FTE	Allocate (1) Full-time Account Clerk Position	12111	Finance Department	New
2.0 FTE	Allocate (2) Account Clerk Positions in Utility Billing	12470	Finance Department	New
1.0 FTE	Allocate (1) Full-time Assistant Buyer	12511	Finance Department	New
1.0 FTE	Allocate (1) Storekeeper Position in Central Stores	12530	Finance Department	New
1.0 FTE	Reallocate (1) existing Admin Analyst to (1) Public Safety Business Analyst - reclassify incumbent	18111	Fire Department	1176
1.0 FTE	Reallocate (1) existing Battalion Chief to (1) Fire Deputy Chief - reclassify incumbent	18110	Fire Department	1178
2.0 FTE	Reallocate (2) Deputy Fire Chiefs to (2) Fire Assistant Chiefs in Fire Administration	18110	Fire Department	1177/ 1481
1.0 FTE	Allocate (1) Hazmat Inspector Position in Fire Prevention	18511	Fire Department	New
1.0 FTE	Allocate (1) Deputy Fire Chief in Fire Administration	18110	Fire Department	New
3.0 FTE	Allocate (3) Fire Captains in Emergency Services	18221	Fire Department	New
1.0 FTE	Allocate (1) Admininstrative Office Assistant III in Emergency Services	18221	Fire Department	New
1.0 FTE	Allocate (1) Emergency Medical Services Quality Improvement Coordinator - RN	18221	Fire Department	New
1.0 FTE	Reallocate (1) existing Human Resources Assistant to (1) Senior Human Resources Assistant	17610	Human Resources Department	0364

Position Allocation Resolution
Exhibit 7

QTY	Description of Adjustment	Cost Center	Department	OPN
1.0 FTE	Allocate (1) Human Resources Assistant Position in Human Resoruces Administration Division	17211	Human Resources Department	New
1.0 FTE	Reallocate (1) vacant Senior Software Analyst to (1) Principal Systems Engineer Position	17710	Information Technology	0484
1.0 FTE	Allocate (1) Public Safety Principal Systems Engineer Position	17711	Information Technology	New
4.0 FTE	Reallocate (4) existing Parks Project Coordinators to (4) Associate Landscape Architect/ Associate Architect	32020	Parks Recreation and Neighborhoods	1402/1164/ 1552/ 1325
2.0 FTE	Allocate (2) Senior Landscape Architect/ Senior Architect positions	32020	Parks Recreation and Neighborhoods	New
1.0 FTE	Reallocate (.75) Recreation Coordinator to (1) in Recreation Operations Division	33030	Parks Recreation and Neighborhoods	New
.75 FTE	Allocate (.75) Lead Service Worker Position - Limited Term in Cultural Services	34200	Parks Recreation and Neighborhoods	New
1.0 FTE	Allocate (1) Head Groundskeeper Position in the Operations Services Division	35221	Parks Recreation and Neighborhoods	New
1.0 FTE	Reallocate (1) existing Senior Administrative Assistant to (1) Police Hiring Supervisor; reclassify incumbent	19420	Police Department	0366
1.0 FTE	Move (1) existing Code Enforcement Officer Supervisor in NPU from CED allocation of 14220	19322	Police Department	1302
4.0 FTE	Move (4) existing Code Enforcement Officers I/II in NPU from CED allocation of 14220	19322	Police Department	0186/ 0187/ 0188/ 1389
3.0 FTE	Move (3) existing Administrative Office Assistant II's in NPU from CED allocation of 14220	19322	Police Department	0464/1303/1545
10.0 FTE	Title Change of (10) existing Outreach Specialist position to (10) Public Safety Outreach Specialist	19205/19206/ 19220	Police Department	1458/ 1459/ 1460/ 0461/ 1545/ 1546/ 1572/ 1573/ 1574/1575
2.0 FTE	Title Change for (2) existing Senior Outreach Specialist positions to (2) Senior Public Safety Outreach Specialist	19220	Police Department	1569/ 1570
1.0 FTE	Allocate (1) Civilian Investigator Position in Investigative Services	19222	Police Department	New
4.0 FTE	Allocate (4) Police Park Ranger Positions in the Park Ranger Program Division	19226	Police Department	New
5.0 FTE	Allocate (5) Community Service Officer Positions in Field Operations	19321	Police Department	New
1.0 FTE	Allocate (1) Police Civilian Supervisor Position in Records and Support Division	19421	Police Department	New
1.0 FTE	Allocate (1) Administrative Office Assistant III Confidential Position in Records and Support Division	19421	Police Department	New
1.0 FTE	Reallocate (1) existing Public Safety Information Coordinator to (1) Public Safety Information Officer; reclassify incumbent	19110	Police Department	0901
1.0 FTE	Allocate (1) Animal Control Officer Position in Animal Control Services Division	19451	Police Department	New
1.0 FTE	Allocate (1) Police Park Ranger	19220	Police Department	New

Position Allocation Resolution
Exhibit 7

QTY	Description of Adjustment	Cost Center	Department	OPN
1.0 FTE	Allocate (1) Police Aircraft Pilot	19322	Police Department	New
1.0 FTE	Allocate (1) Public Safety Communications Manager	19420	Police Department	New
1.0 FTE	Allocate (1) Police Lieutenant	19321	Police Department	New
15.0 FTE	Allocate (15) Police Officer Recruit	19321	Police Department	New
1.0 FTE	Eliminate (1) Administrative Services Tech II in City Services Stan RTA	51019	Public Works Department	0232
1.0 FTE	Eliminate (1) Administrative Analyst in City Services Stan RTA	51019	Public Works Department	0294
1.0 FTE	Reallocate (1) vacant Welder/ Fabricator to (1) Heavy Equipment Mechanic II	53255	Public Works Department	0568
1.0 FTE	Reallocate (1) vacant Materials Management Superintendent/City Arborist to (1) Forestry Manager	56040	Public Works Department	1232
1.0 FTE	Reallocate (1) vacant Operations Manager to (1) Senior Public Works Manager	53134	Public Works Department	1243
3.0 FTE	Reallocate (3) existing Electrician Apprentice I/II/III to (3) flex promote to Electrician	53540	Public Works Department	0662/ 0663/ 1398
3.0 FTE	Allocate (3) Equipment Operator I/II Positions in Streets, curbs, gutters and sidewalks	53142	Public Works Department	New
1.0 FTE	Reallocate (1) vacant Traffic Operations Engineer to Senior Civil/ Traffic Engineer	53510	Public Works Department	0147
1.0 FTE	Allocate (1) Administrative Office Assistant II Position in Forestry Division	56041	Public Works Department	New
1.0 FTE	Allocate (1) Solid Waste Outreach Specialist	56010	Public Works Department	New
1.0 FTE	Allocate (1) Operation Crew Leader in Community Forestry	56041	Public Works Department	New
1.0 FTE	Allocate (1) Tree Trimmer Crew Leader in Community Forestry	56041	Public Works Department	New
1.0 FTE	Allocate (1) Maintenance Worker II in Community Forestry	56041	Public Works Department	New
4.0 FTE	Allocate (4) Tree Trimmer II in Community Forestry	56041	Public Works Department	New
1.0 FTE	Move (1) existing Wastewater Collections Systems Superintendent from Cost Center # 44210	44211	Utilities	0059
1.0 FTE	Reallocate (1) Environmental Compliance Inspector II to (1) Senior Environmental Compliance Inspector	44113	Utilities	0217
1.0 FTE	Move (1) existing Environmental Regulatory Compliance Superintendent from Cost Center # 44110	44113	Utilities	0221
1.0 FTE	Move (1) existing Administrative Services Technician from Cost Center # 44110	44010	Utilities	0233
1.0 FTE	Reallocate (1) vacant Utilities Services Worker III to (1) Process Control Technician	42020/45050	Utilities	0602
1.0 FTE	Reallocate (1) existing Electrician Crewleader to (1) Senior Electrician & Instrumentation Technician	44410	Utilities	0668
1.0 FTE	Move (1) existing Utilies Services Worker III from Cost Center # 45065	45060	Utilities	0712

Position Allocation Resolution
Exhibit 7

QTY	Description of Adjustment	Cost Center	Department	OPN
1.0 FTE	Move (1) existing Administrative Services Technician II from Cost Center # 44310	44010	Utilities	1258
1.0 FTE	Reallocate (1) vacant Property Agent to (1) Engineering Project Coordinator	42024	Utilities	0039
2.0 FTE	Reallocate two (2) vacant Plant Mechanic II to (2) Process Control Technician	44313/44410	Utilities	0757/ 0758

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-270

RESOLUTION APPOINTING EVAN YOSHINO TO THE BOARD OF BUILDING APPEALS WITH A TERM EXPIRATION OF JANUARY 1, 2027

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

WHEREAS, the Board of Building Appeals' primary responsibility is to hear appeals from any person questioning an order of the City's Chief Building Official related to building, plumbing, mechanical, electrical, dangerous building or housing codes, and

WHEREAS, the Board of Building Appeals' members are appointed, to four-year terms with no limit to the number of terms they may serve, and

WHEREAS, the Appointments Committee met on May 8, 2023, and recommended the appointment of Evan Yoshino to the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Evan Yoshino to the Board of Building Appeals to a four-year term, with a term expiration of January 1, 2027.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the 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 13th day of June, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-271

RESOLUTION ACCEPTING THE RESIGNATION OF MONICA VALENCIA FROM THE CITY OF MODESTO 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; and

WHERAS, in January 2021, by Resolution No. 2021-002, Council reappointed Monica Valencia to the City of Modesto Culture Commission; and

WHEREAS, on March 6, 2023, Monica Valencia submitted her letter of resignation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Monica Valencia from the City of Modesto Culture Commission.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-272

RESOLUTION APPOINTING FORMER CULTURE COMMISSION MEMBER DEWEY BEDFORD TO FILL ONE MODESTO RESIDENT VACANCY ON THE CULTURE COMMISSION FOR A PARTIAL SECOND TERM, FROM JULY 1, 2023 THROUGH DECEMBER 31, 2024

WHERAS, the Culture Commission (Commission) acts as an advisory body to the City Council and the City Manager in all matters pertaining to art, literature, music, and other cultural activities as well as promoting the preservation of historic sites, landmarks, documents, paintings, and other objects associated with the history of the City and its area; and

WHEREAS, the Culture Commission is comprised of seven members with five (5) members representing the City of Modesto and two (2) living outside of the City but representing Stanislaus County; and

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

WHEREAS, by Resolution No. 2020-87, Council appointed Dewey Bedford to the Culture Commission for a partial term of May 1, 2020 through December 31, 2022; and

WHEREAS, Commissioner Bedford affirmed his interest in continuing to serve on the Culture Commission; and

WHEREAS, the Appointments Committee met on May 24, 2023, and recommended the appointment of former Commission Member Dewey Bedford to the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints former Culture Commission Member Dewey Bedford to the Culture Commission for a partial second term from July 1, 2023 through December 31, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-273

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS MADE BY PUBLIC STORAGE, INC. AT THE SOUTH SIDE OF SYLVAN AVENUE, BETWEEN ELSAKR WAY AND WOOD SORREL DRIVE AS COMPLETE, RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND INTIATE REIMBURSEMENT FOR IMPROVEMENTS IN THE AMOUNT OF $477,126 AS OUTLINED IN THE ACQUISITION AND SHORTFALL AGREEMENT

WHEREAS, in January 2008, by Resolution No. 2008-04 the City adopted the Policies and Procedures for the Formation, Annexation, and Administration of Community Facilities Districts (CFD) Created Pursuant to the Provisions of the Mello-Roos Community Facilities Act of 1982; and

WHEREAS, the policy allows developers to install public improvements which benefit properties within a proposed CFD, and be reimbursed for the work if certain parameters are met; and

WHEREAS, on April 6,2004 the City formed City of Modesto Community Facilities District No. 2004-1 (CFD No. 2004-1) to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that serve the Village One area; and

WHEREAS, a developer may construct identified improvements for CFD No. 2004-1 and be reimbursed, provided an agreement for such improvements is entered into with the City and CFD No. 2004-1 prior to commencement of the work; and

WHEREAS, Public Storage Inc. (Developer) submitted an application to construct a one-story self-storage facility within the boundaries of CFD No. 2004-1; and

WHEREAS, on November 4, 2020, by Resolution 2020-507, the City Council approved an Acquisition and Shortfall Agreement with Developer. Under the terms of the

Acquisition and Shortfall Agreement, the Developer will be reimbursed for the public improvements made on behalf of the City; and

WHEREAS, the improvements have been completed to the satisfaction of the City Engineer, who certifies that the works has been satisfactorily completed; and

WHEREAS, the developer has provided to the City evidence that all of the costs for constructing the improvements have been fully paid, and acceptable to the City Engineer; and

WHEREAS, pursuant to the terms of the Acquisition and Shortfall Agreement, the Developer will be reimbursed for the public improvements it constructs that are eligible for reimbursement. Reimbursement will be based upon actual expenses and have been verified to total $477,126; and

WHEREAS, the Developer has submitted required documentation and payment costs including unconditional lien releases, proof of prevailing wage, and executed grant deed dedicating public land to the City, and warranty securities control account.

NOW, THEREFORE, BE IT RESOLVED the City Clerk is authorized to file the Notice of Completion with County Recorder, release the Faithful Performance Security immediately after filing the Notice of Completion, and release Payment Security sixty days after filing the Notice of Completion, and release the Warranty Security one year and one day after acceptance, and that the Council of the City of Modesto hereby accepts the public improvements at the south side of Sylvan Avenue, between Elsakr Way and Wood Sorrel Drive as complete, releases the securities upon expiration of statutory periods, and initiates reimbursement for improvements as outlined in the Acquisition and Shortfall Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-274

RESOLUTION APPROVING AN AGREEMENT WITH HINDERLITER, DE LLAMAS & ASSOCIATES, BREA, CA BY UTILIZING THE CITY OF HESPERIA AGREEMENT FOR CANNABIS CONSULTING SERVICES FOR A TWO (2) YEAR AGREEMENT WITH ONE (1) ONE-YEAR EXTENSION OPTION, FOR AN ANNUAL ESTIMATED AMOUNT OF $261,350 AND A TOTAL AMOUNT NOT TO EXCEED $784,050 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria, and

WHEREAS, on July 9, 2018, the City entered into a Professional Services Agreement (PSA) with HdL for cannabis consulting services not to exceed $49,750, and

WHEREAS, on December 4, 2018, by Resolution No. 2018-539, Council approved an increase and extension to the HdL's Consulting agreement by $1,114,500, from $49,750, to $1,164,250 over a two-year period, with three one-year extensions for a total term of five years, and

WHEREAS, the term of the current Agreement between the City of Modesto and HdL is due to expire on July 8, 2023 and

WHEREAS, on March 10, 2022, the City of Hesperia, California issued an RFP for Cannabis Audit Services and received four proposals; three City of Hesperia staff members evaluated and ranked the proposals based on qualifications, experience, and approach to the scope of work and based on the cumulative scores from the panel; HdL was

the top-rated consultant, and

WHEREAS, HdL has effectively met the City's cannabis consulting needs by providing consistent and satisfactory service, and

WHEREAS, to continue receiving the various services currently being provided by HdL, the City will 'piggy-back' off the City of Hesperia's competitive bid process and "access the terms" of the Agreement between the City of Hesperia and HdL, and

WHEREAS, HdL will continue to conduct Annual Cannabis Financial Audits, Annual Compliance Inspections, and provide subject matter expertise consulting at the rates listed on **Exhibit B**, and

WHEREAS, optional services such as Non-competitive Application Review Process and Competitive Application Review (Application and Interviews), will be billed at the consultant staff's hourly rate listed on **Exhibit B** Page 2 and performed upon mutual agreement by both parties, and

WHEREAS, background checks and badges for cannabis owners, managers, and employees will continue to be provided by HdL and paid by the cannabis business, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality,"and

WHEREAS, in addition, MMC 8-3.202(d) encourages the Purchasing Manager to

utilize the 'piggybacking' from a competitive bid process with City of Hesperia when the best cost savings interest of the City would be served; here, this exemption is satisfied because Hinderliter, de Llamas (HdL) Associates, has continually met the City's cannabis consulting needs, and

WHEREAS, the charges related to the annual financial audits, the annual inspection to ensure compliance, and other consulting fees directly related to the permitted businesses are reimbursed by the annual permit fee charged and paid by the permitted cannabis businesses and any other consulting provided by HdL not directly related to the permitted businesses would be funded by the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Hinderliter, de Llamas & Associates, Brea, CA by utilizing the City of Hesperia Agreement for Cannabis Consulting Services for a two (2) year Agreement with one (1) one-year extension option, for an annual estimated amount of $261,350 and a total amount not to exceed $784,050 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit B - City of Modesto Fee Schedule

The Consultant's fees shown here do not include any follow-up re-inspection or review of any supplemental documents provided to address or contest any findings of non-compliance, nor do they include any assistance with the appeal of any enforcement action by the City. Any costs associated with such additional services would be billed at Consultant's hourly rate for the assigned staff person.

Scope of Services	Cost
Education, Subject Matter Expertise, and Technical Support - 2 hours included at a reduced rate of 50% for each business subject to both audits and compliance inspections in each year of the contract. Any additional hours shall be billed at Consultant's standard hourly rate for the assigned staff person.[1]	See Rate Chart
Conduct Compliance Inspections	$2,000 per inspection
Conduct Financial Audits	$10,000 per audit
Tax Analytical Remittance Reports (TARR) Summary (Optional)	$2,500 per business per year
Travel (if and as needed for meeting attendance)	$400 per day
Optional Additional Services:	Billed at hourly rate*

*For hourly rate, see Hourly Rate for Consultant's Staff chart below.

[1] The total number of hours at this discounted rate shall not exceed 24 hours for any one year.

Hourly Rate for Consultant's Staff

The prices are based on the hourly rates for Consultant's staff as shown in the chart below. Any additional services requested by the City that are not specifically described in this proposal would be billed at the standard rate for the assigned staff person.

Staff Person	Title	Hourly Rate
Matt Eaton	Deputy Compliance Director	$250
Ajay Kolluri	Director	$250
Mark Lovelace	Senior Policy Advisor	$250
Elizabeth Eumurian	Audit Manager	$195
Odette Mikhail	Auditor	$195
Tao Lu	Auditor	$195
Valerie Carter	Auditor	$195
Pamela Davis	Auditor	$195
Eric Magana	Auditor	$195
Dante Chegini	Audit Analyst	$195
Tonson Chieng	Audit Analyst	$195
Jennifer Irwin	Audit Analyst	$195
Michelle Shaw	Compliance Inspector	$195
Teresa Schneider	Compliance Inspector	$195
Cheryl Lee	Business Application Reviewer	$195
Jeff Burris	Business Application Reviewer	$195
Kristi Lervold	Administrative Assistant	$120

All Cannabis business information will be kept confidential by Consultant and will not be shared internally beyond those Consultant employees who are required to have access for purposes of conducting the work contemplated herein, or for administrative purposes as necessary.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-275

RESOLUTION APPROVING THE AGREEMENT WITH AMERICAN CHILLER INC. FOR HVAC MAINTENANCE AND EMERGENCY REPAIRS FOR THE MODESTO CENTRE PLAZA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $75,000, AND A TOTAL AMOUNT NOT TO EXCEED $375,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 1988 the 24,000 square foot Modesto Centre Plaza (MCP) convention facility was constructed; and

WHEREAS, American Chiller, Inc., installed the climate control system (System) which houses one small and one large chiller unit; and

WHEREAS, regularly scheduled maintenance of the System was initially maintained but later reduced and eventually eliminated due to budget reductions; and

WHEREAS, system failures and disrepairs have increased over the last thirty years; and

WHEREAS, in 2017 and 2018, the City contracted American Chiller to recondition the units to prolong the life of the equipment, and upgrade the computer components to monitor and control the operating system; and

WHEREAS, on May 15, 2018, by Resolution No. 2018-175, Council approved a purchase agreement with American Chiller to complete additional system repairs necessary to maintain full operation of the climate control system with contingent funding for emergency repairs; and

WHEREAS, on June 25, 2019, by Resolution No. 2019-284, Council approved an Agreement with American Chiller for scheduled and emergency heating, ventilation, and

air conditioning maintenance services for four years for an annual cost of $75,000 and a total not to exceed $300,000; and

WHEREAS, the City desires to continue these services through the end of fiscal year 2027-2028; and

WHEREAS, the annual agreement cost shall not exceed $75,000, and the total agreement cost shall not exceed $375,000; and

WHEREAS, funding for Fiscal Year 2023-2024 is budgeted in the Cultural Services Operating budget; and

WHEREAS, funding for additional fiscal years will be budgeted in the Cultural Services Operating budget; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, here, American Chiller should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) due to the documented superior performance. Therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with American Chiller Inc., for HVAC maintenance and emergency repairs for the Modesto Centre Plaza for a two-year

Agreement with three (3) one-year extension options, for an annual estimated amount of $75,000, and a total cost not to exceed $375,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023–276

RESOLUTION APPROVING STAFF TO APPLY FOR ALL ELECTRIC VEHICLE CHARGING STATION GRANTS AVAILABLE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AND EXECUTE GRANT APPLICATIONS AND RELATED DOCUMENTS

WHEREAS, in 2020, Governor Newsom's Executive Order N-79-20 mandated that all new passenger vehicles sold in California be zero-emission vehicles by the year 2035. The Advanced Clean Cars II regulations were adopted in 2022, imposing the next level of low-emission and zero-emission vehicle standards for model years 2026-2035 that contribute to meeting federal ambient air quality ozone standards and California's carbon neutrality targets; and

WHEREAS, the Advanced Clean Cars II regulations will rapidly scale down emissions of light-duty passenger cars, pickup trucks and SUVs starting with the 2026 model year through 2035; and

WHEREAS, the Advanced Clean Cars II regulations are two-pronged. First, they amend the Zero-Emission Vehicle Regulation to require an increasing number of zero-emission vehicles, and relies on currently available advanced vehicle technologies, including battery-electric, hydrogen fuel cell electric and plug-in hybrid electric-vehicles, to meet air quality and climate change emissions standards; and

WHEREAS, second, the Low-Emission Vehicle Regulations were amended to include increasingly stringent standards for gasoline cars and heavier passenger trucks to continue to reduce smog-forming emissions; and

WHEREAS, the Stanislaus Council of Governments (StanCOG) produced a report in 2022 stating that the number of electric vehicles in our county is expected to

increase dramatically in the next 15 years, with projections ranging from 60,000 to more than 180,000 EVs by 2035. To support 60,000 EV drivers (the low end of projection for 2035), nearly 5,000 workplace Level 2 chargers, 3,000 public Level 2 chargers, and 500 direct current fast chargers will be needed. At the high end of the EV projection, more than 20,000 workplace and public Level 2 chargers and more than 1,000 DC fast chargers would be needed; and

WHEREAS, the StanCOG report also recommended that the first priority location for public charging stations would be the downtown parking garages at 9th Street or 10th Street, followed by parking lots at selected shopping and medical centers.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby consider authorizing staff to apply for all Electric Vehicle Charging Station Grants available.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-277

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE UNITED STATES DEPARTMENT OF AGRICULTURE COMPOSTING AND FOOD WASTE GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED DOCUMENTS

WHEREAS, the U.S. Department of Agriculture (USDA) announced availability of up to $9.5 million for Compost and Food Waste Reduction (CFWR) pilot projects for fiscal year 2023; and

WHEREAS, the cooperative agreements support projects that develop and test strategies for planning and implementing municipal compost plans and food waste reduction plans; and

WHEREAS, implementation activities will increase access to compost for agricultural producers, improve soil quality and encourage innovative, scalable waste management plans that reduce and divert food waste from landfills; and

WHEREAS, the City of Modesto intends to submit an application proposing the expansion of existing programs that divert waste from landfill, reducing the emissions from breakdown of organic waste and preserving limited landfill space in California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to apply for all United States Department of Agriculture (USDA) Grant Program grants available.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-278

RESOLUTION APPROVING A PREQUALIFIED CONSULTANT LIST WITH CAROLLO ENGINEERS, WEST YOST ASSOCIATES, BKF AND WOODARD AND CURRAN FOR WATER, WASTEWATER, AND STORM DRAIN ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF THREE YEARS, WITH TWO ONE-YEAR EXTENSIONS OPTIONS AT THE WRITTEN APPROVAL OF THE UTILITIES DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) Projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified consultant list allows the Utilities Department to have accelerated access to water, wastewater and, storm drain engineering services, and

WHEREAS, maintaining a prequalified consultant list will eliminate the need to send out repetitive Requests for Qualifications for projects of similar scope, saving staff time and project cost, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements", agreements for professional services are exempt from the formal bidding process and requirements, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications to preform water, wastewater and storm drain engineering services was initiated, and

WHEREAS, on March 17, 2023 staff received ten Statements of Qualifications (SOQs) for water engineering services, after careful review the following four firms were

selected as most qualified: Carollo Engineers, West Yost Associates, BKF and Woodard and Curran, and

WHEREAS, on March 17, 2023 staff received nine SOQs for wastewater and storm drain engineering services, after careful review the following four firms were selected as most qualified: Carollo Engineers, West Yost Associates, BKF and Woodard and Curran, and

WHEREAS, when services are needed for water, wastewater, and storm drain engineering, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms. Following an evaluation process, staff will then select the most qualified firm. An agreement for services will then be presented to Council for approval, and

WHEREAS, in the event the firms on the prequalified list are deemed to lack experience or expertise for a specific project the City retains the right to recruit consultants for individual projects and not be restricted to only using the prequalified list.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a prequalified consultant list for water, wastewater, and storm drain engineering services consisting of Carollo Engineers, West Yost Associates, BKF and Woodard and Curran for a period of three years, with two one-year extension options at the written approval of the Utilities Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-279

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE PURCHASING AGREEMENT WITH ALL SEASON LAWN LANDSCAPING, ESCALON, CA, FOR LAWN MAINTENANCE SERVICES FOR WATER WELLS AND TANKS, INCREASING THE TOTAL AMOUNT OF $357,671 BY $45,000 FOR A NEW TOTAL AMOUNT NOT TO EXCEED $402,671, AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 25, 2023 TO DECEMBER 31, 2023; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE SECOND AMENDMENT

WHEREAS, the City of Modesto requires lawn maintenance and landscaping services at water well and tank sites, in addition to the Northeast Corporation Yard at Litt Road, and

WHEREAS, on June 26, 2018, by Resolution 2018-263, Council approved an agreement with All Season Lawn Landscaping ("All Season") for lawn maintenance and landscaping services at twenty-six existing sites, plus three pending sites and the Northeast Corporation Yard at Litt Road, and

WHEREAS, on April 2, 2019, by Resolution 2019-135, Council approved a First Amendment to the purchasing agreement with All Season, adding new sites and increasing the total to a new amount not to exceed $357,671, and

WHEREAS, the current agreement is set to expire June 25, 2023, therefore the Purchasing Division initiated an Invitation For Bid ("IFB") process in order to solicit proposals from responsible and qualified bidders, and on February 28, 2023, issued IFB No.2223-23, and

WHEREAS, prospective bidders were notified online of the bid opportunity, and ten companies chose to download the IFB document; however, due to ambiguity in the

requested scope of work, the bid process was postponed to allow staff to modify the scope of work, and

WHEREAS, the updated bid was posted to the public and additional time is needed to complete the bid process to award, and

WHEREAS, a Second Amendment is needed to extend the term of the agreement with All Season by six months to a new expiration date of December 31, 2023, and to increase the spending authority from $357,671 by $45,000, for a new total amount not to exceed $402,671.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the purchasing agreement with All Season Lawn Landscaping, Escalon, CA, for lawn maintenance services for water wells and tanks, increasing the total amount of $357,671 by $45,000 for a new total amount not to exceed $402,671, and extending the term of the agreement from June 25, 2023 to December 31, 2023.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Second Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-280

RESOLUTION APPROVING AN AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC., RANCHO CUCAMONGA, CA, FOR A DUAL MINX REGENERABLE ION EXCHANGE TREATMENT SYSTEM IN THE AMOUNT OF $1,509,407, PLUS $150,941 IN ADDITIONAL SERVICES AND MATERIALS IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,660,348 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides water service to the Grayson Community Water System, which has over 277 water service connections serving approximately 875 residents, and

WHEREAS, the water is provided by two wells, Well #274 and Well #295, which both have high nitrate levels, and

WHEREAS, in August 2002, the California Department of Public Health issued a Compliance Order directing the City to have a reliable treatment system in place by April 2003. Basin Water, Inc. was awarded a contract to install an ion exchange treatment process to reduce the nitrate levels, and

WHEREAS, Basin Water, Inc. was later purchased by Envirogen Technologies, Inc. (Envirogen) for nitrate treatment services and they have been providing operational support and critical parts for the on-site existing ion exchange equipment for the last eighteen years, and

WHEREAS, on October 11, 2016, by Resolution 2016-412, Council authorized an Equipment Lease to Purchase Agreement with Envirogen for the equipment used at Well #274 and Well #295, and

WHEREAS, the two wells within the Grayson Community Water System continue to have high nitrate levels., and the equipment previously leased under the

Envirogen Lease and now owned by the City of Modesto reduces nitrate levels by using an ion exchange treatment process, and

WHEREAS, in April 2022, the State's Division of Drinking Water informed City Staff that the existing nitrate removal system in place since 2003 is at the end of its useful life, and the State's review of the City's past inspection reports, water quality monitoring data and system performance records, require the City to replace the existing system with a similar approved and tested treatment system, and

WHEREAS, the Envirogen System has already been approved and vetted by the State as a treatment system that removes nitrates, and due to the acute nature of nitrate contamination that is known to cause health issues, it is not recommended to utilize a new technology that may or may not be approved by the State, and

WHEREAS, keeping the system in place will not only enable the City of Modesto to maintain its current permit with the State, but also ensure compliance with the drinking water quality standards it has previously maintained, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases more than fifty thousand dollars to follow formal bidding procedures. However, MMC Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, Envirogen is the original equipment manufacturer and sole proprietor of the necessary support services to Well #274 and Well #295 with the Grayson Community water system, therefore this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for a Dual MinX Regenerable Ion Exchange Treatment System in the amount of $1,509,407, plus $150,941 in additional services and materials if needed, for a total cost not to exceed $1,660,348.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-281

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROJECT MULTI-YEAR BUDGET IN THE AMOUNT OF $1,785,348 TO BE TRANSFERRED INTO THE PROJECT FROM WATER RESERVES TO FUND AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,785,348, in order to fully fund the Grayson Nitrate System Replacement Project, and

WHEREAS, the Fiscal Year 2022/23 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2022/23 Multi-Year Program Budget in the amount of $1,785,348.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 13th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-282

RESOLUTION APPROVING THE APPLICATION OF AMERICA WEST MEDICAL TRANSPORTATION, INC, AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS America West Medical Transportation, Inc has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of $1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20; and

WHEREAS, the Modesto Police Department has completed background investigations regarding America West Medical Transport, In per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for America West Transportation, Inc to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS a duly noticed public hearing was held by the City Council of the City of Modesto on June 13, 2023 at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to America West Medical Transportation, Inc for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Modesto City Council finds that America West Medical Transportation, Inc will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of America West Medical Transportation, Inc and issues America West Medical Transportation, Inc a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-283

RESOLUTION APPROVING THE APPLICATION OF QUALITY CARE TRANSPORTATION, INC, AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS Quality Care Transportation, Inc has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, Quality Care Transportation, Inc has paid the required $1,000 filing fee and has provided all necessary information as outline in Modesto Municipal Code Section 3-9.01-3-9.20; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Quality Care Transportation, Inc per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for Quality Care Transportation, Inc to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS a duly noticed public hearing was held by the City Council of the City of Modesto on June 13, 2023 at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Quality Care Transportation, Inc for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Modesto City Council finds that Quality Care Transportation, Inc will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Quality Care Transportation, Inc and issues Quality Care Transportation, Inc a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-284

RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) FOR A TERM OF JULY 1, 2023 TO JUNE 30, 2027; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Employees Association (MCEA) expires on June 30, 2023, and

WHEREAS, representatives of the CITY and the MCEA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCEA have reached agreement on language changes for a successor MOU which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from July 1, 2023 to June 30, 2027.

Article 5. SALARY RATES AND STEP ADVANCEMENT. Following ratification of this MOU by MCEA and adoption by the City Council, effective June 20, 2023, employees will receive a 4% base wage increase. Effective June 18, 2024, employees will receive a 3% base wage salary increase. Effective July 1, 2025, employees will receive 3% base wage increase and adding Step F. Effective June 30, 2026, employees will receive a 3% base wage increase. In addition, based on the results

of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedules set forth in **Exhibits A through D attached** hereto.

Article 12. OVERTIME. Meal Allowance. An employee required to work unscheduled overtime for four (4) or more consecutive hours beyond the scheduled shift on emergency work, or for four (4) or more consecutive hours of work when on Standby or Call-Back, will be compensated fourteen dollars and fifty cents ($14.50) for a meal allowance during any twenty-four (24) hour period and will be entitled to a thirty (30) minutes unpaid meal period for every additional four (4) hours worked. Only one (1) fourteen dollars and fifty cents ($14.50) payment will be made per employee per 24-hour shift, unless the employee works four (4) or more consecutive hours, is released from duty, and must return for four (4) or more hours in the same 24 hour period.

Article 18. LICENSES, CERTIFICATES AND ENDORSEMENTS.

International Code Council (ICC) Certification. Employees in the classifications of Building Inspector I/II and Plans Examiner who acquire a new International Code Council (ICC) certification will receive a one time payment of one hundred twenty five dollars ($125) for each new building, plumbing, mechanical, or electrical inspection certification including, without limitation, Building Plans Examiner, Special Inspector for Reinforced Concrete, Special Inspector for Pre-Stressed Concrete, Special Inspector Structural Masonry, Special Inspector for Structural Steel/Welding, and Special Inspector for Spray-Applied Fireproofing. Thereafter, the one hundred twenty give dollars ($125) will be paid on a one (1) time only basis for obtaining additional certificates and will not be paid for subsequent renewals or reinstatement of certificates.

Water Division and Wastewater Division "Desirable" Certifications: Employees in the classifications listed below are eligible for 0.5% certification incentive pay per certification, up to a maximum of 1.5% when they obtain any of the "Desirable Certifications" listed in table below that are not already mandatory for their current job classification.

Classification in Utilities	**Required Certification**	**Desirable Certifications**
-Utility Service Worker III (Water) *-Senior Utility Service Worker (Water)*	Distribution Grade 3	Distribution Grade 4 Distribution Grade 5 Treatment Grade 1 Treatment Grade 2 Backflow Prevention Testing Cross-Connection Control Testing
-Utilities Plant Operator II (Water) *-Senior Utilities Plant Operator (Water)*	Distribution Grade 3 & Treatment Grade 1	Distribution Grade 4 Distribution Grade 5 Treatment Grade 2 Backflow Prevention Testing Cross-Connection Control Testing
-Utilities Service Worker III (Wastewater) *-Senior Utilities Service Worker (Wastewater)*	Collection System Maintenance Grade 2	Collection System Maintenance Grade 3 Collection System Maintenance Grade 4 Backflow Prevention Testing Cross-Connection Control Testing
-Utilities Plant Operator II (Wastewater) *-Senior Utilities Plant Operator (Wastewater)*	Grade 3 Treatment Plant	Grade 4 Treatment Grade 5 Treatment Backflow Prevention Testing Cross-Connection Control Testing

Article 19. SHIFT AND PAY DIFFERENTIALS.

Pesticide Applicator. Bargaining unit employees in the Public Works and Parks, Recreation and Neighborhoods Departments who are required to possess and maintain certification as a Pesticide Applicator from the State of California to mix and apply

pesticides will receive a one-half-of-one percent (0.5%) pay differential for all hours worked.

Longevity Incentive Pay. Effective July 1, 2023. Employees with ten (10) years of service with the City shall be eligible for two-and-one-half (2.5) Longevity Incentive Pay.

Educational Incentive. Effective July 1, 2023, employees who possess a degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a maximum of fix percent (5.0%) compensation for the highest college degree obtained and listed below:

Bachelor's Degree 2.5%

Master's Degree 5.0%

Article 21. DRESS AND GROOMING. Subsection F. Safety Footwear. Each department will designate employees in certain job assignments for which safety footwear is required and the City will pay each employee so designated an annual safety footwear allowance of two hundred and twenty dollars ($220) during the first pay period of July.

Article 22. EQUIPMENT MECHANIC TOOLS ALLOWANCE. Subsection C. The City will pay Equipment Mechanics a tool allowance of six hundred and fifty dollars ($650) per year, paid quarterly to offset the cost of such employee-provided tools. Effective January 1, 2025, the tool allowance will increase to seven hundred dollars ($700). In order to be eligible for each quarterly allowance, an employee must be employed by the City on the last regular working day of that quarter.

Article 23. UNIFORMS AND UNIFORM ALLOWANCES.

Police Department Administrative and Clerical Employees. All Police Department administrative and clerical employees who are required to wear uniforms will do so in accordance with the Police Department's Manual of Uniforms and Equipment and will receive uniform allowance of seventy-two dollars ($72) month.

Fire Department Administrative and Clerical Employees. All Fire Department administrative and clerical employees who are required to wear uniforms will do so in accordance with the Fire Department Rules and Regulations and will receive a uniform allowance of seventy-two dollars ($72) per month

Article 25. HOLIDAYS. Adding two additional annual holidays for Juneteenth and Cesar Chavez Day.

Article 31. HEALTH, DENTAL, VISION INSURANCE. Increase to City contribution per pay period (for 24 periods) as described below:

	July 1, 2023	January 1, 2024	January 1, 2025	January 1, 2026	January 1, 2027
Single	$336.50	$345	$359	$374	$389
Employee + 1	$602	$690	$718	$747	$777
Family	$850.50	$975	$1,014	$1,055	$1,097

Article 32. RETIREE HEALTH INSURANCE. The defined City contribution shall be increased annually by $10 monthly each year of the contract, up to a maximum contribution of $140 per month.

New Article. LEAVE BANK PURCHASE OPTION. The City and MCEA agree to allow employees of this bargaining unit to elect a leave bank purchase option of 48 hours.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the March 9, 2019 through June 30, 2023 MOU between the CITY and MCEA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCEA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA), which covers a term from July 1, 2023 through June 30, 2027, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the agreement and take the necessary administrative action to implement the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARESCPEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCEA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	15.74	16.53	17.36	18.23	19.14
0102	16.14	16.95	17.79	18.68	19.62
0103	16.54	17.37	18.24	19.15	20.11
0104	16.96	17.80	18.69	19.63	20.61
0105	17.38	18.25	19.16	20.12	21.12
0106	17.81	18.70	19.64	20.62	21.65
0107	18.26	19.17	20.13	21.14	22.19
0108	18.71	19.65	20.63	21.66	22.75
0109	19.18	20.14	21.15	22.21	23.32
0110	19.66	20.64	21.68	22.76	23.90
0111	20.15	21.16	22.22	23.33	24.50
0112	20.66	21.69	22.77	23.91	25.11
0113	21.17	22.23	23.34	24.51	25.74
0114	21.70	22.79	23.93	25.12	26.38
0115	22.25	23.36	24.52	25.75	27.04
0116	22.80	23.94	25.14	26.39	27.71
0117	23.37	24.54	25.77	27.05	28.41
0118	23.96	25.15	26.41	27.73	29.12
0119	24.55	25.78	27.07	28.42	29.84
0120	25.17	26.43	27.75	29.13	30.59
0121	25.80	27.09	28.44	29.86	31.36
0122	26.44	27.76	29.15	30.61	32.14
0123	27.10	28.46	29.88	31.37	32.94
0124	27.78	29.17	30.63	32.16	33.77
0125	28.47	29.90	31.39	32.96	34.61
0126	29.19	30.65	32.18	33.79	35.47
0127	29.92	31.41	32.98	34.63	36.36
0128	30.66	32.20	33.81	35.50	37.27
0129	31.43	33.00	34.65	36.38	38.20
0130	32.22	33.83	35.52	37.29	39.16
0131	33.02	34.67	36.40	38.22	40.14
0132	33.85	35.54	37.31	39.18	41.14
0133	34.69	36.43	38.25	40.16	42.17
0134	35.56	37.34	39.20	41.16	43.22
0135	36.45	38.27	40.18	42.19	44.30
0136	37.36	39.23	41.19	43.25	45.41
0137	38.29	40.21	42.22	44.33	46.54
0138	39.25	41.21	43.27	45.44	47.71
0139	40.23	42.24	44.35	46.57	48.90
0140	41.24	43.30	45.46	47.74	50.12
0141	42.27	44.38	46.60	48.93	51.38
0142	43.32	45.49	47.76	50.15	52.66
0143	44.41	46.63	48.96	51.41	53.98
0144	45.52	47.79	50.18	52.69	55.33
0145	46.66	48.99	51.44	54.01	56.71
0146	47.82	50.21	52.72	55.36	58.13

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCEA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	1,259.20	1,322.40	1,388.80	1,458.40	1,531.20
0102	1,291.20	1,356.00	1,423.20	1,494.40	1,569.60
0103	1,323.20	1,389.60	1,459.20	1,532.00	1,608.80
0104	1,356.80	1,424.00	1,495.20	1,570.40	1,648.80
0105	1,390.40	1,460.00	1,532.80	1,609.60	1,689.60
0106	1,424.80	1,496.00	1,571.20	1,649.60	1,732.00
0107	1,460.80	1,533.60	1,610.40	1,691.20	1,775.20
0108	1,496.80	1,572.00	1,650.40	1,732.80	1,820.00
0109	1,534.40	1,611.20	1,692.00	1,776.80	1,865.60
0110	1,572.80	1,651.20	1,734.40	1,820.80	1,912.00
0111	1,612.00	1,692.80	1,777.60	1,866.40	1,960.00
0112	1,652.80	1,735.20	1,821.60	1,912.80	2,008.80
0113	1,693.60	1,778.40	1,867.20	1,960.80	2,059.20
0114	1,736.00	1,823.20	1,914.40	2,009.60	2,110.40
0115	1,780.00	1,868.80	1,961.60	2,060.00	2,163.20
0116	1,824.00	1,915.20	2,011.20	2,111.20	2,216.80
0117	1,869.60	1,963.20	2,061.60	2,164.00	2,272.80
0118	1,916.80	2,012.00	2,112.80	2,218.40	2,329.60
0119	1,964.00	2,062.40	2,165.60	2,273.60	2,387.20
0120	2,013.60	2,114.40	2,220.00	2,330.40	2,447.20
0121	2,064.00	2,167.20	2,275.20	2,388.80	2,508.80
0122	2,115.20	2,220.80	2,332.00	2,448.80	2,571.20
0123	2,168.00	2,276.80	2,390.40	2,509.60	2,635.20
0124	2,222.40	2,333.60	2,450.40	2,572.80	2,701.60
0125	2,277.60	2,392.00	2,511.20	2,636.80	2,768.80
0126	2,335.20	2,452.00	2,574.40	2,703.20	2,837.60
0127	2,393.60	2,512.80	2,638.40	2,770.40	2,908.80
0128	2,452.80	2,576.00	2,704.80	2,840.00	2,981.60
0129	2,514.40	2,640.00	2,772.00	2,910.40	3,056.00
0130	2,577.60	2,706.40	2,841.60	2,983.20	3,132.80
0131	2,641.60	2,773.60	2,912.00	3,057.60	3,211.20
0132	2,708.00	2,843.20	2,984.80	3,134.40	3,291.20
0133	2,775.20	2,914.40	3,060.00	3,212.80	3,373.60
0134	2,844.80	2,987.20	3,136.00	3,292.80	3,457.60
0135	2,916.00	3,061.60	3,214.40	3,375.20	3,544.00
0136	2,988.80	3,138.40	3,295.20	3,460.00	3,632.80
0137	3,063.20	3,216.80	3,377.60	3,546.40	3,723.20
0138	3,140.00	3,296.80	3,461.60	3,635.20	3,816.80
0139	3,218.40	3,379.20	3,548.00	3,725.60	3,912.00
0140	3,299.20	3,464.00	3,636.80	3,819.20	4,009.60
0141	3,381.60	3,550.40	3,728.00	3,914.40	4,110.40
0142	3,465.60	3,639.20	3,820.80	4,012.00	4,212.80
0143	3,552.80	3,730.40	3,916.80	4,112.80	4,318.40
0144	3,641.60	3,823.20	4,014.40	4,215.20	4,426.40
0145	3,732.80	3,919.20	4,115.20	4,320.80	4,536.80
0146	3,825.60	4,016.80	4,217.60	4,428.80	4,650.40

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCEA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	2,728.27	2,865.20	3,009.07	3,159.87	3,317.60
0102	2,797.60	2,938.00	3,083.60	3,237.87	3,400.80
0103	2,866.94	3,010.80	3,161.60	3,319.34	3,485.74
0104	2,939.74	3,085.34	3,239.60	3,402.54	3,572.40
0105	3,012.54	3,163.34	3,321.07	3,487.47	3,660.80
0106	3,087.07	3,241.34	3,404.27	3,574.14	3,752.67
0107	3,165.07	3,322.80	3,489.20	3,664.27	3,846.27
0108	3,243.07	3,406.00	3,575.87	3,754.40	3,943.34
0109	3,324.54	3,490.94	3,666.00	3,849.74	4,042.14
0110	3,407.74	3,577.60	3,757.87	3,945.07	4,142.67
0111	3,492.67	3,667.74	3,851.47	4,043.87	4,246.67
0112	3,581.07	3,759.60	3,946.80	4,144.40	4,352.40
0113	3,669.47	3,853.20	4,045.60	4,248.40	4,461.60
0114	3,761.34	3,950.27	4,147.87	4,354.14	4,572.54
0115	3,856.67	4,049.07	4,250.14	4,463.34	4,686.94
0116	3,952.00	4,149.60	4,357.60	4,574.27	4,803.07
0117	4,050.80	4,253.60	4,466.80	4,688.67	4,924.40
0118	4,153.07	4,359.34	4,577.74	4,806.54	5,047.47
0119	4,255.34	4,468.54	4,692.14	4,926.14	5,172.27
0120	4,362.80	4,581.20	4,810.00	5,049.20	5,302.27
0121	4,472.00	4,695.60	4,929.60	5,175.74	5,435.74
0122	4,582.94	4,811.74	5,052.67	5,305.74	5,570.94
0123	4,697.34	4,933.07	5,179.20	5,437.47	5,709.60
0124	4,815.20	5,056.14	5,309.20	5,574.40	5,853.47
0125	4,934.80	5,182.67	5,440.94	5,713.07	5,999.07
0126	5,059.60	5,312.67	5,577.87	5,856.94	6,148.14
0127	5,186.14	5,444.40	5,716.54	6,002.54	6,302.40
0128	5,314.40	5,581.34	5,860.40	6,153.34	6,460.14
0129	5,447.87	5,720.00	6,006.00	6,305.87	6,621.34
0130	5,584.80	5,863.87	6,156.80	6,463.60	6,787.74
0131	5,723.47	6,009.47	6,309.34	6,624.80	6,957.60
0132	5,867.34	6,160.27	6,467.07	6,791.20	7,130.94
0133	6,012.94	6,314.54	6,630.00	6,961.07	7,309.47
0134	6,163.74	6,472.27	6,794.67	7,134.40	7,491.47
0135	6,318.00	6,633.47	6,964.54	7,312.94	7,678.67
0136	6,475.74	6,799.87	7,139.60	7,496.67	7,871.07
0137	6,636.94	6,969.74	7,318.14	7,683.87	8,066.94
0138	6,803.34	7,143.07	7,500.14	7,876.27	8,269.74
0139	6,973.20	7,321.60	7,687.34	8,072.14	8,476.00
0140	7,148.27	7,505.34	7,879.74	8,274.94	8,687.47
0141	7,326.80	7,692.54	8,077.34	8,481.20	8,905.87
0142	7,508.80	7,884.94	8,278.40	8,692.67	9,127.74
0143	7,697.74	8,082.54	8,486.40	8,911.07	9,356.54
0144	7,890.14	8,283.60	8,697.87	9,132.94	9,590.54
0145	8,087.74	8,491.60	8,916.27	9,361.74	9,829.74
0146	8,288.80	8,703.07	9,138.14	9,595.74	10,075.87

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCEA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0147	49.02	51.47	54.04	56.74	59.58
0148	50.24	52.75	55.39	58.16	61.07
0149	51.50	54.07	56.78	59.61	62.60
0150	52.79	55.42	58.20	61.11	64.16

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCEA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0147	3,921.60	4,117.60	4,323.20	4,539.20	4,766.40
0148	4,019.20	4,220.00	4,431.20	4,652.80	4,885.60
0149	4,120.00	4,325.60	4,542.40	4,768.80	5,008.00
0150	4,223.20	4,433.60	4,656.00	4,888.80	5,132.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCEA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0147	8,496.80	8,921.47	9,366.94	9,834.94	10,327.20
0148	8,708.27	9,143.34	9,600.94	10,081.07	10,585.47
0149	8,926.67	9,372.14	9,841.87	10,332.40	10,850.67
0150	9,150.27	9,606.14	10,088.00	10,592.40	11,121.07

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCEA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	16.22	17.04	17.89	18.78	19.72
0102	16.63	17.46	18.33	19.25	20.21
0103	17.05	17.90	18.79	19.73	20.72
0104	17.47	18.35	19.26	20.23	21.24
0105	17.91	18.80	19.74	20.73	21.77
0106	18.36	19.27	20.24	21.25	22.31
0107	18.82	19.76	20.74	21.78	22.87
0108	19.29	20.25	21.26	22.32	23.44
0109	19.77	20.76	21.79	22.88	24.03
0110	20.26	21.27	22.34	23.45	24.63
0111	20.77	21.81	22.90	24.04	25.24
0112	21.29	22.35	23.47	24.64	25.87
0113	21.82	22.91	24.06	25.26	26.52
0114	22.36	23.48	24.66	25.89	27.18
0115	22.92	24.07	25.27	26.54	27.86
0116	23.50	24.67	25.90	27.20	28.56
0117	24.08	25.29	26.55	27.88	29.27
0118	24.69	25.92	27.22	28.58	30.00
0119	25.30	26.57	27.90	29.29	30.75
0120	25.94	27.23	28.59	30.02	31.52
0121	26.58	27.91	29.31	30.77	32.31
0122	27.25	28.61	30.04	31.54	33.12
0123	27.93	29.33	30.79	32.33	33.95
0124	28.63	30.06	31.56	33.14	34.80
0125	29.34	30.81	32.35	33.97	35.66
0126	30.08	31.58	33.16	34.82	36.56
0127	30.83	32.37	33.99	35.69	37.47
0128	31.60	33.18	34.84	36.58	38.41
0129	32.39	34.01	35.71	37.49	39.37
0130	33.20	34.86	36.60	38.43	40.35
0131	34.03	35.73	37.51	39.39	41.36
0132	34.88	36.62	38.45	40.37	42.39
0133	35.75	37.54	39.41	41.38	43.45
0134	36.64	38.48	40.40	42.42	44.54
0135	37.56	39.44	41.41	43.48	45.65
0136	38.50	40.42	42.44	44.57	46.79
0137	39.46	41.43	43.50	45.68	47.96
0138	40.45	42.47	44.59	46.82	49.16
0139	41.46	43.53	45.71	47.99	50.39
0140	42.49	44.62	46.85	49.19	51.65
0141	43.56	45.73	48.02	50.42	52.94
0142	44.65	46.88	49.22	51.68	54.27
0143	45.76	48.05	50.45	52.97	55.62
0144	46.91	49.25	51.71	54.30	57.01
0145	48.08	50.48	53.01	55.66	58.44
0146	49.28	51.74	54.33	57.05	59.90

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCEA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	1,297.60	1,363.20	1,431.20	1,502.40	1,577.60
0102	1,330.40	1,396.80	1,466.40	1,540.00	1,616.80
0103	1,364.00	1,432.00	1,503.20	1,578.40	1,657.60
0104	1,397.60	1,468.00	1,540.80	1,618.40	1,699.20
0105	1,432.80	1,504.00	1,579.20	1,658.40	1,741.60
0106	1,468.80	1,541.60	1,619.20	1,700.00	1,784.80
0107	1,505.60	1,580.80	1,659.20	1,742.40	1,829.60
0108	1,543.20	1,620.00	1,700.80	1,785.60	1,875.20
0109	1,581.60	1,660.80	1,743.20	1,830.40	1,922.40
0110	1,620.80	1,701.60	1,787.20	1,876.00	1,970.40
0111	1,661.60	1,744.80	1,832.00	1,923.20	2,019.20
0112	1,703.20	1,788.00	1,877.60	1,971.20	2,069.60
0113	1,745.60	1,832.80	1,924.80	2,020.80	2,121.60
0114	1,788.80	1,878.40	1,972.80	2,071.20	2,174.40
0115	1,833.60	1,925.60	2,021.60	2,123.20	2,228.80
0116	1,880.00	1,973.60	2,072.00	2,176.00	2,284.80
0117	1,926.40	2,023.20	2,124.00	2,230.40	2,341.60
0118	1,975.20	2,073.60	2,177.60	2,286.40	2,400.00
0119	2,024.00	2,125.60	2,232.00	2,343.20	2,460.00
0120	2,075.20	2,178.40	2,287.20	2,401.60	2,521.60
0121	2,126.40	2,232.80	2,344.80	2,461.60	2,584.80
0122	2,180.00	2,288.80	2,403.20	2,523.20	2,649.60
0123	2,234.40	2,346.40	2,463.20	2,586.40	2,716.00
0124	2,290.40	2,404.80	2,524.80	2,651.20	2,784.00
0125	2,347.20	2,464.80	2,588.00	2,717.60	2,852.80
0126	2,406.40	2,526.40	2,652.80	2,785.60	2,924.80
0127	2,466.40	2,589.60	2,719.20	2,855.20	2,997.60
0128	2,528.00	2,654.40	2,787.20	2,926.40	3,072.80
0129	2,591.20	2,720.80	2,856.80	2,999.20	3,149.60
0130	2,656.00	2,788.80	2,928.00	3,074.40	3,228.00
0131	2,722.40	2,858.40	3,000.80	3,151.20	3,308.80
0132	2,790.40	2,929.60	3,076.00	3,229.60	3,391.20
0133	2,860.00	3,003.20	3,152.80	3,310.40	3,476.00
0134	2,931.20	3,078.40	3,232.00	3,393.60	3,563.20
0135	3,004.80	3,155.20	3,312.80	3,478.40	3,652.00
0136	3,080.00	3,233.60	3,395.20	3,565.60	3,743.20
0137	3,156.80	3,314.40	3,480.00	3,654.40	3,836.80
0138	3,236.00	3,397.60	3,567.20	3,745.60	3,932.80
0139	3,316.80	3,482.40	3,656.80	3,839.20	4,031.20
0140	3,399.20	3,569.60	3,748.00	3,935.20	4,132.00
0141	3,484.80	3,658.40	3,841.60	4,033.60	4,235.20
0142	3,572.00	3,750.40	3,937.60	4,134.40	4,341.60
0143	3,660.80	3,844.00	4,036.00	4,237.60	4,449.60
0144	3,752.80	3,940.00	4,136.80	4,344.00	4,560.80
0145	3,846.40	4,038.40	4,240.80	4,452.80	4,675.20
0146	3,942.40	4,139.20	4,346.40	4,564.00	4,792.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCEA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	2,811.47	2,953.60	3,100.94	3,255.20	3,418.14
0102	2,882.54	3,026.40	3,177.20	3,336.67	3,503.07
0103	2,955.34	3,102.67	3,256.94	3,419.87	3,591.47
0104	3,028.14	3,180.67	3,338.40	3,506.54	3,681.60
0105	3,104.40	3,258.67	3,421.60	3,593.20	3,773.47
0106	3,182.40	3,340.14	3,508.27	3,683.34	3,867.07
0107	3,262.14	3,425.07	3,594.94	3,775.20	3,964.14
0108	3,343.60	3,510.00	3,685.07	3,868.80	4,062.94
0109	3,426.80	3,598.40	3,776.94	3,965.87	4,165.20
0110	3,511.74	3,686.80	3,872.27	4,064.67	4,269.20
0111	3,600.14	3,780.40	3,969.34	4,166.94	4,374.94
0112	3,690.27	3,874.00	4,068.14	4,270.94	4,484.14
0113	3,782.14	3,971.07	4,170.40	4,378.40	4,596.80
0114	3,875.74	4,069.87	4,274.40	4,487.60	4,711.20
0115	3,972.80	4,172.14	4,380.14	4,600.27	4,829.07
0116	4,073.34	4,276.14	4,489.34	4,714.67	4,950.40
0117	4,173.87	4,383.60	4,602.00	4,832.54	5,073.47
0118	4,279.60	4,492.80	4,718.14	4,953.87	5,200.00
0119	4,385.34	4,605.47	4,836.00	5,076.94	5,330.00
0120	4,496.27	4,719.87	4,955.60	5,203.47	5,463.47
0121	4,607.20	4,837.74	5,080.40	5,333.47	5,600.40
0122	4,723.34	4,959.07	5,206.94	5,466.94	5,740.80
0123	4,841.20	5,083.87	5,336.94	5,603.87	5,884.67
0124	4,962.54	5,210.40	5,470.40	5,744.27	6,032.00
0125	5,085.60	5,340.40	5,607.34	5,888.14	6,181.07
0126	5,213.87	5,473.87	5,747.74	6,035.47	6,337.07
0127	5,343.87	5,610.80	5,891.60	6,186.27	6,494.80
0128	5,477.34	5,751.20	6,038.94	6,340.54	6,657.74
0129	5,614.27	5,895.07	6,189.74	6,498.27	6,824.14
0130	5,754.67	6,042.40	6,344.00	6,661.20	6,994.00
0131	5,898.54	6,193.20	6,501.74	6,827.60	7,169.07
0132	6,045.87	6,347.47	6,664.67	6,997.47	7,347.60
0133	6,196.67	6,506.94	6,831.07	7,172.54	7,531.34
0134	6,350.94	6,669.87	7,002.67	7,352.80	7,720.27
0135	6,510.40	6,836.27	7,177.74	7,536.54	7,912.67
0136	6,673.34	7,006.14	7,356.27	7,725.47	8,110.27
0137	6,839.74	7,181.20	7,540.00	7,917.87	8,313.07
0138	7,011.34	7,361.47	7,728.94	8,115.47	8,521.07
0139	7,186.40	7,545.20	7,923.07	8,318.27	8,734.27
0140	7,364.94	7,734.14	8,120.67	8,526.27	8,952.67
0141	7,550.40	7,926.54	8,323.47	8,739.47	9,176.27
0142	7,739.34	8,125.87	8,531.47	8,957.87	9,406.80
0143	7,931.74	8,328.67	8,744.67	9,181.47	9,640.80
0144	8,131.07	8,536.67	8,963.07	9,412.00	9,881.74
0145	8,333.87	8,749.87	9,188.40	9,647.74	10,129.60
0146	8,541.87	8,968.27	9,417.20	9,888.67	10,382.67

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCEA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0147	50.51	53.04	55.69	58.47	61.40
0148	51.77	54.36	57.08	59.93	62.93
0149	53.07	55.72	58.51	61.43	64.50
0150	54.40	57.11	59.97	62.97	66.12

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCEA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0147	4,040.80	4,243.20	4,455.20	4,677.60	4,912.00
0148	4,141.60	4,348.80	4,566.40	4,794.40	5,034.40
0149	4,245.60	4,457.60	4,680.80	4,914.40	5,160.00
0150	4,352.00	4,568.80	4,797.60	5,037.60	5,289.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCEA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0147	8,755.07	9,193.60	9,652.94	10,134.80	10,642.67
0148	8,973.47	9,422.40	9,893.87	10,387.87	10,907.87
0149	9,198.80	9,658.14	10,141.74	10,647.87	11,180.00
0150	9,429.34	9,899.07	10,394.80	10,914.80	11,460.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCEA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0101	16.71	17.55	18.43	19.35	20.32	21.33
0102	17.13	17.99	18.89	19.83	20.82	21.86
0103	17.56	18.44	19.36	20.33	21.34	22.41
0104	18.00	18.90	19.84	20.84	21.88	22.97
0105	18.45	19.37	20.34	21.36	22.42	23.55
0106	18.91	19.86	20.85	21.89	22.99	24.13
0107	19.38	20.35	21.37	22.44	23.56	24.74
0108	19.87	20.86	21.90	23.00	24.15	25.36
0109	20.36	21.38	22.45	23.57	24.75	25.99
0110	20.87	21.92	23.01	24.16	25.37	26.64
0111	21.40	22.46	23.59	24.77	26.00	27.30
0112	21.93	23.03	24.18	25.39	26.65	27.99
0113	22.48	23.60	24.78	26.02	27.32	28.69
0114	23.04	24.19	25.40	26.67	28.00	29.40
0115	23.62	24.80	26.04	27.34	28.70	30.14
0116	24.21	25.42	26.69	28.02	29.42	30.89
0117	24.81	26.05	27.35	28.72	30.16	31.66
0118	25.43	26.70	28.04	29.44	30.91	32.46
0119	26.07	27.37	28.74	30.17	31.68	33.27
0120	26.72	28.05	29.46	30.93	32.48	34.10
0121	27.39	28.76	30.19	31.70	33.29	34.95
0122	28.07	29.47	30.95	32.49	34.12	35.82
0123	28.77	30.21	31.72	33.31	34.97	36.72
0124	29.49	30.97	32.51	34.14	35.85	37.64
0125	30.23	31.74	33.33	34.99	36.74	38.58
0126	30.98	32.53	34.16	35.87	37.66	39.54
0127	31.76	33.35	35.01	36.76	38.60	40.53
0128	32.55	34.18	35.89	37.68	39.57	41.55
0129	33.37	35.03	36.79	38.63	40.56	42.58
0130	34.20	35.91	37.71	39.59	41.57	43.65
0131	35.06	36.81	38.65	40.58	42.61	44.74
0132	35.93	37.73	39.61	41.59	43.67	45.86
0133	36.83	38.67	40.60	42.63	44.77	47.00
0134	37.75	39.64	41.62	43.70	45.88	48.18
0135	38.69	40.63	42.66	44.79	47.03	49.38
0136	39.66	41.64	43.73	45.91	48.21	50.62
0137	40.65	42.69	44.82	47.06	49.41	51.88
0138	41.67	43.75	45.94	48.24	50.65	53.18
0139	42.71	44.85	47.09	49.44	51.91	54.51
0140	43.78	45.97	48.26	50.68	53.21	55.87
0141	44.87	47.12	49.47	51.94	54.54	57.27
0142	45.99	48.29	50.71	53.24	55.91	58.70
0143	47.14	49.50	51.98	54.57	57.30	60.17
0144	48.32	50.74	53.27	55.94	58.73	61.67
0145	49.53	52.01	54.61	57.34	60.20	63.21
0146	50.77	53.31	55.97	58.77	61.71	64.79
0147	52.04	54.64	57.37	60.24	63.25	66.41
0148	53.34	56.00	58.80	61.74	64.83	68.07
0149	54.67	57.40	60.27	63.29	66.45	69.77
0150	56.04	58.84	61.78	64.87	68.11	71.52

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCEA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0101	1,336.80	1,404.00	1,474.40	1,548.00	1,625.60	1,706.40
0102	1,370.40	1,439.20	1,511.20	1,586.40	1,665.60	1,748.80
0103	1,404.80	1,475.20	1,548.80	1,626.40	1,707.20	1,792.80
0104	1,440.00	1,512.00	1,587.20	1,667.20	1,750.40	1,837.60
0105	1,476.00	1,549.60	1,627.20	1,708.80	1,793.60	1,884.00
0106	1,512.80	1,588.80	1,668.00	1,751.20	1,839.20	1,930.40
0107	1,550.40	1,628.00	1,709.60	1,795.20	1,884.80	1,979.20
0108	1,589.60	1,668.80	1,752.00	1,840.00	1,932.00	2,028.80
0109	1,628.80	1,710.40	1,796.00	1,885.60	1,980.00	2,079.20
0110	1,669.60	1,753.60	1,840.80	1,932.80	2,029.60	2,131.20
0111	1,712.00	1,796.80	1,887.20	1,981.60	2,080.00	2,184.00
0112	1,754.40	1,842.40	1,934.40	2,031.20	2,132.00	2,239.20
0113	1,798.40	1,888.00	1,982.40	2,081.60	2,185.60	2,295.20
0114	1,843.20	1,935.20	2,032.00	2,133.60	2,240.00	2,352.00
0115	1,889.60	1,984.00	2,083.20	2,187.20	2,296.00	2,411.20
0116	1,936.80	2,033.60	2,135.20	2,241.60	2,353.60	2,471.20
0117	1,984.80	2,084.00	2,188.00	2,297.60	2,412.80	2,532.80
0118	2,034.40	2,136.00	2,243.20	2,355.20	2,472.80	2,596.80
0119	2,085.60	2,189.60	2,299.20	2,413.60	2,534.40	2,661.60
0120	2,137.60	2,244.00	2,356.80	2,474.40	2,598.40	2,728.00
0121	2,191.20	2,300.80	2,415.20	2,536.00	2,663.20	2,796.00
0122	2,245.60	2,357.60	2,476.00	2,599.20	2,729.60	2,865.60
0123	2,301.60	2,416.80	2,537.60	2,664.80	2,797.60	2,937.60
0124	2,359.20	2,477.60	2,600.80	2,731.20	2,868.00	3,011.20
0125	2,418.40	2,539.20	2,666.40	2,799.20	2,939.20	3,086.40
0126	2,478.40	2,602.40	2,732.80	2,869.60	3,012.80	3,163.20
0127	2,540.80	2,668.00	2,800.80	2,940.80	3,088.00	3,242.40
0128	2,604.00	2,734.40	2,871.20	3,014.40	3,165.60	3,324.00
0129	2,669.60	2,802.40	2,943.20	3,090.40	3,244.80	3,406.40
0130	2,736.00	2,872.80	3,016.80	3,167.20	3,325.60	3,492.00
0131	2,804.80	2,944.80	3,092.00	3,246.40	3,408.80	3,579.20
0132	2,874.40	3,018.40	3,168.80	3,327.20	3,493.60	3,668.80
0133	2,946.40	3,093.60	3,248.00	3,410.40	3,581.60	3,760.00
0134	3,020.00	3,171.20	3,329.60	3,496.00	3,670.40	3,854.40
0135	3,095.20	3,250.40	3,412.80	3,583.20	3,762.40	3,950.40
0136	3,172.80	3,331.20	3,498.40	3,672.80	3,856.80	4,049.60
0137	3,252.00	3,415.20	3,585.60	3,764.80	3,952.80	4,150.40
0138	3,333.60	3,500.00	3,675.20	3,859.20	4,052.00	4,254.40
0139	3,416.80	3,588.00	3,767.20	3,955.20	4,152.80	4,360.80
0140	3,502.40	3,677.60	3,860.80	4,054.40	4,256.80	4,469.60
0141	3,589.60	3,769.60	3,957.60	4,155.20	4,363.20	4,581.60
0142	3,679.20	3,863.20	4,056.80	4,259.20	4,472.80	4,696.00
0143	3,771.20	3,960.00	4,158.40	4,365.60	4,584.00	4,813.60
0144	3,865.60	4,059.20	4,261.60	4,475.20	4,698.40	4,933.60
0145	3,962.40	4,160.80	4,368.80	4,587.20	4,816.00	5,056.80
0146	4,061.60	4,264.80	4,477.60	4,701.60	4,936.80	5,183.20
0147	4,163.20	4,371.20	4,589.60	4,819.20	5,060.00	5,312.80
0148	4,267.20	4,480.00	4,704.00	4,939.20	5,186.40	5,445.60
0149	4,373.60	4,592.00	4,821.60	5,063.20	5,316.00	5,581.60
0150	4,483.20	4,707.20	4,942.40	5,189.60	5,448.80	5,721.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCEA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	2,896.40	3,042.00	3,194.54	3,354.00	3,522.14
0102	2,969.20	3,118.27	3,274.27	3,437.20	3,608.80
0103	3,043.74	3,196.27	3,355.74	3,523.87	3,698.94
0104	3,120.00	3,276.00	3,438.94	3,612.27	3,792.54
0105	3,198.00	3,357.47	3,525.60	3,702.40	3,886.14
0106	3,277.74	3,442.40	3,614.00	3,794.27	3,984.94
0107	3,359.20	3,527.34	3,704.14	3,889.60	4,083.74
0108	3,444.14	3,615.74	3,796.00	3,986.67	4,186.00
0109	3,529.07	3,705.87	3,891.34	4,085.47	4,290.00
0110	3,617.47	3,799.47	3,988.40	4,187.74	4,397.47
0111	3,709.34	3,893.07	4,088.94	4,293.47	4,506.67
0112	3,801.20	3,991.87	4,191.20	4,400.94	4,619.34
0113	3,896.54	4,090.67	4,295.20	4,510.14	4,735.47
0114	3,993.60	4,192.94	4,402.67	4,622.80	4,853.34
0115	4,094.14	4,298.67	4,513.60	4,738.94	4,974.67
0116	4,196.40	4,406.14	4,626.27	4,856.80	5,099.47
0117	4,300.40	4,515.34	4,740.67	4,978.14	5,227.74
0118	4,407.87	4,628.00	4,860.27	5,102.94	5,357.74
0119	4,518.80	4,744.14	4,981.60	5,229.47	5,491.20
0120	4,631.47	4,862.00	5,106.40	5,361.20	5,629.87
0121	4,747.60	4,985.07	5,232.94	5,494.67	5,770.27
0122	4,865.47	5,108.14	5,364.67	5,631.60	5,914.14
0123	4,986.80	5,236.40	5,498.14	5,773.74	6,061.47
0124	5,111.60	5,368.14	5,635.07	5,917.60	6,214.00
0125	5,239.87	5,501.60	5,777.20	6,064.94	6,368.27
0126	5,369.87	5,638.54	5,921.07	6,217.47	6,527.74
0127	5,505.07	5,780.67	6,068.40	6,371.74	6,690.67
0128	5,642.00	5,924.54	6,220.94	6,531.20	6,858.80
0129	5,784.14	6,071.87	6,376.94	6,695.87	7,030.40
0130	5,928.00	6,224.40	6,536.40	6,862.27	7,205.47
0131	6,077.07	6,380.40	6,699.34	7,033.87	7,385.74
0132	6,227.87	6,539.87	6,865.74	7,208.94	7,569.47
0133	6,383.87	6,702.80	7,037.34	7,389.20	7,760.14
0134	6,543.34	6,870.94	7,214.14	7,574.67	7,952.54
0135	6,706.27	7,042.54	7,394.40	7,763.60	8,151.87
0136	6,874.40	7,217.60	7,579.87	7,957.74	8,356.40
0137	7,046.00	7,399.60	7,768.80	8,157.07	8,564.40
0138	7,222.80	7,583.34	7,962.94	8,361.60	8,779.34
0139	7,403.07	7,774.00	8,162.27	8,569.60	8,997.74
0140	7,588.54	7,968.14	8,365.07	8,784.54	9,223.07
0141	7,777.47	8,167.47	8,574.80	9,002.94	9,453.60
0142	7,971.60	8,370.27	8,789.74	9,228.27	9,691.07
0143	8,170.94	8,580.00	9,009.87	9,458.80	9,932.00
0144	8,375.47	8,794.94	9,233.47	9,696.27	10,179.87
0145	8,585.20	9,015.07	9,465.74	9,938.94	10,434.67
0146	8,800.14	9,240.40	9,701.47	10,186.80	10,696.40
0147	9,020.27	9,470.94	9,944.14	10,441.60	10,963.34
0148	9,245.60	9,706.67	10,192.00	10,701.60	11,237.20
0149	9,476.14	9,949.34	10,446.80	10,970.27	11,518.00
0150	9,713.60	10,198.94	10,708.54	11,244.14	11,805.74

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCEA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0101	17.22	18.09	18.99	19.94	20.94	21.98
0102	17.66	18.54	19.46	20.44	21.46	22.53
0103	18.10	19.00	19.95	20.95	22.00	23.10
0104	18.55	19.48	20.45	21.47	22.55	23.67
0105	19.01	19.96	20.96	22.01	23.11	24.26
0106	19.49	20.46	21.48	22.56	23.69	24.87
0107	19.97	20.97	22.02	23.12	24.28	25.49
0108	20.47	21.50	22.57	23.70	24.89	26.13
0109	20.99	22.03	23.14	24.29	25.51	26.78
0110	21.51	22.59	23.71	24.90	26.14	27.45
0111	22.05	23.15	24.31	25.52	26.80	28.14
0112	22.60	23.73	24.92	26.16	27.47	28.84
0113	23.16	24.32	25.54	26.81	28.15	29.56
0114	23.74	24.93	26.18	27.48	28.86	30.30
0115	24.34	25.55	26.83	28.17	29.58	31.06
0116	24.94	26.19	27.50	28.88	30.32	31.84
0117	25.57	26.85	28.19	29.60	31.08	32.63
0118	26.21	27.52	28.89	30.34	31.85	33.45
0119	26.86	28.21	29.62	31.10	32.65	34.28
0120	27.53	28.91	30.36	31.87	33.47	35.14
0121	28.22	29.63	31.11	32.67	34.30	36.02
0122	28.93	30.37	31.89	33.49	35.16	36.92
0123	29.65	31.13	32.69	34.32	36.04	37.84
0124	30.39	31.91	33.51	35.18	36.94	38.79
0125	31.15	32.71	34.34	36.06	37.86	39.76
0126	31.93	33.53	35.20	36.96	38.81	40.75
0127	32.73	34.36	36.08	37.89	39.78	41.77
0128	33.55	35.22	36.98	38.83	40.77	42.81
0129	34.38	36.10	37.91	39.80	41.79	43.88
0130	35.24	37.01	38.86	40.80	42.84	44.98
0131	36.13	37.93	39.83	41.82	43.91	46.10
0132	37.03	38.88	40.82	42.86	45.01	47.26
0133	37.95	39.85	41.84	43.94	46.13	48.44
0134	38.90	40.85	42.89	45.03	47.29	49.65
0135	39.87	41.87	43.96	46.16	48.47	50.89
0136	40.87	42.91	45.06	47.31	49.68	52.16
0137	41.89	43.99	46.19	48.50	50.92	53.47
0138	42.94	45.09	47.34	49.71	52.19	54.80
0139	44.01	46.21	48.52	50.95	53.50	56.17
0140	45.11	47.37	49.74	52.22	54.84	57.58
0141	46.24	48.55	50.98	53.53	56.21	59.02
0142	47.40	49.77	52.26	54.87	57.61	60.49
0143	48.58	51.01	53.56	56.24	59.05	62.00
0144	49.80	52.29	54.90	57.65	60.53	63.55
0145	51.04	53.59	56.27	59.09	62.04	65.14
0146	52.32	54.93	57.68	60.56	63.59	66.77
0147	53.63	56.31	59.12	62.08	65.18	68.44
0148	54.97	57.71	60.60	63.63	66.81	70.15
0149	56.34	59.16	62.11	65.22	68.48	71.90
0150	57.75	60.64	63.67	66.85	70.19	73.70

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCEA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0101	1,377.60	1,447.20	1,519.20	1,595.20	1,675.20	1,758.40
0102	1,412.80	1,483.20	1,556.80	1,635.20	1,716.80	1,802.40
0103	1,448.00	1,520.00	1,596.00	1,676.00	1,760.00	1,848.00
0104	1,484.00	1,558.40	1,636.00	1,717.60	1,804.00	1,893.60
0105	1,520.80	1,596.80	1,676.80	1,760.80	1,848.80	1,940.80
0106	1,559.20	1,636.80	1,718.40	1,804.80	1,895.20	1,989.60
0107	1,597.60	1,677.60	1,761.60	1,849.60	1,942.40	2,039.20
0108	1,637.60	1,720.00	1,805.60	1,896.00	1,991.20	2,090.40
0109	1,679.20	1,762.40	1,851.20	1,943.20	2,040.80	2,142.40
0110	1,720.80	1,807.20	1,896.80	1,992.00	2,091.20	2,196.00
0111	1,764.00	1,852.00	1,944.80	2,041.60	2,144.00	2,251.20
0112	1,808.00	1,898.40	1,993.60	2,092.80	2,197.60	2,307.20
0113	1,852.80	1,945.60	2,043.20	2,144.80	2,252.00	2,364.80
0114	1,899.20	1,994.40	2,094.40	2,198.40	2,308.80	2,424.00
0115	1,947.20	2,044.00	2,146.40	2,253.60	2,366.40	2,484.80
0116	1,995.20	2,095.20	2,200.00	2,310.40	2,425.60	2,547.20
0117	2,045.60	2,148.00	2,255.20	2,368.00	2,486.40	2,610.40
0118	2,096.80	2,201.60	2,311.20	2,427.20	2,548.00	2,676.00
0119	2,148.80	2,256.80	2,369.60	2,488.00	2,612.00	2,742.40
0120	2,202.40	2,312.80	2,428.80	2,549.60	2,677.60	2,811.20
0121	2,257.60	2,370.40	2,488.80	2,613.60	2,744.00	2,881.60
0122	2,314.40	2,429.60	2,551.20	2,679.20	2,812.80	2,953.60
0123	2,372.00	2,490.40	2,615.20	2,745.60	2,883.20	3,027.20
0124	2,431.20	2,552.80	2,680.80	2,814.40	2,955.20	3,103.20
0125	2,492.00	2,616.80	2,747.20	2,884.80	3,028.80	3,180.80
0126	2,554.40	2,682.40	2,816.00	2,956.80	3,104.80	3,260.00
0127	2,618.40	2,748.80	2,886.40	3,031.20	3,182.40	3,341.60
0128	2,684.00	2,817.60	2,958.40	3,106.40	3,261.60	3,424.80
0129	2,750.40	2,888.00	3,032.80	3,184.00	3,343.20	3,510.40
0130	2,819.20	2,960.80	3,108.80	3,264.00	3,427.20	3,598.40
0131	2,890.40	3,034.40	3,186.40	3,345.60	3,512.80	3,688.00
0132	2,962.40	3,110.40	3,265.60	3,428.80	3,600.80	3,780.80
0133	3,036.00	3,188.00	3,347.20	3,515.20	3,690.40	3,875.20
0134	3,112.00	3,268.00	3,431.20	3,602.40	3,783.20	3,972.00
0135	3,189.60	3,349.60	3,516.80	3,692.80	3,877.60	4,071.20
0136	3,269.60	3,432.80	3,604.80	3,784.80	3,974.40	4,172.80
0137	3,351.20	3,519.20	3,695.20	3,880.00	4,073.60	4,277.60
0138	3,435.20	3,607.20	3,787.20	3,976.80	4,175.20	4,384.00
0139	3,520.80	3,696.80	3,881.60	4,076.00	4,280.00	4,493.60
0140	3,608.80	3,789.60	3,979.20	4,177.60	4,387.20	4,606.40
0141	3,699.20	3,884.00	4,078.40	4,282.40	4,496.80	4,721.60
0142	3,792.00	3,981.60	4,180.80	4,389.60	4,608.80	4,839.20
0143	3,886.40	4,080.80	4,284.80	4,499.20	4,724.00	4,960.00
0144	3,984.00	4,183.20	4,392.00	4,612.00	4,842.40	5,084.00
0145	4,083.20	4,287.20	4,501.60	4,727.20	4,963.20	5,211.20
0146	4,185.60	4,394.40	4,614.40	4,844.80	5,087.20	5,341.60
0147	4,290.40	4,504.80	4,729.60	4,966.40	5,214.40	5,475.20
0148	4,397.60	4,616.80	4,848.00	5,090.40	5,344.80	5,612.00
0149	4,507.20	4,732.80	4,968.80	5,217.60	5,478.40	5,752.00
0150	4,620.00	4,851.20	5,093.60	5,348.00	5,615.20	5,896.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCEA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0101	2,984.80	3,135.60	3,291.60	3,456.27	3,629.60
0102	3,061.07	3,213.60	3,373.07	3,542.94	3,719.74
0103	3,137.34	3,293.34	3,458.00	3,631.34	3,813.34
0104	3,215.34	3,376.54	3,544.67	3,721.47	3,908.67
0105	3,295.07	3,459.74	3,633.07	3,815.07	4,005.74
0106	3,378.27	3,546.40	3,723.20	3,910.40	4,106.27
0107	3,461.47	3,634.80	3,816.80	4,007.47	4,208.54
0108	3,548.14	3,726.67	3,912.14	4,108.00	4,314.27
0109	3,638.27	3,818.54	4,010.94	4,210.27	4,421.74
0110	3,728.40	3,915.60	4,109.74	4,316.00	4,530.94
0111	3,822.00	4,012.67	4,213.74	4,423.47	4,645.34
0112	3,917.34	4,113.20	4,319.47	4,534.40	4,761.47
0113	4,014.40	4,215.47	4,426.94	4,647.07	4,879.34
0114	4,114.94	4,321.20	4,537.87	4,763.20	5,002.40
0115	4,218.94	4,428.67	4,650.54	4,882.80	5,127.20
0116	4,322.94	4,539.60	4,766.67	5,005.87	5,255.47
0117	4,432.14	4,654.00	4,886.27	5,130.67	5,387.20
0118	4,543.07	4,770.14	5,007.60	5,258.94	5,520.67
0119	4,655.74	4,889.74	5,134.14	5,390.67	5,659.34
0120	4,771.87	5,011.07	5,262.40	5,524.14	5,801.47
0121	4,891.47	5,135.87	5,392.40	5,662.80	5,945.34
0122	5,014.54	5,264.14	5,527.60	5,804.94	6,094.40
0123	5,139.34	5,395.87	5,666.27	5,948.80	6,246.94
0124	5,267.60	5,531.07	5,808.40	6,097.87	6,402.94
0125	5,399.34	5,669.74	5,952.27	6,250.40	6,562.40
0126	5,534.54	5,811.87	6,101.34	6,406.40	6,727.07
0127	5,673.20	5,955.74	6,253.87	6,567.60	6,895.20
0128	5,815.34	6,104.80	6,409.87	6,730.54	7,066.80
0129	5,959.20	6,257.34	6,571.07	6,898.67	7,243.60
0130	6,108.27	6,415.07	6,735.74	7,072.00	7,425.60
0131	6,262.54	6,574.54	6,903.87	7,248.80	7,611.07
0132	6,418.54	6,739.20	7,075.47	7,429.07	7,801.74
0133	6,578.00	6,907.34	7,252.27	7,616.27	7,995.87
0134	6,742.67	7,080.67	7,434.27	7,805.20	8,196.94
0135	6,910.80	7,257.47	7,619.74	8,001.07	8,401.47
0136	7,084.14	7,437.74	7,810.40	8,200.40	8,611.20
0137	7,260.94	7,624.94	8,006.27	8,406.67	8,826.14
0138	7,442.94	7,815.60	8,205.60	8,616.40	9,046.27
0139	7,628.40	8,009.74	8,410.14	8,831.34	9,273.34
0140	7,819.07	8,210.80	8,621.60	9,051.47	9,505.60
0141	8,014.94	8,415.34	8,836.54	9,278.54	9,743.07
0142	8,216.00	8,626.80	9,058.40	9,510.80	9,985.74
0143	8,420.54	8,841.74	9,283.74	9,748.27	10,235.34
0144	8,632.00	9,063.60	9,516.00	9,992.67	10,491.87
0145	8,846.94	9,288.94	9,753.47	10,242.27	10,753.60
0146	9,068.80	9,521.20	9,997.87	10,497.07	11,022.27
0147	9,295.87	9,760.40	10,247.47	10,760.54	11,297.87
0148	9,528.14	10,003.07	10,504.00	11,029.20	11,580.40
0149	9,765.60	10,254.40	10,765.74	11,304.80	11,869.87
0150	10,010.00	10,510.94	11,036.14	11,587.34	12,166.27

City of Modesto Package Proposal for MCEA

May 18, 2023

The parties agree that a total tentative agreement for a successor Memorandum of Understanding (MOU) has been reached on the below items. This total tentative agreement is contingent upon ratification by the bargaining unit and approval by the City Council. All items in the current MOU not identified in this total tentative agreement shall remain the same.

There shall be no retroactivity for any proposed enhancement in this total tentative agreement. The effective date of any proposed enhancement in this total tentative agreement shall be the date identified in the tentative agreement, or the date the City Council approves the enhancement in a successor MOU, whichever is later. Accordingly, to the extent this total tentative agreement identifies a date that is prior to the Council's approval of a successor MOU, those dates shall be revised to the effective date of the successor MOU.

Summary

1) Wages
   a) June 20, 2023, 4% base wage increase
   b) June 18, 2024, 3% base wage increase
   c) July 1, 2025, add Step F and 3% base wage increase
   d) June 30, 2026, 3% base wage increase
2) Market Equity - Enhancement
   a) As listed in Exhibit X:
      i) Installment 1 effective June 20, 2023
      ii) Installment 2 effective June 18, 2024
3) New Article 4. Association Security
4) Education Incentive – New
   a) BA/BS 2.5% and MA/MS 5%
5) Cafeteria Plan – Enhancement
   a) Increase to City contribution as described below.
6) Longevity Incentive - New
   a) 2.5% at 10 years of service
7) Holidays – Enhancement
   a) Adding Juneteenth and Cesar Chavez Day
8) Retiree Health Savings – Increase
   a) Additional $10 per month each year of the contract
9) Licenses, Certificates, and Endorsements - Enhancement
   a) ICC Certification – Increase $25 from $100 to $125

b) Desirable Water & Wastewater Certification Incentive of 0.5%, up to maximum of 1.5%

10) Meal Allowance – Enhancement

a) Increase $2.00 from $12.50 to $14.50

11) Uniforms – Enhancement

a) Increase of $5 from $68 to $72 for Police & Fire Department Administrative and Clerical Employees

12) Safety Footwear – Enhancement

a) Increase $20 to $220 annually

13) Tool Allowance – Enhancement

a) Increase $200 to $650/annually in Year 1;

b) Increase additional $50 to $700/annually in Year 3

14) Pesticide Application - Enhancement

a) Increase from $6.00 per shift to 0.5% incentive

15) Leave Bank Purchase Option of 48 hours

16) Language Clean up to be agreed by the parties

LANGUAGE

ARTICLE 1. TERM OF AGREEMENT

This MOU becomes effective at 12:01am on ~~March~~ July 1~~9~~, 2023~~19~~, and will continue in effect through midnight on June 30, 2027~~3~~, unless extended or superseded by mutual agreement of the City and MCEA.

NEW ARTICLE 4. ASSOCIATION SECURITY

(A) Payroll Deduction of Dues. Upon receipt of a written request from MCEA, the periodic dues of a bargaining unit employee who has joined MCEA shall be deducted from such employee's pay. MCEA shall notify the City's Human Resources Director in writing of the amount of dues to be deducted. Deductions shall be made every payroll period and shall be remitted promptly to MCEA's designated financial officer or representative. MCEA will be custodian of records for such deduction authorization and will provide the City with a certification that it has and will maintain an authorization, signed by the individual from whose salary or wages the deduction or reduction is to be made. MCEA shall not be required to provide the employer a copy of the employee's authorization unless a dispute arises about the existence or terms of the authorization. However, MCEA will provide the City with adequate information in the certification document for each employee to allow the City to identify the appropriate level of deductions. MCEA shall defend, indemnify, and hold the City harmless against all claims, demands, suits or other forms of liability that may arise out of or, by reason of, any action taken by the City for the purpose of complying with the provisions of this subpart.

(B) Maintenance of Membership. All employees in the general bargaining unit who are members of MCEA as of the effective date of this MOU or who thereafter voluntary join MCEA and consent in writing to payroll deductions for MCEA dues shall continue to pay dues, or the equivalent, to MCEA during the term of this MOU. This article shall not apply during the initial 30-day period of this MOU and the 30-day period prior to the expiration of this MOU for those employees who, by written notice sent to MCEA and the City, give notice of their desire to withdraw their membership from MCEA. MCEA shall defend, indemnify and hold the City harmless against all claims, damages, suits or other forms of liability which may arise out of any action taken or not taken by the City for the purpose of complying with the provisions of this article.

(C) Employee Requests to Cancel Membership. The City will direct employee requests to cancel or change deductions to MCEA and will rely on information provided by MCEA regarding whether deductions for MCEA were properly canceled or changed.

(D) New Hire Orientations. The City will give MCEA's designated officers and representatives at least 10 days' written notice in advance of an orientation for each newly hired bargaining unit employee, including the name, job title, department, work location, work and home address, personal cellular telephone number and personal email address on file with the City for that newly hired employee, except that a shorter notice may be provided in a specific instance where there is an urgent

need critical to the City's operations that was not reasonably foreseeable. The City will continue to provide all new bargaining unit employees at the time of their orientation or transfer into the bargaining unit, an information packet explaining MCEA membership. MCEA will supply this information packet to the City.

(E) Notice of Newly Hired Employees. Within 30 days of hire or by the first pay period of the month following hire of each new bargaining unit employee, the City will provide to MCEA's designated officers and representatives electronically in Excel (.XLSX) format the name, job title, department, work location, work and home address, personal cellular telephone number and personal email address on file with the City for that newly hired employee.

(F) 120-Day Bargaining Unit Notice. At least once every 120 days, the City will provide to MCEA's designated officers and legal representatives electronically in Excel (.XLSX) format the name, job title, department, work location, work and home address, personal cellular telephone number and personal email address on file with the City for that newly hired employee.

(G) MCEA will keep the City informed of the current names, job titles, work locations, telephone numbers, and email addresses for its officers and representatives designated to receive notices and remittances under this article.

ARTICLE 5. SALARY RATES AND STEP ADVANCEMENTS

(A) Salary Rates and Ranges: The classification titles for positions in this bargaining unit, with ~~the~~ corresponding salary range codes, are listed in Appendix A (Classifications and Salary Ranges).

1) Effective ~~the first full pay period after MCEA ratification and approval of this MOU by the City Council~~June 20, 2023, all bargaining unit employees will receive a 4.0%~~2.0%~~ salary increase as provided for in Appendix B(1).
2) Effective June 18, 2024~~23, 2020~~, all bargaining unit employees will receive a 3.0%~~2.0%~~ salary increase, as provided in Appendix B(2) ~~(Schedule of Salary Ranges after 2.0% Increase)~~.
3) Effective ~~June 22, 2021~~July 1, 2025, all bargaining unit employees will receive an additional 3.0% ~~2.0%~~ salary increase, as provided in Appendix B(3).
4) Effective ~~June 21, 2022~~June 30, 2026, all bargaining unit employees will receive an additional 3.0%~~2.0%~~ salary increase, as provided in Appendix B(4).
5) Classifications, Job Titles and Salary Ranges may be amended from time to time by Resolutions adopted by the City Council, subject to fulfilling any meet & confer obligations the City may have with MCEA.

(B) Labor Market Adjustments:

(B)1) In addition to the salary increases described in subpart (A) of this article, the salary range for each of the benchmark classes listed in Appendix HExhibit X, along with any related classes, will increase in accordance with the schedule set forth in Appendix HExhibit X. The effective date for the "Year 1 Adjustment" will be the first pay period after MCEA ratification and approval of this MOU by the City CouncilJune 20, 2023. The effective date for the "Year 2 Adjustment" will be June 18, 2024~~23, 2020~~. The effective date for the "Year 3 Adjustment" will be June 22, 2021. In addition, the City and MCEA agree to continue to meet and confer regarding salary relationships, reporting relationships, and operations of tree trimmers and equipment operators in the Urban Forestry Division.

2) For purposes of this MOUMemorandum, base salary range will mean the salary range assigned to a specific classification as provided in Appendix A. Base salary rate will mean the hourly rate of pay established pursuant to the Step placement within the base salary range as provided in this Memorandum.

3) Paid time will be based upon the base salary rate with the computation rounded to the nearest cent.

(C) (C) Initial Step Placement:
Each salary range will consist of five (5) Steps, A through E. Each salary range shall consist of five (5) steps, A through E, at five percent (5%) increments. Progression through the steps will be based upon both length of service and job performance.

1) Step A will normally be paid upon initial employment. The initial salary may be set at a higher Step only upon approval of the Department Director and City Manager. In cases of exceptional performance, employees hired at higher than Step A may be considered for their first Step increase after thirteen (13) pay periods.

2) Step B will be paid upon completion of thirteen (13) pay periods with an overall "Meets" performance evaluation.

3) Step C through Step E will be paid upon completion of twenty-six (26) pay
periods with an overall "meets" performance evaluation at each Step.

(D) Effective July 1, 2025, each salary range shall consist of six (6) steps, A through F, as provided in Exhibits G through I. Progression through the steps will be based upon both length of service and job performance. Effective July 1, 2025, employees who have been in Step E for 26 pay periods or more shall be placed into Step F.

1) Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the Department Director and City Manager. In cases of exceptional performance,

employees hired at higher than Step A may be considered for their first step increase after thirteen (13) pay periods.

2) Step B shall be paid upon completion of 13 pay periods with an overall "Meets Expectations" performance evaluation.

~~1)~~3) Steps C through F shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" performance evaluation at each step.

(E)
~~(D)~~ Accelerated Step Increase: Accelerated Step increases within the established salary range may be granted in addition to those above, upon approval of the City Manager.

~~(E)~~ (F) Denial of Step Increase: When a Step increase is denied, there will be another performance evaluation of the employee in thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding will be given in writing to the employee.

~~(F)~~ (G) Step Reduction:
If an employee does not meet expectations on any area of the yearly performance evaluation, the employee will be placed on a Corrective Interview Memorandum (CIM). The employee will then receive a performance evaluation review three (3) months following the initiation of the CIM. If improvement is still needed, the employee will receive an additional performance review at six (6) months following the initiation of the CIM. If the employee continues to not meet expectations on the relevant area of performance at the six (6) month review, an employee's Step may be reduced to a lower Step. There is no right of appeal due to the lowering of Steps, but the reasons for reduction will be given in writing to the employee.

(H) Personnel Administrative Orders. All other salary administration policies will be as contained in the Personnel Rules and Personnel Administrative Orders.

(I) Amendments to Classifications, Job Titles, and Salary Ranges. Classifications, job titles and salary ranges may be amended from time to time by Resolutions adopted by the City Council, subject to fulfilling any meet and confer obligations the City may have with MCEA and provided the salary, wage, and step increases negotiated in this MOU are not reduced during the term of this MOU.

ARTICLE 12. OVERTIME

(A) Policy. It is the policy of the City of Modesto to discourage overtime except when necessitated by abnormal or unanticipated workload situations. It is the responsibility of Department Directors to arrange for the accomplishment of workload under their jurisdiction within the normal tour of duty of employees. Each department will keep complete and accurate records of all overtime

earned in every pay period. The City has the right to require each employee to work overtime as necessary. To the extent possible and in the sole discretion of the Department Director, overtime will be distributed equitably among qualified employees within the department. Supervisors will not authorize an employee for overtime during the time when he/she is on a disciplinary suspension without pay or while on disciplinary probation.

(B) Definition. Overtime is defined as hours actually worked in excess of forty (40) hours in a workweek. Paid leave will be considered as time actually worked for purposes of computing overtime. Overtime will not affect leave accruals. Overtime and compensatory time off (CTO) will be recorded and used on a tenth (0.1) of an hour basis.

(C) Overtime Compensation. Any employee authorized by the Department Director or authorized representative to work overtime will be compensated at the overtime rate, i.e. one and one-half (1½) times the employee's regular hourly rate of pay. Upon an employee's request, overtime may be compensated as compensatory time off (CTO). CTO will be credited at one and one-half (1½) times the amount of hours worked.

1) Each employee hired before September 27, 2005 will be paid on a quarterly basis for all compensatory time over one hundred and sixty (160) hours. Each employee hired on or after September 27, 2005 will be paid on a quarterly basis for all compensatory time over one hundred (100) hours.

2) Cash out of hours will be calculated by payroll using the CTO hours from the first pay period ending in the months of March, June, September, and December. Cash out of hours will be paid in the second pay period ending in the months of March, June, September, and December. If employees choose to cash out additional time to be paid in the second pay period of the months listed above, employees will be paid out for both the (i) hours such employees elected to cash out, plus (ii) the hours automatically cashed out in accordance with the preceding paragraph and all cashed out hours will be deducted from the employees' accrued CTO.

3) At the employees request, payment of CTO will be included as part of a regular paycheck so long as the request is for at least ten (10) hours. Employees will make this request to the Payroll Division of Finance at least fourteen (14) calendar days prior to payout. CTO leave may be taken at the request of the employee with reasonable advance notice and with the approval of the Department Director or designee. Approval of CTO leave will not be denied unless granting the CTO leave request would result in an undue disruption in City operations. CTO will be taken in straight time hours.

4) MCEA employees will have the opportunity to bank overtime hours as CTO outside of their assigned home cost center. The City agrees to absorb the additional labor costs for tracking these hours outside of the payroll system as a manual work-around. The City will notify MCEA to discuss impacts of the City's ability to absorb the additional cost as a result of the work-around.

5) Overtime hours worked in connection to grants, capital projects or other time-restricted funded activities are to be paid as cash on the paycheck following the pay period for which time was worked and therefore should not be approved for hours banked to CTO. Notwithstanding the foregoing, overtime hours worked in connection to capital projects that are fully funded by the City, as opposed to outside funding sources, may be banked as CTO subject to the restrictions set forth above. If it is determined by the City that these overtime hours were worked on a project funded in full or part by an outside funding source, the applicable CTO hours will be cashed out and paid to the employee as soon as administratively possible following this determination.

6) Prior to the promotion or reclassification of an employee, all compensation time off will be taken or paid at the employee's then current regular rate of pay.

(D) Wash Time. A Department Director, with the concurrence of the affected employee, may arrange for that employee to take such time off at straight time as is necessary to ensure that the employee's actual time worked does not exceed forty (40) hours within a given seven (7) consecutive day workweek.

(E) Meal Allowance. An employee required to work unscheduled overtime for four (4) or more consecutive hours beyond the scheduled shift on emergency work**,** or for four (4) or more consecutive hours of work when on Standby or Call-Back, will be compensated ~~twelve~~ fourteen dollars and fifty cents ($14~~2~~.50) for a meal allowance during any twenty-four (24) hour period and will be entitled to a thirty (30) minutes unpaid meal period for every additional four (4) hours worked. Only one (1) ~~twelve~~ fourteen dollars and fifty cents ($14~~2~~.50) payment will be made per ~~shift~~employee per 24-hour shift, unless the employee works four (4) or more consecutive hours, is released from duty, and must return for four (4) or more hours in the same ~~shift~~24~~-~~ hour period.

ARTICLE 13. STANDBY

(A) Standby Defined. Employees on Standby are released from active duty but who are required by the department to leave notice where they can be reached and return to active duty when notified.

(B) Eligibility. Standby eligibility will be based upon an employee's ability to respond to either the Geographic Center of the City or the employee's assigned work unit location within ~~thirty (30)~~forty-five (45) minutes.

1) This response time will be determined by use of the Microsoft Streets and Trips software or the use of similar trip calculation software, agreed upon jointly by the City and MCEA.

2) The response time for determining eligibility will be calculated using the employee's home address, average speed, beginning time of 5:00 p.m., and the quickest route.

3) The Geographic Center of the City will be determined annually by the Information Technology Department.

4) Response time eligibility will be recalculated by the Fleet Manager at the beginning of each calendar year or upon a change in the employee's home address/work site. Exceptions to the thirty (30) minute restriction may be made by the Department Director, based upon operational and staffing needs of the Department.

5) Any employee in the Water Division must have a minimum of Grade II certification in Water Distribution from the State of California ~~in order~~ to be eligible for ~~s~~Standby. ~~Notwithstanding the foregoing~~However, if the Department ~~Head or their designee~~ determines there is an operational need, electricians in the Water Division may be eligible for standby.

6) Employees who are out unexpectedly on unscheduled ~~take~~ leave for ~~personal illness or injury for~~ more than half their regular workday will not be allowed to serve on Standby for that same workday. Should this leave occur on Friday, the employee may not work standby for on either Saturday or Sunday. Should this leave occur on the day before a holiday the employee may not work standby on the holiday.

(C) Response Time. Employees assigned to Standby must leave a telephone number where they can be reached or wear a communicating device; and be able to respond promptly and strive to be on scene of the emergency or the employee's assigned work unit location within ~~thirty (30)~~forty-five (45) minutes.

1) Employees must report to their supervisor any changes~~d~~ in their availability, at the beginning of the workday or as soon as a change in availability is known, whichever comes first. While on Standby, an employee is free to use the time for his or her own purposes.

(D) Compensation for Standby Pay. Standby time does not count as time worked for purposes of calculating overtime unless the employee is called back to work.

(E) Assigned standby personnel will receive standby pay in the amount of two (2) hours of pay on their regularly scheduled workday, and four (4) hours of pay on the employee's regularly scheduled days off and fixed recognized City holidays.

ARTICLE 18. LICENSES, CERTIFICATES, AND ENDORSEMENTS

(A) Costs Associated with Certificates, Licenses or Endorsements (Not Class C Drivers Licenses):

1) Whenever an employee is required to obtain a certificate, license or endorsement in order to carry out the duties assigned, the City will reimburse one time for the costs associated with successfully obtaining the certificate, license or endorsement. The time required to take the test to

obtain the certificate, license or endorsement will be considered hours worked.

2) The City will reimburse the costs associated with successfully renewing the certificate, license or endorsement, and the time required to attend City authorized CEU training to renew it, will be considered hours worked.

3) The City may temporarily change an employee's standard tour of duty to accommodate on-duty training and testing for required licenses, certificates, or endorsements with seven (7) calendar days' notice as provided under Article 9, Standard Tour of Duty.

(B) Class A or B Commercial Driver's License:

1) All newly hired employees and/or employees promoted into the Maintenance Worker I classification will be required to possess a valid Class A or B commercial driver's permit (as required by their job specification or this MOU) within ninety (90) days of appointment and a valid Class A or B Commercial Driver's License (CDL) within one hundred and twenty (120) days of appointment. All newly hired employees and/or employees promoted into the Maintenance Worker job family at, or above, the classification of Maintenance Worker II at their expense, will be required to possess a valid Class A or B driver's ~~license~~CDL (as required by their job specification for this ~~contract~~ MOU within one hundred and twenty (120) days of the time of appointment).

~~(A)~~2) Employees will be allowed the use of a City commercial vehicle and reasonable on-duty time to practice for the pre-trip inspection and driving portion of the commercial driver's test. Permits and licenses must be issued by the State of California Department of Motor Vehicles.

3) Failure to obtain the appropriate certificate, license or endorsement within the time period specified in the following table and/or failure to pass the federally mandated Department of Transportation (DOT) drug/alcohol test after obtaining the license will be grounds for release from probationary status.

4) Employees in the following classifications are required to acquire and maintain a valid class A or B CDL as a condition of employment and are subject to random drug testing as required by the DOT.

Classification Required to hold CCDL	Class Code	Cost Center	Other Requirements
Airport Maintenance Crewleader	6193	All	
Heavy Equipment Mechanic	6190	All	
Heavy Equipment Crewleader	6189	All	
Electrician Assistant I/II/III	6545, 6544, 6543		

Classification Required to hold CCDL	Class Code	Cost Center	Other Requirements
Electrician – Traffic and Buildings	6546	All except WQC Plant - 54410	Class A or B, as assigned
Equipment Mechanic	6195	All	
Equipment Mechanic Crewleader	6194	All	
Equipment Service Technician	6721	All except WQC Plant Cost Center	Required only when hired with CCDL
Equipment Operator	6314	All	
Fire Equipment Mechanic	6192	All	
Maintenance Worker I	6707	All; but only when hired with Class B CCDL	Required only when hired with CCDL. Must obtain permit within ninety (90) days of appointment and CCDL within one-hundred twenty (120) days of appointment
Maintenance Worker II	6705	All except Building Services and Parking Lots - 53250	Must obtain permit within ninety (90) days of appointment and CCDL within one-hundred twenty (120) days of appointment
Operations Crewleader	6148	All	
Parks Maintenance Crewleader	6630	All	Class B
Parks Maintenance Mechanic	6167	All except Building Services	
Plant Mechanic I	6717	All	
Senior Equipment Operator	6313	All	
Senior Fire Equipment Mechanic	6191	All	
Tree Trimmer	6615	All	
Tree Trimmer Crewleader	6610	All	
Utilities Plant Operator I/II	6411, 6412	All	
Utilities Services Worker I/II/III	6156, 6157, 6158	All	
Water Meter Technician	6698	All	
Welder/Fabricator	6196	All	

5) Employees in the following classifications are not required to acquire or maintain a valid class A or B ~~California Commercial Driver's License (~~CCDL~~)~~ as a condition of employment and are not subject to random drug

testing as required by the ~~U.S. Department of Transportation~~DOT.

Classification	Class Code	Cost Center
Building Maintenance Technician	6811	All
Cross Connection Specialist	6160	All
Custodian I/II	6822, 6820	All
Electrical and Instrumentation Technician	6531	All
Parking Facilities Crewleader	6665	All
Production Technician	6557	All
Senior UPO	6413	All
Traffic Operations Technician	6675	All
Traffic Striping Crewleader	6660	All
Utilities Plant Operator I	6411	All
Utilities Plant Operator II	6412	All
Water Conservation Specialist	6161	All

6) Department management may modify or change the number of Commercial Driver's Licenses required to meet the needs of the department operations. When department management finds it necessary to make such modifications or changes, the department manager will notify the affected employee(s) and MCEA indicating the proposed change prior to its implementation and when MCEA requests to meet and confer, the parties will expeditiously meet and confer regarding the impact the modification or change would have on employees. Employees will be given one hundred and twenty (120) days to obtain this license when such modifications or changes are necessary.

7) Parks Services Employees: Three (3) employees will be required to possess a valid Class A Commercial Driver's License issued by the California Department of Motor Vehicles. In the absence of volunteers, persons may be designated by management to obtain this license.

8) Traffic & Buildings Electrical Division Employees: Three (3) Electricians will be required to possess a valid Class A ~~Commercial Driver's License~~CDL issued by the California Department of Motor Vehicles. In the absence of volunteers, persons may be designated by management to obtain this license.

9)

Operational employees in the Public Works or Parks, Recreation and Neighborhoods Departments that wish to voluntarily maintain their Class A

or B ~~License~~ CDL will have all fees and charges associated with obtaining and maintaining the licenses paid for by the City. Those employees who choose to maintain their Class A and B ~~License~~ CDL will remain in the ~~Department of Transportation (~~DOT~~)~~ program and will be subject to all its provisions.

(C) Hazardous Materials Endorsements:

1) Mandatory Endorsements. Each Department Director or designee will identify and notify those employees who are designated as required to possess a valid Hazardous Material Endorsement. Upon notification, the employee will pass any written testing and submit any background information required to obtain the endorsement within ninety (90) days of notice, or in the case of new hires, within ninety (90) days of date of hire. The City will reimburse these employees for the cost of obtaining the endorsement upon receipt of the certificate. For employees so required, the City will pay the cost of performing the background check required to obtain or renew the Hazardous Material endorsement. The time required to obtain or renew the endorsement will be considered hours worked.. The City may temporarily change an employee's standard tour of duty to accommodate on-duty testing for a Hazardous Materials Endorsement with seven (7) calendar days' notice as provided under Article 9, Standard Tour of Duty.

2) Voluntary Endorsements. The Department Director or appointee will designate the number of employees with voluntary Hazardous Material Endorsements desired per division. A pool of qualified employees will be compiled with priority established in the order the City receives the employee's completed certification. The City will reimburse the employee for the cost of obtaining the endorsement upon receipt of the certificate. In no event, will the City pay for more than one (1) effort to obtain or renew a voluntary endorsement. Voluntary certificate holders are required to obtain the certificate on their own time.

(D) ICC Certifications: ~~Due to changes in State law, and the impacts associated with Insurance Services Office (ISO) ratings for fire insurance, the City and MCEA agree, that e~~Employees in the classifications of Building Inspector I/II and Plans Examiner who acquire a new ~~having more than one (1)~~ International Code Council (ICC) certification will receive a one time payment of one hundred twenty five dollars ($125~~00~~) for each new ~~additional certification listed in this Agreement (~~building, plumbing, mechanical, or electrical inspection certification including, without limitation~~)~~, Building Plans Examiner, Special Inspector for Reinforced Concrete, Special Inspector for Pre-Stressed Concrete, Special Inspector for Structural Masonry, Special Inspector for Structural Steel/Welding, and Special Inspector for Spray-Applied Fireproofing.

Thereafter, the one hundred twenty five dollars ($125~~00~~) will be paid on a one (1) time only basis for obtaining additional certificates and will not be paid for subsequent renewals or reinstatement of certificates.

(E) Water Division State-Mandated Certifications: Whenever a Water Services Division employee is required by their job specification to possess or maintain a State of California Water Resources Control Board Water Distribution Operator or Water Treatment Operator certificate in order to carry out the duties as assigned, the City will reimburse the costs associated with obtaining or renewing certification up to and including a Water Distribution Operator Grade V ("D-5") and/or a Water Treatment Operator Grade III ("T-3") certificate. City will pay for up to two (2) testing attempts per initial certification or renewal. The time required to take tests will be considered as hours worked. The City may temporarily change an employee's standard tour of duty to accommodate on-duty training and testing for these certificates with seven (7) calendar days' notice as provided under Article 9, Standard Tour of Duty.

(F) Wastewater Division State-Mandated Certifications: Whenever a Wastewater Division employee is required by their job specification to possess or maintain a State of California Water Resources Control Board Wastewater Treatment Plant Operator certificate in order to carry out the duties as assigned, the City will reimburse the costs associated with obtaining and renewing certification up to and including a Wastewater Treatment Plant Operator Grade V certificate. City will pay for up to two (2) testing attempts per initial certification or renewal. The time required to take tests will be considered as hours worked. The City may temporarily change an employee's standard tour of duty to accommodate on-duty training and testing for these certificates with seven (7) calendar days' notice as provided under Article 9, Standard Tour of Duty.

(G) Water Division and Wastewater Division "Desirable" Certifications: Employees in the classifications listed below are eligible for one-half percent 0.5%) certification incentive pay per certification, up to a maximum of one and one-half percent (1.5%), when they obtain any of the "Desirable Certifications" listed in table below that are not already mandatory for their current job classification.

Classification in Utilities	Required Certification	Desirable Certifications
-Utility Service Worker III (Water) -Senior Utility Service Worker (Water)	Distribution Grade 3	Distribution Grade 4 Distribution Grade 5 Treatment Grade 1 Treatment Grade 2 Backflow Prevention Testing Cross-Connection Control Testing

-Utilities Plant Operator II (Water) -Senior Utilities Plant Operator (Water)	Distribution Grade 3 & Treatment Grade 1	Distribution Grade 4 Distribution Grade 5 Treatment Grade 2 Backflow Prevention Testing Cross-Connection Control Testing
-Utilities Service Worker III (Wastewater) -Senior Utilities Service Worker (Wastewater)	Collection System Maintenance Grade 2	Collection System Maintenance Grade 3 Collection System Maintenance Grade 4 Backflow Prevention Testing Cross-Connection Control Testing
-Utilities Plant Operator II (Wastewater) -Senior Utilities Plant Operator (Wastewater)	Grade 3 Treatment Plant	Grade 4 Treatment Grade 5 Treatment Backflow Prevention Testing Cross-Connection Control Testing

(H) The City will provide documents and materials to assist employees in preparing to obtain and renew these certifications and City sponsored training may be offered during the employees' standard tour of duty. The City may temporarily change an employee's standard tour of duty to accommodate on-duty training for these certificates with seven (7) calendar days' notice as provided under Article 9, Standard Tour of Duty.

(I)

Employees who possess a Water Distribution Operator Grade II or III, and do not attain the required continuing education units and as a result lose their Grade II or III Certification from the State, will demote to Utilities Services Worker I. If demoted, the City will not be responsible for any costs of tests, or course work associated with the re-attainment of a Grade II or III, including CEUs required maintaining the certificate they revert to. If a Grade II or III is earned again, the City will reinstate the employee to the previously held job class and resume reimbursement for continuing education and renewal costs. Water Services Division employees continuously employed by the City since January 1, 2007 or prior who possess a Water Distribution Operator Grade I certificate from the California Department of Public Health may work in the Utility Services Worker I classification but will not advance further in that classification series until the employee achieves a Water Distribution Operator Grade II or higher certification.

(J) Crane Operator Certification:

1) Employees in the job classification of Utilities Plant Operator I/II, Utility Services Worker I/II/III, Senior Equipment Operator, Equipment

Operator, Electrician (Traffic & Buildings) and Plant Mechanic I/II are required to obtain and renew Crane Operator certification if assigned to a pool of operators. Employees assigned to the pool will receive an additional 1.5% pay differential while certified and assigned.

2) The City will determine the number of qualified crane operators necessary to meet operating needs. Employees in the job classes listed above may volunteer to be considered for this assignment and the City will consider the volunteers when assigning this work. To make the selection, the City will develop a screening process to assess the likelihood that an employee would successfully complete the crane certification training program. The final determination of the number of qualified operators required, the screening process used and the actual assignment of operators remains with management discretion. The City may also consider an employee's work performance records, disciplinary actions and status on initial or promotional probation when making the assignment. If an employee is designated to operate a crane, the assignment is considered mandatory and action may be taken should the employee fail to obtain or maintain the required certification.

3) Employees who hold a crane certification and voluntarily renew his or her crane certification may be thereafter designated for the assignment and will be subject to the same requirements as others so designated.

4) Employees in job classifications requiring the crane certification and employees, who are assigned to the crane operator pool, will be required to successfully complete the crane certification training program every five (5) years, in accordance with mandated renewal requirements, subject to the City scheduling the process in a timely manner. If the City fails to schedule an employee for training, the employee will be relieved of the obligation to pass the crane certification training program until the City schedules the training.

5) The City will pay all costs associated with one training and certification class and will determine how preparatory training will be conducted. Travel to and from, and attendance at training class will be considered as hours worked. Training will be scheduled during the employee's standard tour of duty. The City may temporarily change an employee's standard tour of duty to accommodate on-duty training and testing for these certificates with seven (7) calendar days' notice as provided under Article 9, Standard Tour of Duty. Employees who fail the crane training class provided by the City will be responsible for and obligated to continue to attempt to pass the test at the employee's own expense within the required six (6) months following appointment to a job classification in which the crane certificate is required. These employees will be permitted to attend testing using the appropriate leave. Upon the employee's receipt and the City's notification of the employee successfully passing the required testing, the City will commence the 1.5% pay differential.

(K) Employees hired or promoted on or after May 31, 2014, ~~will be required to have~~must possess the appropriate certification for their classification. The City will not add additional certification requirements to existing job specifications without first meeting and conferring with MCEA.

ARTICLE 19. SHIFT AND PAY DIFFERENTIALS

(A) Shift Differential Pay.

1) Swing Shift. ~~–~~Employees whose regular assigned tour of duty includes four (4) hours or more in a swing shift: (3:00 p.m. to 11:00 p.m. shift) will be paid a shift differential of $6.00 per shift.

2) Graveyard Shift. ~~–~~Employees whose regular assigned tour of duty includes four (4) hours or more in "graveyard" shift (11:00 p.m. to 7:00 a.m. shift) will be paid a shift differential of $8.00 per shift.

3) If an employee is directed to work overtime in addition to their regular tour of duty, and those overtime hours include four (4) or more hours in both swing shift and four (4) or more hours in the graveyard shift, the employee will be paid twelve dollars ($12) total shift differential.

(B) DMV Commercial Driver's License Class A Pay. Employees who hold a classification where a Class A ~~Commercial Driver's License~~CDL is not required may voluntarily possess a Class A ~~Commercial Driver's License~~CDL. Such employee who possesses a Class A ~~license~~ CDL will receive a ~~f~~Five D~~d~~ollar ($5.00) shift differential for each shift in which they are assigned and operate any vehicle requiring a Class A ~~Commercial Driver's License~~CDL for a minimum of one (1) hour. This provision will not apply to operation of Class A equipment on private (including City owned) property where a commercial license is not required. This provision will not apply to classes where possession of a Class A ~~Commercial Driver's License~~CDL is a condition of employment, including but not limited to Plant Mechanic I/II, Utility Services Workers, Senior Equipment Operator or Crew Leaders (except in the Parks Division of the Parks Recreation and Neighborhoods Department). This provision will apply to classifications such as Electrician where some, but not all positions are required to possess a Class A ~~Commercial Driver's License~~CDL. Public Works Crewleaders are not expected to have a Class A ~~Commercial Driver's License~~CDL.

(C) Miscellaneous Differentials.

~~1)~~ Pesticide Applicator. Bargaining unit e~~E~~mployees in the Public Works and Parks, Recreation and Neighborhoods Departments who are required to possess and maintain ~~that have~~ certification as a Pesticide Applicator from the State of California to mix and apply pesticides will receive a one-half-of-one percent ~~six dollar~~ (0.5%~~$6.00~~) pay differential for all hours worked.~~per shift pay differential for each shift in which they are assigned to mix and apply pesticides. A minimum number of hours of application per day are not required to receive this pay differential.~~

The City will pay all costs associated with obtaining and maintaining this certification for a sufficient number of employees that are needed for pesticide application. This number will be determined by the City.

1) Department management will establish the actual number of certified Pesticide Applicators needed. Department management may modify or change the number of certificates required to meet the needs of the service. When department management finds it necessary to make such modifications or changes, the department manager will notify the affected employee(s) and MCEA indicating the proposed change prior to its implementation and when MCEA requests to meet and confer, the parties will expeditiously meet and confer regarding the impact the modification or change would have on employees.

2) Line Clearance Tree Trimming. Employees in the classification of Tree Trimmer Crew Leader or Tree Trimmer that have certification as Line Clearance Tree Trimmers shall receive a two and one-half percent (2.5%) pay differential. Employees in the classification of Tree Trimmer Crew Leader or Tree Trimmer that have an International Society of Arboriculture certification shall receive a 2.5% pay differential.

3) Utilities Services Worker III Lead Differential. Employees in the classification of Utilities Services Worker III shall receive a five percent (5.0%) pay differential when assigned by the department to serve as the worksite lead for a crew of at least three crewmembers.

4) Solid Waste Enforcement Officer. Employees in the classification of Solid Waste Enforcement Officer shall receive a two and one-half (2.5%) pay differential when assigned to the Used Oil Recycling Program to test and identify chemical waste to allow for proper storage.

(D) Bilingual Pay.

1) Employees working in field operations or in administrative positions that have significant contact with the public will receive bilingual pay if the employee qualifies as bilingual, based on the criteria listed below. For purposes of this Article, bilingual is defined as Spanish, Southeast Asian language(s) common to this area, sign language, or other languages deemed desirable by the Department Director.

2) Prior to January 1st annually, each department will provide to their employees a list of translation opportunities within the department. Employee participation in this effort is voluntary.

3) A review panel made up of three (3) experts (as determined by the department) will assess the qualifications of employees wishing to volunteer. Two (2) of the three (3) panel members must agree that the person is capable of bilingual translation.

4) Employees who pass the review panel and are needed in this capacity by the department shall receive three (3) hours of compensatory time off (CTO) per pay period. Employees must agree to use their bilingual skills at the direction of the department for a minimum of one (1) year from the time the compensatory time off begins, unless an unusual hardship is presented by the employee.

5) The Department Director may choose to eliminate the CTO if it is determined that the translation services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of bilingual translation than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

6) If the Department Director identifies more opportunities for translation than there are employees certified, the Department and the Human Resources Department may establish a second notification for volunteers and a second review panel in July of that year.

7) An employee certified and receiving bilingual compensatory time off shall cease receiving the CTO after they have been out of the workplace for three (3) consecutive pay periods. The CTO will not be granted beginning the first day of the following pay period. The CTO will be resumed the first full pay period the employee returns to work.

(E) Longevity Pay. Effective July 1, 2023, employees with ten (10) years of service shall be eligible for two and one-half percent (2.5%) Longevity Incentive Pay.

(F) Educational Incentive. Effective July 1, 2023, employees who possess a degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a maximum of five percent (5.0%) compensation for the highest college degree obtained and listed below:

1) Bachelor of Arts/Bachelor of Science, two and one-half percent (2.5%);
2) Master of Arts/Master of Science, five percent (5.0%).

(G) Pay Differentials. Pay differentials provided in paragraphs (A) through (F~~D~~) of this section shall be included in base pay for purposes of compensation for approved vacation and holiday leave, compensating time off, and up to forty-eight (48) hours of sick leave per year.

ARTICLE 21. DRESS AND GROOMING

(A) Grooming. All employees will maintain a clean and neat appearance while working, taking into account the employee's job duties and the work environment the employee is or has been working in. Disagreements over what clean and neat in appearance means as applied to any particular person or circumstance will be resolved upon request of either party by the Problem Solving Committee.

(B) Personal Protective Equipment. Except as provided in sections (F) , the City will make available to each employee at no cost all personal protective equipment reasonably necessary for the employee to safely perform his or her job including, but not limited to, head protection, eye protection, hearing protection, gloves, reflective garments, respiratory protection, safety footwear, etc. Every employee must wear personal protective equipment as appropriate for the job or task being performed. Employees must not wear or carry items at work that will reduce their safety on the job. Employees are expected to exercise reasonable care for all protective equipment issued to them.

(C) Uniform Shirts, Pants, and Caps. Employees in the maintenance classifications listed on Appendix G, and other similar field, warehouse, and delivery classifications:

1) Will wear, during working hours, either a City-issued uniform shirt or an employee-purchased shirt of an approved color and style. Any shirt worn must include the City of Modesto logo on the front pocket area. Exceptions may be made by Supervisor where a special event calls for different attire.

2) Will wear, during working hours, City-issued uniform pants, or employee-purchased pants of a City approved color and style, or employee-purchased zipper front shorts of a City approved color and style; provided, however, an employee may not wear shorts if the supervisor determines that it would be unsafe or inappropriate to do so. Shorts may be no shorter than one (1)-inch above the knee.

3) May wear, during working hours, either a City-issued hat or other employee-purchased hat of a City approved color and style.

4) Must, during working hours, be identifiable to the public as a City employee by some article of clothing with a visible City logo.

5) If an employee elects to not wear their City issued uniform shirt during the months of June through August, the employee will receive from the City at no cost five (5) cotton tee shirts of an appropriate size and City approved color and style in June of each year. Tee shirts will include a City logo. Unless otherwise directed by the Purchasing Division, the City will continue the uniform service during this time.

6) Must not wear clothing such as shirts, sweaters, jackets, or hats during working hours with conspicuously visible pictures, words, graphics, or illustrations other than the City logo except that at no cost to the City, an employee may wear an MCEA patch on the uniform shoulder or may wear a hat bearing the MCEA logo.

7) Will have their uniforms (except tee shirts and employee provided hats) laundered at no cost by the City.

(D) Cotton or Flame Resistive Garments for Work Near Open Flames and Arcs. In those work assignments where employees are exposed to hazards of flame, electric arcs, or molten materials, pants, shirts, tee shirts, coveralls, and other garments issued by the City or provided by the employee and worn by the employee will be either cotton or a flame-resistive material.

(E) Coveralls and Jackets.

(1) The City will make available at no cost to employees in the following work areas or classifications a clean coverall for each workday:

a. Parks Maintenance Mechanics
b. Building Maintenance Technicians
c. Employees assigned to street maintenance activities
d. Employees assigned to the City's equipment maintenance shop
e. Employees assigned to any City Wastewater Treatment Plant Operations
f. Welder/Fabricator
g. Employees assigned to the Compost Division Operations

(2) Upon request, the City will provide at no cost to each employee in the following work areas and classifications one (1) coverall and one (1) safety jacket (reflective tape and high visibility color) per fiscal year:

a. Field employees assigned to the Electrical Division
b. Field employees assigned to the Parks Division
c. Field employees assigned to the Urban Forestry Division
d. Field employees assigned to the Water Division
e. Field employees assigned to the Wastewater Division
f. Field employees assigned to the Streets Division
g. Field employees in the career ladder of Electrician (may request that one (1) pair of coveralls be insulated)
h. Other work areas or classifications that may later be identified by the uniforms and PPE working group described in Section (I) below in this article.

(3) Care and laundry of the coveralls provided under Section (E) (2) of this Article immediately above are the responsibility of the employee

(F) Safety Footwear. Each department will designate employees in certain job assignments for which safety footwear is required and the City will pay each employee so designated an annual safety footwear allowance of two hundred twenty dollars ($220~~00~~) during the first pay period of July.

The City will provide each new employee his or her initial pair of safety footwear upon hire. Following the initial pair of safety footwear, the employee is responsible to purchase all subsequent pairs of safety footwear outside of regular work hours. The Department Director may authorize reimbursement on a case-by-case basis when working conditions cause damage or extreme wear, or in accordance with Personnel Administrative Order 19.1(as may be amended). Each designated employee must wear safety footwear that meets

American Society for Testing and Materials standards when working in a field environment where safety footwear is required by the City.

(G) Rain Gear. The City will provide rain gear for employees whose work requires that they be outdoors during inclement weather. Rain gear will be issued to employees on an as-needed basis through the City's Central Stores service. During the non-rainy season, rain gear will be returned for cleaning and storage based on procedures defined by the Department Director.

(H) Safety Eyewear. The City will provide at no cost safety eyewear for employees in specific classifications as identified by the City's Risk Management Office. Replacement will occur on an as-needed basis as approved by the work unit supervisor.

Where moisture and humidity are constantly present, upon request by employees wearing prescription lenses, the City will provide at no cost prescription safety goggles. The determination as to whether safety goggles are necessary will be based on the work unit supervisor's review of pertinent CalOSHA criteria. It will be in the sole discretion of the City as to the price and type of safety goggles selected.

Employees required to wear self-contained breathing apparatus (SCBA) that require prescription lenses, the City will provide at no cost the necessary mask and prescription insert.

(I) Working Group. Representatives of the City and MCEA agree to establish a working group to meet to discuss modifications to this provision with a goal of clarifying the classifications who are in need of uniforms/PPE and improving processes related to the issuance of uniforms and PPE. The City's representatives will include Department representatives from Public Works, Utilities, Human Resources, and Purchasing, and the Safety Officer.

ARTICLE 22. EQUIPMENT MECHANIC TOOLS ALLOWANCE

(A) Heavy Equipment Mechanics, Heavy Equipment Mechanic Crew Leaders, Equipment Mechanics, Equipment Mechanic Crew Leaders, Equipment Service Technicians, Fire Equipment Mechanics, and Senior Fire Equipment Mechanics (collectively in this article, "Equipment Mechanics") must initially furnish at their own expense a minimum complement of tools for their own use as listed in Appendix F.

(B) Equipment Mechanics are required to submit a tool inventory to their supervisor at least once a year. The Equipment Mechanic's supervisor will verify each inventory and will keep them on file.

The City will replace an Equipment Mechanic's tools if they are stolen~~ during a burglary~~, provided a police report is filed. Only tools listed on an inventory which are less than ~~one~~ three (3~~1~~) years old and that have been submitted to the employee's supervisor will be replaced.

(C) The City will provide all tools larger than the minimum list requires and all specialized tools that are required to work on equipment owned by the City. Such specialized tools will remain the property of the City.

The City ~~shall~~ will pay Equipment Mechanics ~~provide~~ a tool allowance of ~~four~~ six hundred and fifty dollars ($650~~450~~) per year, paid quarterly to offset the cost of such employee-provided tools. Effective January 1, 2025, the tool allowance will increase to seven hundred dollars ($700). In order to be eligible for each quarterly allowance, an employee must be employed by the City on the last regular working day of that quarter.

ARTICLE 23. UNIFORMS AND UNIFORM ALLOWANCES

(A) Police Department Administrative and Clerical Employees. All Police Department administrative and clerical employees who are required to wear uniforms will do so in accordance with the Police Department's Manual of Uniforms and Equipment and will receive uniform allowance of ~~sixty-eight~~seventy-two dollars ($72~~68~~) per month.

(B) Fire Department Administrative and Clerical Employees. All Fire Department administrative and clerical employees who are required to wear uniforms will do so in accordance with the Fire Department Rules and Regulations and will receive a uniform allowance of ~~sixty-eight~~seventy-two dollars ($72~~68~~) per month.

(C) Reimbursement for Damaged Uniforms, Equipment and Personal Property. The City will reimburse employees for the cost of replacing or repairing damaged uniforms, and safety equipment, and personal property in accordance with Personnel Administrative Order 19.1 (as may be amended).

ARTICLE 25. HOLIDAYS

(A) Recognized Holidays. Employees will be entitled to their entire workday off on the following fixed recognized holidays:

New Year's Day	Martin Luther King, Jr. Day
Presidents' Day	Cesar Chavez Day
Memorial Day	Juneteenth
Independence Day	Labor Day
Veterans' Day	Thanksgiving Day
Day after Thanksgiving Day	Christmas Day

1) If a recognized holiday falls on an employee's regularly scheduled workday, the employee will be entitled to a total of eight (8), nine (9), ten (10), twelve (12) or twenty (20) hours (a full work shift) of holiday time off depending on their current work schedule.

2) If a recognized holiday falls on a Saturday, the preceding Friday will be observed as the fixed holiday. If a recognized holiday falls on a Sunday, the following Monday will be observed.

3) If a recognized holiday falls on an employee's regularly scheduled day off, the full-time employee shall be entitled to a total of eight (8) hours of holiday compensatory time.

4) Employees working on recognized holidays will be compensated at time and one-half (1½) for time actually worked; irrespective of hours actually worked in this workweek on the holiday. In no event will such an employee be compensated for working a recognized holiday in excess of one and one-half (1½) times the employee's regular hourly rate of pay plus hour-for-hour holiday compensatory time except as provided in Article 12.

5) Whenever a regular employee is required to work on a recognized holiday, which falls within the employee's regularly scheduled work week, the employee will accrue, on an hour-for-hour basis, up to a total of regularly scheduled hours eight (8), nine (9), ten (10), twelve (12) or twenty (20) respectively) holiday compensatory time.

6) Whenever a regular employee is required to work on a recognized holiday which falls on a regular day off, the employee will accrue on an hour-for-hour basis up to a total of eight (8) hours of holiday compensatory time irrespective of employee's normal work schedule (4/10, 9/80, 12/80).

7) Employees on leave without pay the last scheduled workday before and the first scheduled workday after a recognized holiday will not receive holiday pay.

(B) Floating Holiday.

1) Employees in regular positions shall be entitled to a total of eight (8) hours on a 5/2, nine (9) hours for a 9/80, ten (10) hours for a 4/10 schedule, twelve (12) hours for a 12/80 schedule floating holiday time provided that the employee is in active status on the payroll during the pay period in which such floating holiday time is to accrue. Floating holiday time shall be accrued during the pay period in which January 1 falls.

2) Floating holidays accrued are available for use the first day following the pay period in which they are accrued, with the approval of the Department Director.

(C) Employees in regular positions budgeted less than eighty (80) hours per period will receive recognized and floating holiday accruals on a pro-rata basis based on a full time 5/2 schedule (8 hour day).

(D) Holiday time may be accrued up to a maximum of forty (40) hours. When the employee reaches the forty (40) hour maximum, additional holiday time worked will be compensated in cash at straight time rates on a quarterly basis. Upon termination or retirement, employees will be compensated for any unused accrued holiday time at the then current regular hourly rate of pay.

(E) Employees may request cash-out of up to forty (40) hours of their grand fathered holiday time annually during the pay period in which November 1 falls. This cash-out is at the employee's current regular hourly rate of pay.

ARTICLE 31. HEALTH, DENTAL, VISION INSURANCE

All employees in regular positions budgeted for forty (40) hours or more per pay period will be eligible to participate in the health, dental and vision programs authorized by the City.

The City agrees to make available the health, dental and vision benefits currently provided for employees represented by MCEA or any other program(s) mutually agreed upon by the parties.

Employees may opt out of participation in the City's medical health plans if the employee provides proof of coverage under another medical health insurance. This option may only be exercised during the City's open enrollment period or within thirty (30) days of a qualifying "life change" event as defined by the IRS. Employees who opt out of participation shall continue to participate in the City dental and vision plans.

Employees who are on protected FMLA leave only shall receive full payment of the opt out of medical plan stipend that was earned by employee while on protected FMLA leave the first full pay period the employee returns to work. Such payment shall be consistent with current City practice for those on City Medical Plan while on FMLA.

For new employees, eligibility for health, dental and vision insurance benefits shall start with the beginning of the payroll period following completion of four (4) full pay periods.

The City shall contribute the following amounts bi-weekly (based on twenty-four (24) pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

(A) Effective July 1, 2023, the City currently contributes the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out of City Medical Coverage	$225.00
Employee Only	$336.50
Employee + One	$602.00
Employee Plus Family	$850.50

(B) Effective January 1, 2024~~0~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health,

dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out of City of Medical Coverage	$225.00
Employee Only	$345.00~~317.00~~
Employee + One	$690.00~~567.00~~
Employee Plus Family	$975.00~~801.50~~

(C) Effective January 1, 2025~~1~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out of City Medical Coverage	$225.00
Employee Only	$359.00~~323.50~~
Employee + One	$718.00~~578.50~~
Employee Plus Family	$1014.00~~817.50~~

(D) Effective January 1, 2026~~2~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out of City Medical Coverage	$225.00
Employee Only	$374.00~~330.00~~
Employee + One	$747.00~~590.00~~
Employee Plus Family	$1055~~834.00~~

(E) Effective January 1, 2027~~3~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out of City Medical Coverage	$225.00
Employee Only	$389.00~~336.50~~
Employee + One	$777.00~~602.00~~
Employee Plus Family	$1097.00~~850.50~~

(F) The City's contribution for employees with family coverage or employee plus one dependent coverage shall not exceed the actual premium amount for the lowest cost HMO (including dental and vision) offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

(G) For employees enrolled in the City-sponsored High Deductible Health Plan, the City shall deposit any balance of the applicable above contribution not needed to

pay for the employee's combined premiums, into the employee's Health Savings Account.

(H) For employees who opt out of health coverage, the City shall pay two hundred twenty-five ($225.00) biweekly ($450.00 monthly). For employees who opt out of medical health coverage, the employee may elect to deposit to the employee's deferred compensation account, or have paid in cash, an amount equal to the remaining balance of the above contributions, if any, not needed to pay for the dental and vision premium.

1) Employees in regular positions budgeted less than eighty (80) hours per pay period or in job-shared positions, shall receive premium contributions on a pro-rated basis.

2) Except as otherwise required by law or this Memorandum, employees on leave without pay in excess of forty (40) hours in a pay period shall not receive a contribution from the City towards premium payment and coverage shall cease, unless the premium is paid by the employee. Employees on leave without pay who return to work shall have their health, dental and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.

3) The City shall continue an IRS Section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums for un-reimbursed health, dental and vision expenses and dependent care costs.

4) The City agrees to provide the benefits described in this Article subject to carrier requirements. Selection of the insurance provider(s) shall be within the sole discretion of the City.

5) The City's health plan year is January through December with open enrollment occurring during the month of October.

6) ~~**Reopener**: Should the year-over-year healthcare premium for Kaiser HDHP (Employee +1) plan increase by eight percent (8%) or greater, the parties shall meet and confer to discuss the City's contributions towards employee healthcare costs for the applicable plan year. This reopener provision shall sunset at the expiration of this contract.~~

ARTICLE 32. RETIREE HEALTH INSURANCE

Eligible Employees hired before January 1, 2011 who retire from the City on or after January 1, 2015:

The City will no longer offer retiree medical plans through City's group plans effective January 1, 2015, however, retiree may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost.

Employees who retire after five (5) years continuous years of service in good standing may, on a one-time basis, have ninety percent (90%) of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at a rate of eight (8) hours equals one month of contribution to purchase medical insurance.

Funding/Eligibility of Retiree Medical Program/Sick Leave Conversion

(A) For each eight hours converted to retiree medical, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient		Medicare Eligible Recipient	
Retiree Only =	$500	Retiree Only =	$250
Retiree +1 Dep =	$1,000	Retiree +1 Dep =	$500
Retiree + Family=	$1,000	Retiree + Family =	$500

Combined contributions for Retirees
1 Non-Medicare + 1 Medicare coverage = $750

(B) Retiree Only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer).

(C) Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent.

(D) The City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health ~~Reimbursement Arrangement~~Savings account (HSA~~RA~~) account for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows:

1) Upon Retirement – initial contributions will be made for the months from loss of coverage with City through either December 31st or June 30th, whichever date is first. Contributions will be deposited no later than 30 days after retirement date.

2) Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) & July 31st (for months July - December) until exhaustion of sick leave conversion.

a) To receive the semi-annual contribution, the Retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year. This will not result, however, in a reduction to the number of months the Retiree is eligible for receiving contributions in the future.

b) If Retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the Retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the Retiree's status changes from Retiree Only to Retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the Retiree for the change in status for the month of December in the previous calendar year. If the Retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the Retiree receiving a contribution for the Retiree Only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the Retiree's death.

c) In the event of the death of Retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be based on the eligibility criteria as outlined in section (a) & (c) above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For all employees hired before January 1, 2011, effective July 2, 2013, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible

employee in the form of a deposit into a Retiree Health ~~Reimbursement~~ Savings ~~Arrangement~~ account (RHS~~HRA~~) ~~account~~.

1. Beginning January 1, 2016, the defined City ~~HRA~~ RHS contribution is sixty dollars ($60) per employee, per month.

2. Beginning January 1, 2017, the defined City ~~HRA~~ RHS contribution will increase by fifteen dollars ($15) for a total of seventy-five dollars ($75) per employee, per month.

3. Beginning January 1, 2018, the defined City ~~HRA~~ RHS contribution will increase by fifteen dollars ($15) for a total of ninety dollars ($90) per employee, per month.

4. Beginning January 1, 2019, the defined City ~~HRA~~ RHS contribution will increase by ten dollars ($10) for a total of one hundred dollars ($100) per employee, per month.

5. Beginning January 1, 2024, the defined City RHS contribution will increase by ten dollars ($10) for a total of one hundred ten dollars ($110) per employee, per month.

6. Beginning January 1, 2025, the defined City RHS contribution will increase by ten dollars ($10) for a total of one hundred dollars twenty ($120) per employee, per month.

7. Beginning January 1, 2026, the defined City RHS contribution will increase by ten dollars ($10) for a total of one hundred thirty dollars ($130) per employee, per month.

~~4.~~8. Beginning January 1, 2027, the defined City RHS contribution will increase by ten dollars ($10) for a total of one hundred forty dollars ($140) per employee, per month.

Employees in regular positions budgeted less than eighty (80) hours per pay period will receive a pro-rated amount per month.

Eligible Employees hired on or after January 1, 2011:

The City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into an ~~HRA~~ RHS account, as described below:

(A) Eligibility: Regular full time employees and employees in regular positions budgeted less than eighty (80) hours per pay period are eligible to receive a City ~~HRA~~ RHS contribution, if they have completed two (2) full years of continuous City regular service. If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.

(B) City Contribution:

1) Initial Contribution:

a. On the first pay period following completion of two (2) full years of continuous City service, regular full time employees shall receive a lump sum equivalent to the previous twenty-four (24) months at the defined contribution rate, as stated in the paragraph below, deposited into an ~~HRA~~ RHS account established in their name. Employees in regular positions budgeted less than eighty (80) hours per pay period, shall receive a pro-rated lump sum contribution based on their hours worked. For example:

b.

1. The calculation for an employee hired on November 1, 2016 would be as follows: two (2) months at the 2016 defined rate of fifty dollars ($50) per month ($100); plus twelve (12) months at the 2017 defined rate of seventy-five dollars ($75) per month ($900); plus ten (10) months at the 2018 defined rate of ninety dollars ($90) per month ($900); equals an initial contribution of one thousand nine hundred dollars ($1,900).

7) Regular City Contribution: After the initial contribution (defined above) is made, the City shall contribute, for each eligible full time employee one hundred dollars ($100) per employee, per month. Employees in regular positions budgeted less than eighty (80) hours per pay period shall receive a pro-rated contribution based on reduced schedule. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

The defined City contribution shall increase annually by ten dollars ($10) monthly, up to a maximum contribution of one hundred forty dollars ($140) per month by January 2027 as follows:

1. Effective January 1, 2024, the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of one hundred ten ($110) monthly per employee. Employees in regular positions budgeted less than eighty (80) hours per pay period shall receive a pro-rated contribution based on reduced schedule.

2. Effective January 1, 2025, the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of one hundred twenty dollars ($120) monthly per employee. Employees in regular positions budgeted less than eighty (80) hours per pay period shall receive a pro-rated contribution based on reduced schedule.

3. Effective January 1, 2026, the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of one hundred thirty dollars ($130) monthly per employee. Employees. in regular positions budgeted less than eighty (80) hours per pay period shall receive a pro-rated contribution based on reduced schedule.

~~1.~~4. Effective January 1, 2027, the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of one hundred forty dollars ($140) monthly per employee. Employees in regular positions budgeted less than eighty (80) hours per pay period shall receive a pro-rated contribution based on reduced schedule.

(C) Access to Account Balance:

1) Participants may access the balance in their ~~HRA~~ RHS account upon termination of employment and attainment of age fifty (50) or retirement from CalPERS Retirement System, whichever is earlier.

2) Participants may defer accessing the account balance to any time beyond the earliest date described in 1(a).

3) Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan subject to the limitations and maximums as stipulated by law, however, federal regulations at this time does not permit the inclusion of expenses for domestic partners.

(D) Survivors of eligible retirees with account balance:

1) Spouses and eligible dependent children or dependent adults that are disabled may continue to access account balances after the death of the retiree subject to the limitations and maximums as stipulated by law.

2) Domestic partners are not permitted access to the account balances of the participant at this time by virtue of restrictions in the federal regulations that govern these types of accounts. If federal regulations are revised to allow inclusion of domestic partners in these benefits, the City will add them to these subsections.

(E) Forfeiture of account balance:

1) If an active employee dies prior to retirement, the amount of account balance is available to eligible spouses and dependents to reimburse them for medical expenses permitted under the applicable section of the Internal Revenue code.

2) Account balances in part or in total for active participants or retirees without any eligible spouse or dependent or unused account balances

after the death of the last eligible spouse or dependent will be forfeited and returned to all other active and retired participants in the form of a dividend allocated in direct proportion to the amount to be distributed by the total account balance for all participants applied to each individual account balance.

(F) This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated and the regulations of the Affordable Care Act (ACA).

New Article: Leave Bank Purchase Option

1. The City and MCEA agree to allow employees of this bargaining unit to independently agree to a leave bank purchase option plan.

2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MCEA waiving any contractual rights by MCEA to enforce the Memorandum of Understanding.

3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 3, 2023. All members must exhaust the purchased leave bank no later than pay period ending June 17, 2024.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 3, 2023 through pay period ending May 20, 2024.

6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt members of MCEA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.

~~1.~~8. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCEA on a per pay period basis.

Exhibit X MCEA Market Adjustments

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Account Clerk I	5.0%	2.5%	2.5%
Account Clerk II	5.0%	2.5%	2.5%
Account Technician I	5.0%	2.5%	2.5%
Account Technician II	5.0%	2.5%	2.5%
Administrative Services Technician I	2.5%	2.5%	No Further Adjustment
Administrative Services Technician II	2.5%	2.5%	No Further Adjustment
Building Inspector I	2.5%	2.5%	No Further Adjustment
Building Inspector II	2.5%	2.5%	No Further Adjustment
Building Maintenance Specialist	2.5%	2.5%	No Further Adjustment
Building Maintenance Technician	2.5%	2.5%	No Further Adjustment
Code Enforcement Officer I - NPU	2.5%	2.5%	No Further Adjustment
Code Enforcement Officer II - NPU	2.5%	2.5%	No Further Adjustment
Community Development Program Specialist I	2.5%	2.5%	No Further Adjustment
Community Development Program Specialist II	2.5%	2.5%	No Further Adjustment
Construction Inspector	2.5%	2.5%	No Further Adjustment
Development Services Technician I	2.5%	2.5%	No Further Adjustment
Development Services Technician II	2.5%	2.5%	No Further Adjustment
Electrical and Instrumentation Technician	2.5%	2.5%	No Further Adjustment
Electrical and Instrumentation Technician Trainee	2.5%	2.5%	No Further Adjustment
Electrician - Traffic and Buildings	12.5%	7.5%	5.0%
Electrician Assistant I	12.5%	7.5%	5.0%
Electrician Assistant II	12.5%	7.5%	5.0%
Electrician Assistant III	12.5%	7.5%	5.0%
Electrician Crewleader	12.5%	7.5%	5.0%
Engineering Assistant I	5.0%	2.5%	2.5%

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Engineering Assistant II	5.0%	2.5%	2.5%
Engineering Assistant Trainee	5.0%	2.5%	2.5%
Engineering Project Coordinator	5.0%	2.5%	2.5%
Equipment Operator I	2.5%	2.5%	No Further Adjustment
Equipment Operator II	2.5%	2.5%	No Further Adjustment
Equipment Service Technician	2.5%	2.5%	No Further Adjustment
Heavy Equipment Mechanic Crewleader	2.5%	2.5%	No Further Adjustment
Heavy Equipment Mechanic I	2.5%	2.5%	No Further Adjustment
Heavy Equipment Mechanic II	2.5%	2.5%	No Further Adjustment
Multimedia Designer	2.5%	2.5%	No Further Adjustment
Operations Crewleader	2.5%	2.5%	No Further Adjustment
Parking Enforcement Officer	5.0%	2.5%	2.5%
Parking Services Crewleader	5.0%	2.5%	2.5%
Plans Examiner	2.5%	2.5%	No Further Adjustment
Senior Account Clerk	5.0%	2.5%	2.5%
Senior Building Inspector	2.5%	2.5%	No Further Adjustment
Senior Construction Inspector	2.5%	2.5%	No Further Adjustment
Senior Electrical and Instrumentation Technician	2.5%	2.5%	No Further Adjustment
Senior Equipment Operator	2.5%	2.5%	No Further Adjustment
Solid Waste Enforcement Officer	2.5%	2.5%	No Further Adjustment
Survey Party Chief	5.0%	2.5%	2.5%
Traffic Operations Technician	2.5%	2.5%	No Further Adjustment
Traffic Striping Crewleader	2.5%	2.5%	No Further Adjustment

This Tentative Agreement shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

FOR THE CITY OF MODESTO		FOR MODESTO CITY EMPLOYEES ASSOCIATION	
	6/1/2023	ID qVBwCAVpKUL9vsMvqiEgdrxb	6/1/2023
Christina Alger Director of Human Resources	Date	Erik Cervantes MCEA President	Date
	Date 6/1/23	ID Ann4fcEQPiXPTSCa928LWHSv Joe Rose Rose Law APC	6/1/2023 Date
Labor Representative, Meyers Nave			

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-285

RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA) FOR A TERM OF JULY 1, 2023, TO JUNE 30, 2027; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Confidential and Management Association (MCMA) expired on June 30, 2019, and

WHEREAS, representatives of the CITY and the MCMA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCMA have reached agreement on language changes for a successor MOU which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from July 1, 2023, to June 30, 2027.

Article 5. SALARY RATES AND STEP ADVANCEMENT. Following ratification of this MOU by MCMA and adoption by the City Council, effective June 20, 2023, employees will receive a 4% base wage increase. Effective June 18, 2024, employees will receive a 3% base wage salary increase. Effective July 1, 2025, employees will receive 3% base wage increase and adding Step F. Effective June 30, 2026, employees will receive a 3% base wage increase. In addition, based on the results

of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedules set forth in **Exhibits A through D attached** hereto.

Article 14. OVERTIME FOR NON-EXEMPT EMPLOYEES. Subsection E. Meal Allowance. An employee required to work unscheduled overtime for four (4) or more consecutive hours beyond the scheduled shift on emergency work, or for four (4) or more consecutive hours of work when on Standby or Call-Back, shall be compensated fourteen dollars and fifty cents ($14.50) for a meal allowance during any twenty-four (24) hour period and shall be entitled to a thirty (30) minutes unpaid meal period for every additional four (4) hours worked. Only one (1) fourteen dollar and fifty cents ($14.50) payment shall be made per shift, unless the employee works four (4) or more consecutive hours, is released from duty, and must return for four (4) or more hours in the same shift.

Article 20. HOLIDAYS. Adding two additional annual holidays for Juneteenth and Cesar Chavez Day.

Article 26. PAY DIFFERENTIALS.

Educational Incentive. Employees who possess a Bachelor's Degree from an accredited

institution shall be eligible for two-and-one-half percent (2.5%) Education Incentive Pay, subject to criteria established by the CITY. Employees who possess a Master's Degree or Juris Doctor from an accredited institution shall be eligible for five percent (5.0%) Education Incentive Pay, subject to criteria established by the CITY. The maximum pay differential is five percent (5.0%), regardless of the number of Degrees obtained. Eliminate waiting period.

Longevity Incentive Pay. Effective July 1, 2023. Employees with ten (10) years of service with the City shall be eligible for two-and-one-half percent (2.5%) Longevity Incentive Pay.

Driver Trainer Incentive Pay. Effective July 1, 2023, employees registered as a Driver's Trainer under the Federal Motor Carrier Safety Administration's ELDT Training Provider Registry and assigned to provide Behind the Wheel or Theory training for employees to obtain/renew their Commercial License shall receive fifty dollars ($50) per pay period.

Driver Examiner Incentive Pay. Effective July 1, 2023, qualified employees assigned to conducting Behind the Wheel or Theory DMV Commercial License exams onsite for employees to obtain/ renew their Commercial License shall receive fifty dollars ($50) per pay period.

DMV Administrator Incentive Pay. Effective July 1, 2023, employees assigned to DMV Commercial License administration for City employees to obtain/ renew their Commercial Driver's License shall receive fifty dollars ($50) per pay period.

Effective July 1, 2025, Driver Trainer Incentive Pay, Driver Examiner Incentive Pay, DMV Examiner Pay and Notary pay will increase by five dollars ($5.00) to fifty-five dollars ($55.00) per pay period.

Article 27. DRESS, GROOMING AND UNIFORMS. Effective July 1, 2023, the annual safety footwear allowance will increase by twenty dollars ($20.00) to two hundred twenty dollars ($220) payable during the first pay period in July.

Subsection C. Uniform Allowances – Employees in the classification of Police Support Specialist II (Confidential), Police Civilian Supervisor and Police Civilian

Manager shall be required to wear a uniform and shall receive a uniform allowance of ninety-two dollars ($92) per month, paid monthly. Animal Control Supervisors shall be required to wear a uniform and shall receive a uniform allowance of one hundred twenty dollars ($120) per month. Employees in the classifications of Deputy Fire Marshall shall be required to wear a uniform and shall receive a uniform allowance of one hundred twenty-five dollars ($125) per month.

Article 30. HEALTH, DENTAL, VISION INSURANCE. Effective January 1, 2023, an increase in City contribution per pay period (for 24 periods) as described below:

	July 1, 2023	January 1, 2024	January 1, 2025	January 1, 2026	January 1, 2027
Single	$336.50	$345	$359	$374	$389
Employee + 1	$602	$690	$718	$747	$777
Family	$850.50	$975	$1,014	$1,055	$1,097

Article 31. RETIREE HEALTH INSURANCE. The defined City contribution shall be increased annually by ten dollars ($10) monthly each year of the contract, up to a maximum contribution of $140 per month.

FATIGUED EMPLOYEES. Add language to provide parity with Modesto City Employees Association (MCEA).

DECLARED EMERGENCY PAY. In the event the City receives reimbursement for a declared emergency, and employees are scheduled to work outside of their regular duty hours or functions, the City will provide a daily stipend to employees in this bargaining unit for working during such emergencies. The daily stipend will only be

applicable when declared emergency event provides for the City to be reimbursed for such stipend.

LEAVE BANK PURCHASE OPTION. The City and MCMA agree to allow employees to elect a leave bank purchase option of 48 hours.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MCMA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCMA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA), which covers a term from July 1, 2023 through June 30, 2027, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the agreement and take the necessary administrative action to implement the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0403	17.29	18.16	19.07	20.02	21.02
0404	17.73	18.61	19.54	20.52	21.55
0405	18.17	19.08	20.03	21.03	22.09
0406	18.62	19.56	20.53	21.56	22.64
0407	19.09	20.04	21.05	22.10	23.20
0408	19.57	20.55	21.57	22.65	23.78
0409	20.06	21.06	22.11	23.22	24.38
0410	20.56	21.58	22.66	23.80	24.99
0411	21.07	22.12	23.23	24.39	25.61
0412	21.60	22.68	23.81	25.00	26.25
0413	22.14	23.24	24.41	25.63	26.91
0414	22.69	23.83	25.02	26.27	27.58
0415	23.26	24.42	25.64	26.92	28.27
0416	23.84	25.03	26.28	27.60	28.98
0417	24.44	25.66	26.94	28.29	29.70
0418	25.05	26.30	27.61	28.99	30.44
0419	25.67	26.96	28.30	29.72	31.20
0420	26.31	27.63	29.01	30.46	31.98
0421	26.97	28.32	29.74	31.22	32.78
0422	27.65	29.03	30.48	32.00	33.60
0423	28.34	29.75	31.24	32.80	34.44
0424	29.04	30.50	32.02	33.62	35.30
0425	29.77	31.26	32.82	34.46	36.19
0426	30.52	32.04	33.64	35.32	37.09
0427	31.28	32.84	34.48	36.21	38.02
0428	32.06	33.66	35.35	37.11	38.97
0429	32.86	34.50	36.23	38.04	39.94
0430	33.68	35.37	37.13	38.99	40.94
0431	34.52	36.25	38.06	39.97	41.96
0432	35.39	37.16	39.01	40.96	43.01
0433	36.27	38.09	39.99	41.99	44.09
0434	37.18	39.04	40.99	43.04	45.19
0435	38.11	40.01	42.01	44.11	46.32
0436	39.06	41.01	43.06	45.22	47.48
0437	40.04	42.04	44.14	46.35	48.66
0438	41.04	43.09	45.24	47.51	49.88
0439	42.06	44.17	46.37	48.69	51.13
0440	43.11	45.27	47.53	49.91	52.41
0441	44.19	46.40	48.72	51.16	53.72
0442	45.30	47.56	49.94	52.44	55.06
0443	46.43	48.75	51.19	53.75	56.43
0444	47.59	49.97	52.47	55.09	57.85
0445	48.78	51.22	53.78	56.47	59.29
0446	50.00	52.50	55.12	57.88	60.77

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0403	1,383.20	1,452.80	1,525.60	1,601.60	1,681.60
0404	1,418.40	1,488.80	1,563.20	1,641.60	1,724.00
0405	1,453.60	1,526.40	1,602.40	1,682.40	1,767.20
0406	1,489.60	1,564.80	1,642.40	1,724.80	1,811.20
0407	1,527.20	1,603.20	1,684.00	1,768.00	1,856.00
0408	1,565.60	1,644.00	1,725.60	1,812.00	1,902.40
0409	1,604.80	1,684.80	1,768.80	1,857.60	1,950.40
0410	1,644.80	1,726.40	1,812.80	1,904.00	1,999.20
0411	1,685.60	1,769.60	1,858.40	1,951.20	2,048.80
0412	1,728.00	1,814.40	1,904.80	2,000.00	2,100.00
0413	1,771.20	1,859.20	1,952.80	2,050.40	2,152.80
0414	1,815.20	1,906.40	2,001.60	2,101.60	2,206.40
0415	1,860.80	1,953.60	2,051.20	2,153.60	2,261.60
0416	1,907.20	2,002.40	2,102.40	2,208.00	2,318.40
0417	1,955.20	2,052.80	2,155.20	2,263.20	2,376.00
0418	2,004.00	2,104.00	2,208.80	2,319.20	2,435.20
0419	2,053.60	2,156.80	2,264.00	2,377.60	2,496.00
0420	2,104.80	2,210.40	2,320.80	2,436.80	2,558.40
0421	2,157.60	2,265.60	2,379.20	2,497.60	2,622.40
0422	2,212.00	2,322.40	2,438.40	2,560.00	2,688.00
0423	2,267.20	2,380.00	2,499.20	2,624.00	2,755.20
0424	2,323.20	2,440.00	2,561.60	2,689.60	2,824.00
0425	2,381.60	2,500.80	2,625.60	2,756.80	2,895.20
0426	2,441.60	2,563.20	2,691.20	2,825.60	2,967.20
0427	2,502.40	2,627.20	2,758.40	2,896.80	3,041.60
0428	2,564.80	2,692.80	2,828.00	2,968.80	3,117.60
0429	2,628.80	2,760.00	2,898.40	3,043.20	3,195.20
0430	2,694.40	2,829.60	2,970.40	3,119.20	3,275.20
0431	2,761.60	2,900.00	3,044.80	3,197.60	3,356.80
0432	2,831.20	2,972.80	3,120.80	3,276.80	3,440.80
0433	2,901.60	3,047.20	3,199.20	3,359.20	3,527.20
0434	2,974.40	3,123.20	3,279.20	3,443.20	3,615.20
0435	3,048.80	3,200.80	3,360.80	3,528.80	3,705.60
0436	3,124.80	3,280.80	3,444.80	3,617.60	3,798.40
0437	3,203.20	3,363.20	3,531.20	3,708.00	3,892.80
0438	3,283.20	3,447.20	3,619.20	3,800.80	3,990.40
0439	3,364.80	3,533.60	3,709.60	3,895.20	4,090.40
0440	3,448.80	3,621.60	3,802.40	3,992.80	4,192.80
0441	3,535.20	3,712.00	3,897.60	4,092.80	4,297.60
0442	3,624.00	3,804.80	3,995.20	4,195.20	4,404.80
0443	3,714.40	3,900.00	4,095.20	4,300.00	4,514.40
0444	3,807.20	3,997.60	4,197.60	4,407.20	4,628.00
0445	3,902.40	4,097.60	4,302.40	4,517.60	4,743.20
0446	4,000.00	4,200.00	4,409.60	4,630.40	4,861.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0403	2,996.94	3,147.74	3,305.47	3,470.14	3,643.47
0404	3,073.20	3,225.74	3,386.94	3,556.80	3,735.34
0405	3,149.47	3,307.20	3,471.87	3,645.20	3,828.94
0406	3,227.47	3,390.40	3,558.54	3,737.07	3,924.27
0407	3,308.94	3,473.60	3,648.67	3,830.67	4,021.34
0408	3,392.14	3,562.00	3,738.80	3,926.00	4,121.87
0409	3,477.07	3,650.40	3,832.40	4,024.80	4,225.87
0410	3,563.74	3,740.54	3,927.74	4,125.34	4,331.60
0411	3,652.14	3,834.14	4,026.54	4,227.60	4,439.07
0412	3,744.00	3,931.20	4,127.07	4,333.34	4,550.00
0413	3,837.60	4,028.27	4,231.07	4,442.54	4,664.40
0414	3,932.94	4,130.54	4,336.80	4,553.47	4,780.54
0415	4,031.74	4,232.80	4,444.27	4,666.14	4,900.14
0416	4,132.27	4,338.54	4,555.20	4,784.00	5,023.20
0417	4,236.27	4,447.74	4,669.60	4,903.60	5,148.00
0418	4,342.00	4,558.67	4,785.74	5,024.94	5,276.27
0419	4,449.47	4,673.07	4,905.34	5,151.47	5,408.00
0420	4,560.40	4,789.20	5,028.40	5,279.74	5,543.20
0421	4,674.80	4,908.80	5,154.94	5,411.47	5,681.87
0422	4,792.67	5,031.87	5,283.20	5,546.67	5,824.00
0423	4,912.27	5,156.67	5,414.94	5,685.34	5,969.60
0424	5,033.60	5,286.67	5,550.14	5,827.47	6,118.67
0425	5,160.14	5,418.40	5,688.80	5,973.07	6,272.94
0426	5,290.14	5,553.60	5,830.94	6,122.14	6,428.94
0427	5,421.87	5,692.27	5,976.54	6,276.40	6,590.14
0428	5,557.07	5,834.40	6,127.34	6,432.40	6,754.80
0429	5,695.74	5,980.00	6,279.87	6,593.60	6,922.94
0430	5,837.87	6,130.80	6,435.87	6,758.27	7,096.27
0431	5,983.47	6,283.34	6,597.07	6,928.14	7,273.07
0432	6,134.27	6,441.07	6,761.74	7,099.74	7,455.07
0433	6,286.80	6,602.27	6,931.60	7,278.27	7,642.27
0434	6,444.54	6,766.94	7,104.94	7,460.27	7,832.94
0435	6,605.74	6,935.07	7,281.74	7,645.74	8,028.80
0436	6,770.40	7,108.40	7,463.74	7,838.14	8,229.87
0437	6,940.27	7,286.94	7,650.94	8,034.00	8,434.40
0438	7,113.60	7,468.94	7,841.60	8,235.07	8,645.87
0439	7,290.40	7,656.14	8,037.47	8,439.60	8,862.54
0440	7,472.40	7,846.80	8,238.54	8,651.07	9,084.40
0441	7,659.60	8,042.67	8,444.80	8,867.74	9,311.47
0442	7,852.00	8,243.74	8,656.27	9,089.60	9,543.74
0443	8,047.87	8,450.00	8,872.94	9,316.67	9,781.20
0444	8,248.94	8,661.47	9,094.80	9,548.94	10,027.34
0445	8,455.20	8,878.14	9,321.87	9,788.14	10,276.94
0446	8,666.67	9,100.00	9,554.14	10,032.54	10,533.47

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0447	51.25	53.81	56.50	59.33	62.29
0448	52.53	55.16	57.91	60.81	63.85
0449	53.84	56.54	59.36	62.33	65.45
0450	55.19	57.95	60.85	63.89	67.08
0451	56.57	59.40	62.37	65.48	68.76
0452	57.98	60.88	63.93	67.12	70.48
0453	59.43	62.40	65.52	68.80	72.24
0454	60.92	63.96	67.16	70.52	74.05
0455	62.44	65.56	68.84	72.28	75.90
0456	64.00	67.20	70.56	74.09	77.79
0457	65.60	68.88	72.33	75.94	79.74
0458	67.24	70.60	74.13	77.84	81.73
0459	68.92	72.37	75.99	79.79	83.78
0460	70.65	74.18	77.89	81.78	85.87

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0447	4,100.00	4,304.80	4,520.00	4,746.40	4,983.20
0448	4,202.40	4,412.80	4,632.80	4,864.80	5,108.00
0449	4,307.20	4,523.20	4,748.80	4,986.40	5,236.00
0450	4,415.20	4,636.00	4,868.00	5,111.20	5,366.40
0451	4,525.60	4,752.00	4,989.60	5,238.40	5,500.80
0452	4,638.40	4,870.40	5,114.40	5,369.60	5,638.40
0453	4,754.40	4,992.00	5,241.60	5,504.00	5,779.20
0454	4,873.60	5,116.80	5,372.80	5,641.60	5,924.00
0455	4,995.20	5,244.80	5,507.20	5,782.40	6,072.00
0456	5,120.00	5,376.00	5,644.80	5,927.20	6,223.20
0457	5,248.00	5,510.40	5,786.40	6,075.20	6,379.20
0458	5,379.20	5,648.00	5,930.40	6,227.20	6,538.40
0459	5,513.60	5,789.60	6,079.20	6,383.20	6,702.40
0460	5,652.00	5,934.40	6,231.20	6,542.40	6,869.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective June 20, 2023
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0447	8,883.34	9,327.07	9,793.34	10,283.87	10,796.94
0448	9,105.20	9,561.07	10,037.74	10,540.40	11,067.34
0449	9,332.27	9,800.27	10,289.07	10,803.87	11,344.67
0450	9,566.27	10,044.67	10,547.34	11,074.27	11,627.20
0451	9,805.47	10,296.00	10,810.80	11,349.87	11,918.40
0452	10,049.87	10,552.54	11,081.20	11,634.14	12,216.54
0453	10,301.20	10,816.00	11,356.80	11,925.34	12,521.60
0454	10,559.47	11,086.40	11,641.07	12,223.47	12,835.34
0455	10,822.94	11,363.74	11,932.27	12,528.54	13,156.00
0456	11,093.34	11,648.00	12,230.40	12,842.27	13,483.60
0457	11,370.67	11,939.20	12,537.20	13,162.94	13,821.60
0458	11,654.94	12,237.34	12,849.20	13,492.27	14,166.54
0459	11,946.14	12,544.14	13,171.60	13,830.27	14,521.87
0460	12,246.00	12,857.87	13,500.94	14,175.20	14,884.14

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0403	17.81	18.71	19.64	20.62	21.65
0404	18.26	19.17	20.13	21.14	22.19
0405	18.72	19.65	20.63	21.67	22.75
0406	19.18	20.14	21.15	22.21	23.32
0407	19.66	20.65	21.68	22.76	23.90
0408	20.16	21.16	22.22	23.33	24.50
0409	20.66	21.69	22.78	23.91	25.11
0410	21.18	22.23	23.35	24.51	25.74
0411	21.70	22.79	23.93	25.13	26.38
0412	22.25	23.36	24.53	25.75	27.04
0413	22.80	23.94	25.14	26.40	27.72
0414	23.37	24.54	25.77	27.06	28.41
0415	23.96	25.16	26.41	27.73	29.12
0416	24.56	25.78	27.07	28.43	29.85
0417	25.17	26.43	27.75	29.14	30.59
0418	25.80	27.09	28.44	29.86	31.36
0419	26.44	27.77	29.15	30.61	32.14
0420	27.11	28.46	29.88	31.38	32.95
0421	27.78	29.17	30.63	32.16	33.77
0422	28.48	29.90	31.40	32.96	34.61
0423	29.19	30.65	32.18	33.79	35.48
0424	29.92	31.41	32.98	34.63	36.36
0425	30.67	32.20	33.81	35.50	37.27
0426	31.43	33.00	34.65	36.39	38.21
0427	32.22	33.83	35.52	37.30	39.16
0428	33.02	34.67	36.41	38.23	40.14
0429	33.85	35.54	37.32	39.18	41.14
0430	34.70	36.43	38.25	40.16	42.17
0431	35.56	37.34	39.21	41.17	43.23
0432	36.45	38.27	40.19	42.20	44.31
0433	37.36	39.23	41.19	43.25	45.41
0434	38.30	40.21	42.22	44.33	46.55
0435	39.25	41.22	43.28	45.44	47.71
0436	40.24	42.25	44.36	46.58	48.90
0437	41.24	43.30	45.47	47.74	50.13
0438	42.27	44.39	46.60	48.93	51.38
0439	43.33	45.49	47.77	50.16	52.66
0440	44.41	46.63	48.96	51.41	53.98
0441	45.52	47.80	50.19	52.70	55.33
0442	46.66	48.99	51.44	54.01	56.71
0443	47.83	50.22	52.73	55.36	58.13
0444	49.02	51.47	54.05	56.75	59.58
0445	50.25	52.76	55.40	58.17	61.07
0446	51.50	54.08	56.78	59.62	62.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0403	1,424.80	1,496.80	1,571.20	1,649.60	1,732.00
0404	1,460.80	1,533.60	1,610.40	1,691.20	1,775.20
0405	1,497.60	1,572.00	1,650.40	1,733.60	1,820.00
0406	1,534.40	1,611.20	1,692.00	1,776.80	1,865.60
0407	1,572.80	1,652.00	1,734.40	1,820.80	1,912.00
0408	1,612.80	1,692.80	1,777.60	1,866.40	1,960.00
0409	1,652.80	1,735.20	1,822.40	1,912.80	2,008.80
0410	1,694.40	1,778.40	1,868.00	1,960.80	2,059.20
0411	1,736.00	1,823.20	1,914.40	2,010.40	2,110.40
0412	1,780.00	1,868.80	1,962.40	2,060.00	2,163.20
0413	1,824.00	1,915.20	2,011.20	2,112.00	2,217.60
0414	1,869.60	1,963.20	2,061.60	2,164.80	2,272.80
0415	1,916.80	2,012.80	2,112.80	2,218.40	2,329.60
0416	1,964.80	2,062.40	2,165.60	2,274.40	2,388.00
0417	2,013.60	2,114.40	2,220.00	2,331.20	2,447.20
0418	2,064.00	2,167.20	2,275.20	2,388.80	2,508.80
0419	2,115.20	2,221.60	2,332.00	2,448.80	2,571.20
0420	2,168.80	2,276.80	2,390.40	2,510.40	2,636.00
0421	2,222.40	2,333.60	2,450.40	2,572.80	2,701.60
0422	2,278.40	2,392.00	2,512.00	2,636.80	2,768.80
0423	2,335.20	2,452.00	2,574.40	2,703.20	2,838.40
0424	2,393.60	2,512.80	2,638.40	2,770.40	2,908.80
0425	2,453.60	2,576.00	2,704.80	2,840.00	2,981.60
0426	2,514.40	2,640.00	2,772.00	2,911.20	3,056.80
0427	2,577.60	2,706.40	2,841.60	2,984.00	3,132.80
0428	2,641.60	2,773.60	2,912.80	3,058.40	3,211.20
0429	2,708.00	2,843.20	2,985.60	3,134.40	3,291.20
0430	2,776.00	2,914.40	3,060.00	3,212.80	3,373.60
0431	2,844.80	2,987.20	3,136.80	3,293.60	3,458.40
0432	2,916.00	3,061.60	3,215.20	3,376.00	3,544.80
0433	2,988.80	3,138.40	3,295.20	3,460.00	3,632.80
0434	3,064.00	3,216.80	3,377.60	3,546.40	3,724.00
0435	3,140.00	3,297.60	3,462.40	3,635.20	3,816.80
0436	3,219.20	3,380.00	3,548.80	3,726.40	3,912.00
0437	3,299.20	3,464.00	3,637.60	3,819.20	4,010.40
0438	3,381.60	3,551.20	3,728.00	3,914.40	4,110.40
0439	3,466.40	3,639.20	3,821.60	4,012.80	4,212.80
0440	3,552.80	3,730.40	3,916.80	4,112.80	4,318.40
0441	3,641.60	3,824.00	4,015.20	4,216.00	4,426.40
0442	3,732.80	3,919.20	4,115.20	4,320.80	4,536.80
0443	3,826.40	4,017.60	4,218.40	4,428.80	4,650.40
0444	3,921.60	4,117.60	4,324.00	4,540.00	4,766.40
0445	4,020.00	4,220.80	4,432.00	4,653.60	4,885.60
0446	4,120.00	4,326.40	4,542.40	4,769.60	5,008.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0403	3,087.07	3,243.07	3,404.27	3,574.14	3,752.67
0404	3,165.07	3,322.80	3,489.20	3,664.27	3,846.27
0405	3,244.80	3,406.00	3,575.87	3,756.14	3,943.34
0406	3,324.54	3,490.94	3,666.00	3,849.74	4,042.14
0407	3,407.74	3,579.34	3,757.87	3,945.07	4,142.67
0408	3,494.40	3,667.74	3,851.47	4,043.87	4,246.67
0409	3,581.07	3,759.60	3,948.54	4,144.40	4,352.40
0410	3,671.20	3,853.20	4,047.34	4,248.40	4,461.60
0411	3,761.34	3,950.27	4,147.87	4,355.87	4,572.54
0412	3,856.67	4,049.07	4,251.87	4,463.34	4,686.94
0413	3,952.00	4,149.60	4,357.60	4,576.00	4,804.80
0414	4,050.80	4,253.60	4,466.80	4,690.40	4,924.40
0415	4,153.07	4,361.07	4,577.74	4,806.54	5,047.47
0416	4,257.07	4,468.54	4,692.14	4,927.87	5,174.00
0417	4,362.80	4,581.20	4,810.00	5,050.94	5,302.27
0418	4,472.00	4,695.60	4,929.60	5,175.74	5,435.74
0419	4,582.94	4,813.47	5,052.67	5,305.74	5,570.94
0420	4,699.07	4,933.07	5,179.20	5,439.20	5,711.34
0421	4,815.20	5,056.14	5,309.20	5,574.40	5,853.47
0422	4,936.54	5,182.67	5,442.67	5,713.07	5,999.07
0423	5,059.60	5,312.67	5,577.87	5,856.94	6,149.87
0424	5,186.14	5,444.40	5,716.54	6,002.54	6,302.40
0425	5,316.14	5,581.34	5,860.40	6,153.34	6,460.14
0426	5,447.87	5,720.00	6,006.00	6,307.60	6,623.07
0427	5,584.80	5,863.87	6,156.80	6,465.34	6,787.74
0428	5,723.47	6,009.47	6,311.07	6,626.54	6,957.60
0429	5,867.34	6,160.27	6,468.80	6,791.20	7,130.94
0430	6,014.67	6,314.54	6,630.00	6,961.07	7,309.47
0431	6,163.74	6,472.27	6,796.40	7,136.14	7,493.20
0432	6,318.00	6,633.47	6,966.27	7,314.67	7,680.40
0433	6,475.74	6,799.87	7,139.60	7,496.67	7,871.07
0434	6,638.67	6,969.74	7,318.14	7,683.87	8,068.67
0435	6,803.34	7,144.80	7,501.87	7,876.27	8,269.74
0436	6,974.94	7,323.34	7,689.07	8,073.87	8,476.00
0437	7,148.27	7,505.34	7,881.47	8,274.94	8,689.20
0438	7,326.80	7,694.27	8,077.34	8,481.20	8,905.87
0439	7,510.54	7,884.94	8,280.14	8,694.40	9,127.74
0440	7,697.74	8,082.54	8,486.40	8,911.07	9,356.54
0441	7,890.14	8,285.34	8,699.60	9,134.67	9,590.54
0442	8,087.74	8,491.60	8,916.27	9,361.74	9,829.74
0443	8,290.54	8,704.80	9,139.87	9,595.74	10,075.87
0444	8,496.80	8,921.47	9,368.67	9,836.67	10,327.20
0445	8,710.00	9,145.07	9,602.67	10,082.80	10,585.47
0446	8,926.67	9,373.87	9,841.87	10,334.14	10,850.67

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0447	52.79	55.43	58.20	61.11	64.17
0448	54.11	56.82	59.66	62.64	65.77
0449	55.46	58.24	61.15	64.20	67.41
0450	56.85	59.69	62.68	65.81	69.10
0451	58.27	61.18	64.24	67.45	70.83
0452	59.73	62.71	65.85	69.14	72.60
0453	61.22	64.28	67.49	70.87	74.41
0454	62.75	65.89	69.18	72.64	76.27
0455	64.32	67.53	70.91	74.46	78.18
0456	65.93	69.22	72.68	76.32	80.13
0457	67.57	70.95	74.50	78.23	82.14
0458	69.26	72.73	76.36	80.18	84.19
0459	71.00	74.55	78.27	82.19	86.29
0460	72.77	76.41	80.23	84.24	88.45

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0447	4,223.20	4,434.40	4,656.00	4,888.80	5,133.60
0448	4,328.80	4,545.60	4,772.80	5,011.20	5,261.60
0449	4,436.80	4,659.20	4,892.00	5,136.00	5,392.80
0450	4,548.00	4,775.20	5,014.40	5,264.80	5,528.00
0451	4,661.60	4,894.40	5,139.20	5,396.00	5,666.40
0452	4,778.40	5,016.80	5,268.00	5,531.20	5,808.00
0453	4,897.60	5,142.40	5,399.20	5,669.60	5,952.80
0454	5,020.00	5,271.20	5,534.40	5,811.20	6,101.60
0455	5,145.60	5,402.40	5,672.80	5,956.80	6,254.40
0456	5,274.40	5,537.60	5,814.40	6,105.60	6,410.40
0457	5,405.60	5,676.00	5,960.00	6,258.40	6,571.20
0458	5,540.80	5,818.40	6,108.80	6,414.40	6,735.20
0459	5,680.00	5,964.00	6,261.60	6,575.20	6,903.20
0460	5,821.60	6,112.80	6,418.40	6,739.20	7,076.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0447	9,150.27	9,607.87	10,088.00	10,592.40	11,122.80
0448	9,379.07	9,848.80	10,341.07	10,857.60	11,400.14
0449	9,613.07	10,094.94	10,599.34	11,128.00	11,684.40
0450	9,854.00	10,346.27	10,864.54	11,407.07	11,977.34
0451	10,100.14	10,604.54	11,134.94	11,691.34	12,277.20
0452	10,353.20	10,869.74	11,414.00	11,984.27	12,584.00
0453	10,611.47	11,141.87	11,698.27	12,284.14	12,897.74
0454	10,876.67	11,420.94	11,991.20	12,590.94	13,220.14
0455	11,148.80	11,705.20	12,291.07	12,906.40	13,551.20
0456	11,427.87	11,998.14	12,597.87	13,228.80	13,889.20
0457	11,712.14	12,298.00	12,913.34	13,559.87	14,237.60
0458	12,005.07	12,606.54	13,235.74	13,897.87	14,592.94
0459	12,306.67	12,922.00	13,566.80	14,246.27	14,956.94
0460	12,613.47	13,244.40	13,906.54	14,601.60	15,331.34

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0403	18.35	19.27	20.24	21.25	22.31	23.42
0404	18.81	19.75	20.74	21.78	22.87	24.01
0405	19.28	20.25	21.26	22.32	23.44	24.61
0406	19.77	20.75	21.79	22.88	24.02	25.23
0407	20.26	21.27	22.34	23.45	24.63	25.86
0408	20.77	21.80	22.89	24.04	25.24	26.50
0409	21.29	22.35	23.47	24.64	25.87	27.16
0410	21.82	22.91	24.05	25.26	26.52	27.84
0411	22.36	23.48	24.65	25.89	27.18	28.54
0412	22.92	24.07	25.27	26.53	27.86	29.25
0413	23.49	24.67	25.90	27.20	28.56	29.98
0414	24.08	25.29	26.55	27.88	29.27	30.73
0415	24.68	25.92	27.21	28.57	30.00	31.50
0416	25.30	26.57	27.89	29.29	30.75	32.29
0417	25.93	27.23	28.59	30.02	31.52	33.10
0418	26.58	27.91	29.31	30.77	32.31	33.92
0419	27.25	28.61	30.04	31.54	33.12	34.77
0420	27.93	29.32	30.79	32.33	33.94	35.64
0421	28.62	30.06	31.56	33.14	34.79	36.53
0422	29.34	30.81	32.35	33.96	35.66	37.45
0423	30.07	31.58	33.16	34.81	36.55	38.38
0424	30.83	32.37	33.98	35.68	37.47	39.34
0425	31.60	33.18	34.83	36.58	38.40	40.32
0426	32.39	34.00	35.70	37.49	39.36	41.33
0427	33.20	34.85	36.60	38.43	40.35	42.36
0428	34.02	35.73	37.51	39.39	41.36	43.42
0429	34.88	36.62	38.45	40.37	42.39	44.51
0430	35.75	37.53	39.41	41.38	43.45	45.62
0431	36.64	38.47	40.40	42.42	44.54	46.76
0432	37.56	39.43	41.41	43.48	45.65	47.93
0433	38.50	40.42	42.44	44.56	46.79	49.13
0434	39.46	41.43	43.50	45.68	47.96	50.36
0435	40.44	42.47	44.59	46.82	49.16	51.62
0436	41.45	43.53	45.70	47.99	50.39	52.91
0437	42.49	44.62	46.85	49.19	51.65	54.23
0438	43.55	45.73	48.02	50.42	52.94	55.58
0439	44.64	46.87	49.22	51.68	54.26	56.97
0440	45.76	48.05	50.45	52.97	55.62	58.40
0441	46.90	49.25	51.71	54.29	57.01	59.86
0442	48.07	50.48	53.00	55.65	58.43	61.35
0443	49.28	51.74	54.33	57.04	59.89	62.89
0444	50.51	53.03	55.68	58.47	61.39	64.46
0445	51.77	54.36	57.08	59.93	62.93	66.07
0446	53.06	55.72	58.50	61.43	64.50	67.72
0447	54.39	57.11	59.97	62.96	66.11	69.42
0448	55.75	58.54	61.46	64.54	67.76	71.15
0449	57.14	60.00	63.00	66.15	69.46	72.93
0450	58.57	61.50	64.58	67.80	71.19	74.75
0451	60.04	63.04	66.19	69.50	72.97	76.62
0452	61.54	64.61	67.84	71.24	74.80	78.54
0453	63.08	66.23	69.54	73.02	76.67	80.50
0454	64.65	67.89	71.28	74.84	78.58	82.51

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0403	1,468.00	1,541.60	1,619.20	1,700.00	1,784.80	1,873.60
0404	1,504.80	1,580.00	1,659.20	1,742.40	1,829.60	1,920.80
0405	1,542.40	1,620.00	1,700.80	1,785.60	1,875.20	1,968.80
0406	1,581.60	1,660.00	1,743.20	1,830.40	1,921.60	2,018.40
0407	1,620.80	1,701.60	1,787.20	1,876.00	1,970.40	2,068.80
0408	1,661.60	1,744.00	1,831.20	1,923.20	2,019.20	2,120.00
0409	1,703.20	1,788.00	1,877.60	1,971.20	2,069.60	2,172.80
0410	1,745.60	1,832.80	1,924.00	2,020.80	2,121.60	2,227.20
0411	1,788.80	1,878.40	1,972.00	2,071.20	2,174.40	2,283.20
0412	1,833.60	1,925.60	2,021.60	2,122.40	2,228.80	2,340.00
0413	1,879.20	1,973.60	2,072.00	2,176.00	2,284.80	2,398.40
0414	1,926.40	2,023.20	2,124.00	2,230.40	2,341.60	2,458.40
0415	1,974.40	2,073.60	2,176.80	2,285.60	2,400.00	2,520.00
0416	2,024.00	2,125.60	2,231.20	2,343.20	2,460.00	2,583.20
0417	2,074.40	2,178.40	2,287.20	2,401.60	2,521.60	2,648.00
0418	2,126.40	2,232.80	2,344.80	2,461.60	2,584.80	2,713.60
0419	2,180.00	2,288.80	2,403.20	2,523.20	2,649.60	2,781.60
0420	2,234.40	2,345.60	2,463.20	2,586.40	2,715.20	2,851.20
0421	2,289.60	2,404.80	2,524.80	2,651.20	2,783.20	2,922.40
0422	2,347.20	2,464.80	2,588.00	2,716.80	2,852.80	2,996.00
0423	2,405.60	2,526.40	2,652.80	2,784.80	2,924.00	3,070.40
0424	2,466.40	2,589.60	2,718.40	2,854.40	2,997.60	3,147.20
0425	2,528.00	2,654.40	2,786.40	2,926.40	3,072.00	3,225.60
0426	2,591.20	2,720.00	2,856.00	2,999.20	3,148.80	3,306.40
0427	2,656.00	2,788.00	2,928.00	3,074.40	3,228.00	3,388.80
0428	2,721.60	2,858.40	3,000.80	3,151.20	3,308.80	3,473.60
0429	2,790.40	2,929.60	3,076.00	3,229.60	3,391.20	3,560.80
0430	2,860.00	3,002.40	3,152.80	3,310.40	3,476.00	3,649.60
0431	2,931.20	3,077.60	3,232.00	3,393.60	3,563.20	3,740.80
0432	3,004.80	3,154.40	3,312.80	3,478.40	3,652.00	3,834.40
0433	3,080.00	3,233.60	3,395.20	3,564.80	3,743.20	3,930.40
0434	3,156.80	3,314.40	3,480.00	3,654.40	3,836.80	4,028.80
0435	3,235.20	3,397.60	3,567.20	3,745.60	3,932.80	4,129.60
0436	3,316.00	3,482.40	3,656.00	3,839.20	4,031.20	4,232.80
0437	3,399.20	3,569.60	3,748.00	3,935.20	4,132.00	4,338.40
0438	3,484.00	3,658.40	3,841.60	4,033.60	4,235.20	4,446.40
0439	3,571.20	3,749.60	3,937.60	4,134.40	4,340.80	4,557.60
0440	3,660.80	3,844.00	4,036.00	4,237.60	4,449.60	4,672.00
0441	3,752.00	3,940.00	4,136.80	4,343.20	4,560.80	4,788.80
0442	3,845.60	4,038.40	4,240.00	4,452.00	4,674.40	4,908.00
0443	3,942.40	4,139.20	4,346.40	4,563.20	4,791.20	5,031.20
0444	4,040.80	4,242.40	4,454.40	4,677.60	4,911.20	5,156.80
0445	4,141.60	4,348.80	4,566.40	4,794.40	5,034.40	5,285.60
0446	4,244.80	4,457.60	4,680.00	4,914.40	5,160.00	5,417.60
0447	4,351.20	4,568.80	4,797.60	5,036.80	5,288.80	5,553.60
0448	4,460.00	4,683.20	4,916.80	5,163.20	5,420.80	5,692.00
0449	4,571.20	4,800.00	5,040.00	5,292.00	5,556.80	5,834.40
0450	4,685.60	4,920.00	5,166.40	5,424.00	5,695.20	5,980.00
0451	4,803.20	5,043.20	5,295.20	5,560.00	5,837.60	6,129.60
0452	4,923.20	5,168.80	5,427.20	5,699.20	5,984.00	6,283.20
0453	5,046.40	5,298.40	5,563.20	5,841.60	6,133.60	6,440.00
0454	5,172.00	5,431.20	5,702.40	5,987.20	6,286.40	6,600.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0403	3,180.67	3,340.14	3,508.27	3,683.34	3,867.07	4,059.47
0404	3,260.40	3,423.34	3,594.94	3,775.20	3,964.14	4,161.74
0405	3,341.87	3,510.00	3,685.07	3,868.80	4,062.94	4,265.74
0406	3,426.80	3,596.67	3,776.94	3,965.87	4,163.47	4,373.20
0407	3,511.74	3,686.80	3,872.27	4,064.67	4,269.20	4,482.40
0408	3,600.14	3,778.67	3,967.60	4,166.94	4,374.94	4,593.34
0409	3,690.27	3,874.00	4,068.14	4,270.94	4,484.14	4,707.74
0410	3,782.14	3,971.07	4,168.67	4,378.40	4,596.80	4,825.60
0411	3,875.74	4,069.87	4,272.67	4,487.60	4,711.20	4,946.94
0412	3,972.80	4,172.14	4,380.14	4,598.54	4,829.07	5,070.00
0413	4,071.60	4,276.14	4,489.34	4,714.67	4,950.40	5,196.54
0414	4,173.87	4,383.60	4,602.00	4,832.54	5,073.47	5,326.54
0415	4,277.87	4,492.80	4,716.40	4,952.14	5,200.00	5,460.00
0416	4,385.34	4,605.47	4,834.27	5,076.94	5,330.00	5,596.94
0417	4,494.54	4,719.87	4,955.60	5,203.47	5,463.47	5,737.34
0418	4,607.20	4,837.74	5,080.40	5,333.47	5,600.40	5,879.47
0419	4,723.34	4,959.07	5,206.94	5,466.94	5,740.80	6,026.80
0420	4,841.20	5,082.14	5,336.94	5,603.87	5,882.94	6,177.60
0421	4,960.80	5,210.40	5,470.40	5,744.27	6,030.27	6,331.87
0422	5,085.60	5,340.40	5,607.34	5,886.40	6,181.07	6,491.34
0423	5,212.14	5,473.87	5,747.74	6,033.74	6,335.34	6,652.54
0424	5,343.87	5,610.80	5,889.87	6,184.54	6,494.80	6,818.94
0425	5,477.34	5,751.20	6,037.20	6,340.54	6,656.00	6,988.80
0426	5,614.27	5,893.34	6,188.00	6,498.27	6,822.40	7,163.87
0427	5,754.67	6,040.67	6,344.00	6,661.20	6,994.00	7,342.40
0428	5,896.80	6,193.20	6,501.74	6,827.60	7,169.07	7,526.14
0429	6,045.87	6,347.47	6,664.67	6,997.47	7,347.60	7,715.07
0430	6,196.67	6,505.20	6,831.07	7,172.54	7,531.34	7,907.47
0431	6,350.94	6,668.14	7,002.67	7,352.80	7,720.27	8,105.07
0432	6,510.40	6,834.54	7,177.74	7,536.54	7,912.67	8,307.87
0433	6,673.34	7,006.14	7,356.27	7,723.74	8,110.27	8,515.87
0434	6,839.74	7,181.20	7,540.00	7,917.87	8,313.07	8,729.07
0435	7,009.60	7,361.47	7,728.94	8,115.47	8,521.07	8,947.47
0436	7,184.67	7,545.20	7,921.34	8,318.27	8,734.27	9,171.07
0437	7,364.94	7,734.14	8,120.67	8,526.27	8,952.67	9,399.87
0438	7,548.67	7,926.54	8,323.47	8,739.47	9,176.27	9,633.87
0439	7,737.60	8,124.14	8,531.47	8,957.87	9,405.07	9,874.80
0440	7,931.74	8,328.67	8,744.67	9,181.47	9,640.80	10,122.67
0441	8,129.34	8,536.67	8,963.07	9,410.27	9,881.74	10,375.74
0442	8,332.14	8,749.87	9,186.67	9,646.00	10,127.87	10,634.00
0443	8,541.87	8,968.27	9,417.20	9,886.94	10,380.94	10,900.94
0444	8,755.07	9,191.87	9,651.20	10,134.80	10,640.94	11,173.07
0445	8,973.47	9,422.40	9,893.87	10,387.87	10,907.87	11,452.14
0446	9,197.07	9,658.14	10,140.00	10,647.87	11,180.00	11,738.14
0447	9,427.60	9,899.07	10,394.80	10,913.07	11,459.07	12,032.80
0448	9,663.34	10,146.94	10,653.07	11,186.94	11,745.07	12,332.67
0449	9,904.27	10,400.00	10,920.00	11,466.00	12,039.74	12,641.20
0450	10,152.14	10,660.00	11,193.87	11,752.00	12,339.60	12,956.67
0451	10,406.94	10,926.94	11,472.94	12,046.67	12,648.14	13,280.80
0452	10,666.94	11,199.07	11,758.94	12,348.27	12,965.34	13,613.60
0453	10,933.87	11,479.87	12,053.60	12,656.80	13,289.47	13,953.34
0454	11,206.00	11,767.60	12,355.20	12,972.27	13,620.54	14,301.74

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0455	66.27	69.58	73.06	76.71	80.55	84.58
0456	67.93	71.32	74.89	78.63	82.56	86.69
0457	69.62	73.10	76.76	80.60	84.63	88.86
0458	71.36	74.93	78.68	82.61	86.74	91.08
0459	73.15	76.81	80.65	84.68	88.91	93.36
0460	74.98	78.73	82.66	86.79	91.13	95.69

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0455	5,301.60	5,566.40	5,844.80	6,136.80	6,444.00	6,766.40
0456	5,434.40	5,705.60	5,991.20	6,290.40	6,604.80	6,935.20
0457	5,569.60	5,848.00	6,140.80	6,448.00	6,770.40	7,108.80
0458	5,708.80	5,994.40	6,294.40	6,608.80	6,939.20	7,286.40
0459	5,852.00	6,144.80	6,452.00	6,774.40	7,112.80	7,468.80
0460	5,998.40	6,298.40	6,612.80	6,943.20	7,290.40	7,655.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0455	11,486.80	12,060.54	12,663.74	13,296.40	13,962.00	14,660.54
0456	11,774.54	12,362.14	12,980.94	13,629.20	14,310.40	15,026.27
0457	12,067.47	12,670.67	13,305.07	13,970.67	14,669.20	15,402.40
0458	12,369.07	12,987.87	13,637.87	14,319.07	15,034.94	15,787.20
0459	12,679.34	13,313.74	13,979.34	14,677.87	15,411.07	16,182.40
0460	12,996.54	13,646.54	14,327.74	15,043.60	15,795.87	16,586.27

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0403	18.91	19.86	20.85	21.90	22.99	24.14
0404	19.39	20.36	21.37	22.44	23.56	24.74
0405	19.87	20.87	21.91	23.00	24.15	25.36
0406	20.37	21.39	22.46	23.58	24.76	26.00
0407	20.88	21.92	23.02	24.17	25.38	26.64
0408	21.40	22.47	23.59	24.77	26.01	27.31
0409	21.93	23.03	24.18	25.39	26.66	27.99
0410	22.48	23.61	24.79	26.03	27.33	28.69
0411	23.04	24.20	25.41	26.68	28.01	29.41
0412	23.62	24.80	26.04	27.34	28.71	30.15
0413	24.21	25.42	26.69	28.03	29.43	30.90
0414	24.82	26.06	27.36	28.73	30.16	31.67
0415	25.44	26.71	28.04	29.45	30.92	32.46
0416	26.07	27.38	28.74	30.18	31.69	33.27
0417	26.72	28.06	29.46	30.94	32.48	34.11
0418	27.39	28.76	30.20	31.71	33.29	34.96
0419	28.08	29.48	30.95	32.50	34.13	35.83
0420	28.78	30.22	31.73	33.31	34.98	36.73
0421	29.50	30.97	32.52	34.15	35.85	37.65
0422	30.24	31.75	33.33	35.00	36.75	38.59
0423	30.99	32.54	34.17	35.88	37.67	39.55
0424	31.77	33.35	35.02	36.77	38.61	40.54
0425	32.56	34.19	35.90	37.69	39.58	41.55
0426	33.37	35.04	36.79	38.63	40.56	42.59
0427	34.21	35.92	37.71	39.60	41.58	43.66
0428	35.06	36.82	38.66	40.59	42.62	44.75
0429	35.94	37.74	39.62	41.60	43.68	45.87
0430	36.84	38.68	40.61	42.64	44.78	47.01
0431	37.76	39.65	41.63	43.71	45.89	48.19
0432	38.70	40.64	42.67	44.80	47.04	49.39
0433	39.67	41.65	43.74	45.92	48.22	50.63
0434	40.66	42.69	44.83	47.07	49.42	51.89
0435	41.68	43.76	45.95	48.25	50.66	53.19
0436	42.72	44.86	47.10	49.45	51.93	54.52
0437	43.79	45.98	48.28	50.69	53.22	55.88
0438	44.88	47.13	49.48	51.96	54.55	57.28
0439	46.00	48.30	50.72	53.25	55.92	58.71
0440	47.15	49.51	51.99	54.59	57.32	60.18
0441	48.33	50.75	53.29	55.95	58.75	61.69
0442	49.54	52.02	54.62	57.35	60.22	63.23
0443	50.78	53.32	55.98	58.78	61.72	64.81
0444	52.05	54.65	57.38	60.25	63.26	66.43
0445	53.35	56.02	58.82	61.76	64.85	68.09
0446	54.68	57.42	60.29	63.30	66.47	69.79
0447	56.05	58.85	61.80	64.88	68.13	71.53
0448	57.45	60.32	63.34	66.51	69.83	73.32
0449	58.89	61.83	64.92	68.17	71.58	75.16
0450	60.36	63.38	66.55	69.87	73.37	77.03
0451	61.87	64.96	68.21	71.62	75.20	78.96
0452	63.42	66.59	69.92	73.41	77.08	80.93
0453	65.00	68.25	71.66	75.25	79.01	82.96
0454	66.63	69.96	73.45	77.13	80.98	85.03

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0403	1,512.80	1,588.80	1,668.00	1,752.00	1,839.20	1,931.20
0404	1,551.20	1,628.80	1,709.60	1,795.20	1,884.80	1,979.20
0405	1,589.60	1,669.60	1,752.80	1,840.00	1,932.00	2,028.80
0406	1,629.60	1,711.20	1,796.80	1,886.40	1,980.80	2,080.00
0407	1,670.40	1,753.60	1,841.60	1,933.60	2,030.40	2,131.20
0408	1,712.00	1,797.60	1,887.20	1,981.60	2,080.80	2,184.80
0409	1,754.40	1,842.40	1,934.40	2,031.20	2,132.80	2,239.20
0410	1,798.40	1,888.80	1,983.20	2,082.40	2,186.40	2,295.20
0411	1,843.20	1,936.00	2,032.80	2,134.40	2,240.80	2,352.80
0412	1,889.60	1,984.00	2,083.20	2,187.20	2,296.80	2,412.00
0413	1,936.80	2,033.60	2,135.20	2,242.40	2,354.40	2,472.00
0414	1,985.60	2,084.80	2,188.80	2,298.40	2,412.80	2,533.60
0415	2,035.20	2,136.80	2,243.20	2,356.00	2,473.60	2,596.80
0416	2,085.60	2,190.40	2,299.20	2,414.40	2,535.20	2,661.60
0417	2,137.60	2,244.80	2,356.80	2,475.20	2,598.40	2,728.80
0418	2,191.20	2,300.80	2,416.00	2,536.80	2,663.20	2,796.80
0419	2,246.40	2,358.40	2,476.00	2,600.00	2,730.40	2,866.40
0420	2,302.40	2,417.60	2,538.40	2,664.80	2,798.40	2,938.40
0421	2,360.00	2,477.60	2,601.60	2,732.00	2,868.00	3,012.00
0422	2,419.20	2,540.00	2,666.40	2,800.00	2,940.00	3,087.20
0423	2,479.20	2,603.20	2,733.60	2,870.40	3,013.60	3,164.00
0424	2,541.60	2,668.00	2,801.60	2,941.60	3,088.80	3,243.20
0425	2,604.80	2,735.20	2,872.00	3,015.20	3,166.40	3,324.00
0426	2,669.60	2,803.20	2,943.20	3,090.40	3,244.80	3,407.20
0427	2,736.80	2,873.60	3,016.80	3,168.00	3,326.40	3,492.80
0428	2,804.80	2,945.60	3,092.80	3,247.20	3,409.60	3,580.00
0429	2,875.20	3,019.20	3,169.60	3,328.00	3,494.40	3,669.60
0430	2,947.20	3,094.40	3,248.80	3,411.20	3,582.40	3,760.80
0431	3,020.80	3,172.00	3,330.40	3,496.80	3,671.20	3,855.20
0432	3,096.00	3,251.20	3,413.60	3,584.00	3,763.20	3,951.20
0433	3,173.60	3,332.00	3,499.20	3,673.60	3,857.60	4,050.40
0434	3,252.80	3,415.20	3,586.40	3,765.60	3,953.60	4,151.20
0435	3,334.40	3,500.80	3,676.00	3,860.00	4,052.80	4,255.20
0436	3,417.60	3,588.80	3,768.00	3,956.00	4,154.40	4,361.60
0437	3,503.20	3,678.40	3,862.40	4,055.20	4,257.60	4,470.40
0438	3,590.40	3,770.40	3,958.40	4,156.80	4,364.00	4,582.40
0439	3,680.00	3,864.00	4,057.60	4,260.00	4,473.60	4,696.80
0440	3,772.00	3,960.80	4,159.20	4,367.20	4,585.60	4,814.40
0441	3,866.40	4,060.00	4,263.20	4,476.00	4,700.00	4,935.20
0442	3,963.20	4,161.60	4,369.60	4,588.00	4,817.60	5,058.40
0443	4,062.40	4,265.60	4,478.40	4,702.40	4,937.60	5,184.80
0444	4,164.00	4,372.00	4,590.40	4,820.00	5,060.80	5,314.40
0445	4,268.00	4,481.60	4,705.60	4,940.80	5,188.00	5,447.20
0446	4,374.40	4,593.60	4,823.20	5,064.00	5,317.60	5,583.20
0447	4,484.00	4,708.00	4,944.00	5,190.40	5,450.40	5,722.40
0448	4,596.00	4,825.60	5,067.20	5,320.80	5,586.40	5,865.60
0449	4,711.20	4,946.40	5,193.60	5,453.60	5,726.40	6,012.80
0450	4,828.80	5,070.40	5,324.00	5,589.60	5,869.60	6,162.40
0451	4,949.60	5,196.80	5,456.80	5,729.60	6,016.00	6,316.80
0452	5,073.60	5,327.20	5,593.60	5,872.80	6,166.40	6,474.40
0453	5,200.00	5,460.00	5,732.80	6,020.00	6,320.80	6,636.80
0454	5,330.40	5,596.80	5,876.00	6,170.40	6,478.40	6,802.40

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0403	3,277.74	3,442.40	3,614.00	3,796.00	3,984.94	4,184.27
0404	3,360.94	3,529.07	3,704.14	3,889.60	4,083.74	4,288.27
0405	3,444.14	3,617.47	3,797.74	3,986.67	4,186.00	4,395.74
0406	3,530.80	3,707.60	3,893.07	4,087.20	4,291.74	4,506.67
0407	3,619.20	3,799.47	3,990.14	4,189.47	4,399.20	4,617.60
0408	3,709.34	3,894.80	4,088.94	4,293.47	4,508.40	4,733.74
0409	3,801.20	3,991.87	4,191.20	4,400.94	4,621.07	4,851.60
0410	3,896.54	4,092.40	4,296.94	4,511.87	4,737.20	4,972.94
0411	3,993.60	4,194.67	4,404.40	4,624.54	4,855.07	5,097.74
0412	4,094.14	4,298.67	4,513.60	4,738.94	4,976.40	5,226.00
0413	4,196.40	4,406.14	4,626.27	4,858.54	5,101.20	5,356.00
0414	4,302.14	4,517.07	4,742.40	4,979.87	5,227.74	5,489.47
0415	4,409.60	4,629.74	4,860.27	5,104.67	5,359.47	5,626.40
0416	4,518.80	4,745.87	4,981.60	5,231.20	5,492.94	5,766.80
0417	4,631.47	4,863.74	5,106.40	5,362.94	5,629.87	5,912.40
0418	4,747.60	4,985.07	5,234.67	5,496.40	5,770.27	6,059.74
0419	4,867.20	5,109.87	5,364.67	5,633.34	5,915.87	6,210.54
0420	4,988.54	5,238.14	5,499.87	5,773.74	6,063.20	6,366.54
0421	5,113.34	5,368.14	5,636.80	5,919.34	6,214.00	6,526.00
0422	5,241.60	5,503.34	5,777.20	6,066.67	6,370.00	6,688.94
0423	5,371.60	5,640.27	5,922.80	6,219.20	6,529.47	6,855.34
0424	5,506.80	5,780.67	6,070.14	6,373.47	6,692.40	7,026.94
0425	5,643.74	5,926.27	6,222.67	6,532.94	6,860.54	7,202.00
0426	5,784.14	6,073.60	6,376.94	6,695.87	7,030.40	7,382.27
0427	5,929.74	6,226.14	6,536.40	6,864.00	7,207.20	7,567.74
0428	6,077.07	6,382.14	6,701.07	7,035.60	7,387.47	7,756.67
0429	6,229.60	6,541.60	6,867.47	7,210.67	7,571.20	7,950.80
0430	6,385.60	6,704.54	7,039.07	7,390.94	7,761.87	8,148.40
0431	6,545.07	6,872.67	7,215.87	7,576.40	7,954.27	8,352.94
0432	6,708.00	7,044.27	7,396.14	7,765.34	8,153.60	8,560.94
0433	6,876.14	7,219.34	7,581.60	7,959.47	8,358.14	8,775.87
0434	7,047.74	7,399.60	7,770.54	8,158.80	8,566.14	8,994.27
0435	7,224.54	7,585.07	7,964.67	8,363.34	8,781.07	9,219.60
0436	7,404.80	7,775.74	8,164.00	8,571.34	9,001.20	9,450.14
0437	7,590.27	7,969.87	8,368.54	8,786.27	9,224.80	9,685.87
0438	7,779.20	8,169.20	8,576.54	9,006.40	9,455.34	9,928.54
0439	7,973.34	8,372.00	8,791.47	9,230.00	9,692.80	10,176.40
0440	8,172.67	8,581.74	9,011.60	9,462.27	9,935.47	10,431.20
0441	8,377.20	8,796.67	9,236.94	9,698.00	10,183.34	10,692.94
0442	8,586.94	9,016.80	9,467.47	9,940.67	10,438.14	10,959.87
0443	8,801.87	9,242.14	9,703.20	10,188.54	10,698.14	11,233.74
0444	9,022.00	9,472.67	9,945.87	10,443.34	10,965.07	11,514.54
0445	9,247.34	9,710.14	10,195.47	10,705.07	11,240.67	11,802.27
0446	9,477.87	9,952.80	10,450.27	10,972.00	11,521.47	12,096.94
0447	9,715.34	10,200.67	10,712.00	11,245.87	11,809.20	12,398.54
0448	9,958.00	10,455.47	10,978.94	11,528.40	12,103.87	12,708.80
0449	10,207.60	10,717.20	11,252.80	11,816.14	12,407.20	13,027.74
0450	10,462.40	10,985.87	11,535.34	12,110.80	12,717.47	13,351.87
0451	10,724.14	11,259.74	11,823.07	12,414.14	13,034.67	13,686.40
0452	10,992.80	11,542.27	12,119.47	12,724.40	13,360.54	14,027.87
0453	11,266.67	11,830.00	12,421.07	13,043.34	13,695.07	14,379.74
0454	11,549.20	12,126.40	12,731.34	13,369.20	14,036.54	14,738.54

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0455	68.29	71.71	75.29	79.05	83.01	87.16
0456	70.00	73.50	77.17	81.03	85.08	89.34
0457	71.75	75.34	79.10	83.06	87.21	91.57
0458	73.54	77.22	81.08	85.13	89.39	93.86
0459	75.38	79.15	83.11	87.26	91.62	96.20
0460	77.26	81.13	85.18	89.44	93.91	98.61

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0455	5,463.20	5,736.80	6,023.20	6,324.00	6,640.80	6,972.80
0456	5,600.00	5,880.00	6,173.60	6,482.40	6,806.40	7,147.20
0457	5,740.00	6,027.20	6,328.00	6,644.80	6,976.80	7,325.60
0458	5,883.20	6,177.60	6,486.40	6,810.40	7,151.20	7,508.80
0459	6,030.40	6,332.00	6,648.80	6,980.80	7,329.60	7,696.00
0460	6,180.80	6,490.40	6,814.40	7,155.20	7,512.80	7,888.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MCMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0455	11,836.94	12,429.74	13,050.27	13,702.00	14,388.40	15,107.74
0456	12,133.34	12,740.00	13,376.14	14,045.20	14,747.20	15,485.60
0457	12,436.67	13,058.94	13,710.67	14,397.07	15,116.40	15,872.14
0458	12,746.94	13,384.80	14,053.87	14,755.87	15,494.27	16,269.07
0459	13,065.87	13,719.34	14,405.74	15,125.07	15,880.80	16,674.67
0460	13,391.74	14,062.54	14,764.54	15,502.94	16,277.74	17,092.40

City of Modesto Package Proposal for MCMA

May 22, 2023

The parties agree that a total tentative agreement for a successor Memorandum of Understanding (MOU) has been reached on the below items. This total tentative agreement is contingent upon ratification by the bargaining unit and approval by the City Council. All items in the current MOU not identified in this total tentative agreement shall remain the same.

There shall be no retroactivity for any proposed enhancement in this total tentative agreement. The effective date of any proposed enhancement in this total tentative agreement shall be the date identified in the tentative agreement, or the date the City Council approves the enhancement in a successor MOU, whichever is later. Accordingly, to the extent this total tentative agreement identifies a date that is prior to the Council's approval of a successor MOU, those dates shall be revised to the effective date of the successor MOU.

Summary

1) Wages
   a) June 20, 2023, 4% base wage increase
   b) June 18, 2024, 3% base wage increase
   c) July 1, 2025, 3% base wage increase and add Step F,
   d) June 30, 2026, 3% base wage increase
2) Market Equity - Enhancement
   a) As listed in Exhibit X
      i. Installment 1 effective June 20, 2023
      ii. Installment 2 effective June 18, 2024
3) Article 11. Approved Work Schedules
   a) Add 4/11 schedule for Police Department employees based on current practice: Option for employees whose reporting employees are assigned this shift. (currently includes Police Civilian Supervisor)
4) Article 14. Overtime for Non-Exempt Employees
   a) Meal Allowance – Enhancement
      i. Increase $2.00 from $12.50 to $14.50
5) Holidays – Enhancement
   a) Adding Juneteenth and Cesar Chavez Day
6) Education Incentive – Enhancement
   a) BA/BS 2.5% and MA/MS 5%
   b) Eliminate waiting period
7) Longevity Incentive - New
   a) 2.5% at 10 years of service
8) Pay Differentials - New

a) Provide Driver Trainer, Driver Examiner and DMV Administrator Incentive equal to Notary
b) Increase Notary, Driver Trainer, Driver Examiner and DMV Administrator Incentive to $55 per pay period effective 7/1/25

9) Safety Footwear – Enhancement
   a) Increase $20 to $220 annually

10) Uniform allowance - Enhancement
   a) Increase Uniform allowance for Police Support Specialist II (Confidential) and Police Civilian Supervisor $68 to $92 monthly.
   b) Increase Uniform allowance for Animal Control Supervisors from $95.66 to $120 monthly.
   c) Add Uniform allowance for Police Civilian Manager of $92 monthly.
   d) Increase Uniform allowance for Deputy Fire Marshal from $105 to $125 monthly.

11) Cafeteria Plan – Enhancement
   a) Increase to City contribution per pay period (for 24 periods) as described below

	January 1, 2024	January 1, 2025	January 1, 2026	January 1, 2027
Single	$345	$359	$374	$389
Employee + 1	$690	$718	$747	$777
Family	$975	$1,014	$1,055	$1,097

12) Retiree Health Savings – Enhancement
   a) Additional $5 per pay period (for 24 periods) in each year of the contract

13) New Article: Fatigue Time consistent with MCEA

14) New Article: Declared emergency pay
   a) Daily Stipend for working during declared emergencies
   b) Only applicable when City is reimbursed for such stipend

15) New Article: Leave Bank Purchase Option of 48 hours

16) Language Clean Up to be agreed to by the parties, including but not limited to discussions on the following:
   a) Teleworking practices (language to be developed later)
   b) Personnel policies regarding compensation philosophy and internal relationships (language to be developed later)
   c) Call duty (language to be developed later)
   d) Clarify language that protected sick leave cannot be counted against wellness benefit earnings (language to be developed later)

e) Sick Leave and all leaves to be clarified in Citywide leave policy (language to be developed later)

   i. Allow use by one (1) week increment for all City of Modesto employees

LANGUAGE

ARTICLE 1. TERM

A. Term: The term of this MOU shall commence at 12:01 a.m. on July 1, 2023~~19~~, and this MOU shall expire and otherwise be fully terminated at 12:00 a.m. (midnight) of June 30, 2027~~3~~. Unless otherwise provided for in the MOU, its terms shall not become effective until the MOU is ratified by MCMA membership and adopted by the City Council in accordance with the Brown Act.

ARTICLE 5. SALARY RATES AND STEP ADVANCEMENTS

A. Salary Rates and Ranges: The classification titles for positions in this unit, with the corresponding salary range code, are listed in **Exhibits 1 through 3** (Classifications and Salary Ranges).

1) Effective ~~November 26, 2019~~June 20, 2023, employees will receive a ~~2~~4.0% salary increase, as provided in **Exhibit 4.**
2) Effective ~~June 23, 2020~~June 18, 2024, employees will receive an additional ~~2~~3.0% salary increase, as provided in **Exhibit 5**.
3) Effective ~~June 22, 2021~~July 1, 2025, employees will receive an additional ~~2~~3.0% salary increase, as provided in **Exhibit 6.**
4) Effective ~~June 21, 2022~~June 30, 2026 employees will receive an additional ~~2~~3.0% salary increase, as provided in **Exhibit 7**.
5) Classifications, Job Titles and Salary Ranges may be amended from time to time by Resolutions adopted by the City Council.

B. Labor Market Adjustments: In addition to the salary increases described in subsection (A) of this Article, the salary range for each of the benchmark classes listed in **Exhibit ~~6~~X**, along with any related classes, shall increase in accordance with the schedule set forth in **Exhibit 8**. The effective date for the "Year 1 Adjustment" will be June 20, 2023. The effective date for the "Year 2 Adjustment" will be June 18, 2024.

In accordance with California Government Code Section 3500 et al., classification titles and ranges may be amended from time to time by Resolution adopted by the City Council.

D. Initial Step Placement: Each salary range shall consist of five (5) steps, A through E, at (5%) increments. Progression through the steps shall be based upon both length of service and job performance.

1. Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the Department Director. In cases of exceptional performance, employees hired at higher than Step A may be considered for their first step increase after thirteen (13) pay periods.

2. Employees hired at Step A, shall be considered for a step increase upon completion of thirteen (13) pay periods. An overall "Meets Expectations" rating

will result in a one-step (5%) increase. Consideration for subsequent step increases shall be at intervals of twenty-six (26) pay periods until Step E is attained.

3. Employees hired at other than Step A shall normally be considered for a step increase upon completion of twenty-six (26) pay periods, and consideration for subsequent step increases shall be at intervals of twenty-six (26) pay periods until Step E is attained.

Effective July 1, 2025 each salary range shall consist of six (6) steps, A through F, at (5%) increments. Progression through the steps shall be based upon both length of service and job performance. Effective July 1, 2025, employees who have been in Step E for 26 pay periods or more shall be placed into Step F.

1. Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the Department Director. In cases of exceptional performance, employees hired at higher than Step A may be considered for their first step increase after thirteen (13) pay periods.

2. Employees hired at Step A, shall be considered for a step increase upon completion of thirteen (13) pay periods. An overall "Meets Expectations" rating will result in a one-step (5%) increase. Consideration for subsequent step increases shall be at intervals of twenty-six (26) pay periods until Step F is attained.

~~1.~~3. Employees hired at other than Step A shall normally be considered for a step increase upon completion of twenty-six (26) pay periods, and consideration for subsequent step increases shall be at intervals of twenty-six (26) pay periods until Step F is attained.

E. Accelerated Step Increase:
Accelerated step increases within the established salary range may be granted in addition to those above, upon approval of the City Manager.

F. Denial of Step Increase:
When a step increase is denied, there shall be no reconsideration until the employee's next scheduled performance evaluation in twenty-six (26) pay periods. There is no right of appeal to the withholding of a step increase, but the reasons for withholding the increase shall be given in writing to the employee. "Withholding of a step increase" is defined as denial of the five percent (5%) step increase. The employee may contest the withholding of the step increase, in writing, beginning with the rater's supervisor and ending with the Department Director. The decision of the Department Director shall be final.

G. Step Reduction:
Due to inferior work, lack of application, indifferent attitude or other legitimate reasons, a non-exempt employee's step may be reduced to a lower step. For exempt employees, performance deficiencies may be cause for any FLSA-compliant action, in accordance with applicable law. There is no right of appeal under ARTICLE 43. (DISCIPLINARY

APPEALS) due to the lowering of steps, but the reasons for reduction shall be given in writing to the employee. An employee may contest the lowering of a step through the process in ARTICLE 41. (GRIEVANCE PROCEDURE).

All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

ARTICLE 11. APPROVED WORK SCHEDULES

A. The CITY has the right to implement work schedules, other than the traditional 5/2 schedule, to meet the needs of the organization and the individual departments. Prior to implementation of an alternate schedule, the CITY shall meet and confer with MCMA on the impacts of the alternate schedule. Work schedules currently authorized are described below.

B. Nine-eighty (9/80) and Four-ten (4/10) Work Schedules:
The nine-eighty (9/80) and four-ten (4/10) work schedules may be approved for classifications or positions that are overtime-eligible. These schedules may also be approved for 1) exempt first-line supervisory classifications when the CITY desires that the supervisor work the same schedule as his/her subordinates, and for 2) exempt professional or para-professional classifications where such work schedules will not interfere with the employee's ability to coordinate with other staff.

C. Modified Four-ten (4/10) Schedules:
This schedule may only be approved for exempt first-line supervisory classifications in the Police Department when the CITY desires that the supervisor work the same schedule as his/her subordinates.

D. Four-eleven (4/11) Schedules:
This schedule may only be approved for exempt first-line supervisory classifications in the Police Department when the CITY desires that the supervisor works the same schedule as his/her subordinates.

~~D.~~E. Exempt employees working alternate schedules will be expected to attend CITY meetings or attend to CITY business on their days off, should the need arise.

~~E.~~F. Positions or classifications not meeting the criteria designated in paragraphs B and C, above, are not eligible for these alternate work schedules, except that the City Manager, or designee, may authorize exceptions.

~~F.~~G. A Department Director may require implementation of these schedules for one, or more, eligible employees, based on the needs of the CITY. An employee in these eligible classifications or positions may also request one of these work schedules. Any request for one of these alternate work schedules must be justified and approved by the Department Director. An employee whose request for an alternate work schedule is denied will be provided with the rationale for that denial.

All approved requests will be forwarded to the Human Resources Department for processing. The nine-eighty (9/80) work schedule shall not be effective until Human Resources has officially changed the employee's workweek, as outlined in **Exhibit 9**, attached.

A Department Director may discontinue an alternate work schedule for one, or more, employees after written notification to each employee and after the Human Resources Department has processed this change, including officially changing the employee's workweek, if needed.

ARTICLE 14. OVERTIME FOR NON-EXEMPT EMPLOYEES

A. Policy. It is the policy of the CITY to discourage overtime except when necessitated by abnormal or unanticipated workload situations. It is the responsibility of Department Directors to arrange for the accomplishment of workload under their jurisdiction within the normal tour of duty of employees. Each department shall keep complete and accurate records of all overtime earned in every pay period. The CITY has the right to require each employee to work overtime as necessary. To the extent possible and in the sole discretion of the Department Director, overtime will be distributed equitably among qualified employees within the department.

B. Definition. Overtime is defined as hours actually worked in excess of forty (40) hours in a workweek. Paid leave shall be considered as time actually worked for purposes of computing overtime. Overtime shall not affect leave accruals.

C. Overtime Compensation. Any employee authorized by the Department Director or authorized representative to work overtime shall be compensated at premium rates, i.e. one and one-half (1½) times the employee's regular hourly rate of pay. Upon an employee's request, overtime may be compensated as compensatory time off (CTO). CTO shall be credited at time and one-half. Overtime and CTO shall be recorded and used on a tenth (0.10) of an hour basis.

Each employee will be paid, as part of the last paycheck received in September, December, March and June for all compensatory time over one hundred and sixty (160) hours. For employees hired on, or after, October 4, 2005, quarterly payment shall be for all hours over one hundred (100). The Payroll calculation for the Cashout made for these months is based on the CTO hours from the prior pay check (before the last pay check for these months).

Employees may request payment of compensatory time to be included as part of a regular paycheck so long as the request is for at least twenty (20) hours and sufficient notice, as determined by the Finance Director, is provided. Compensating time off may be taken at the request of the employee and with the approval of the Department Director or designee, in accordance with FLSA regulations. Compensating time off will be taken in straight time hours.

Prior to the promotion, reclassification or change to FLSA exempt status of an employee, all compensating time off shall be taken or paid at the employee's then current regular rate of pay.

D. Wash Time. A Department Director, with the concurrence of the affected employee, may arrange for that employee to take such time off at straight time as is necessary to ensure that the employee's actual time worked does not exceed forty (40) hours within a given workweek.

Meal Allowance. An employee required to work unscheduled overtime for four (4) or more consecutive hours beyond the scheduled shift on emergency work, or for four (4) or more consecutive hours of work when on Standby or Call-Back, shall be compensated ~~twelve~~ fourteen dollars and fifty cents ($14~~2~~.50) for a meal allowance during any twenty-four (24) hour period and shall be entitled to a thirty (30) minutes unpaid meal period for every additional four (4) hours worked. Only one (1) ~~twelve~~fourteen-dollar and fifty cents ($14~~2~~.50) payment shall be made per ~~shift~~employee per 24-hour shift, unless the employee works four (4) or more consecutive hours, is released from duty, and must return for four (4) or more hours in the same ~~shift~~24 hour period.

ARTICLE 20. HOLIDAYS

A. Fixed Holidays. All employees in regular positions, except those employees assigned to a modified four-ten (4/10) schedule, shall be entitled to the following fixed holidays:

New Year's Day	Martin Luther King, Jr. Day
Presidents' Day	Cesar Chavez Day
Memorial Day	Independence Day
Juneteenth	Labor Day
Veterans' Day	Thanksgiving Day
Day after Thanksgiving Day	Christmas Day

The modified four-ten (4/10) schedule does not recognize fixed holidays. All holiday time for employees on this schedule shall be as defined in paragraph N, below.

B. Floating Holiday. Employees in regular positions shall be entitled to floating holiday time of eight (8) hours on a five-two (5/2) or nine (9) hours on a nine-eighty (9/80) schedule, and ten (10) hours on a four-ten (4/10) schedule, provided that the employee is on the payroll during the entire pay period in which such floating holiday time is to accrue. "Entire pay period" shall mean that an employee must have been hired prior to or at the start of the pay period and not have separated prior to the end of the pay period and was paid for at least one-half (1/2) of the scheduled hours. Floating holiday time shall be accrued during the pay period in which January 1 falls. Floating holiday time for employees on a modified four-ten (4/10) schedule is included in their eighty-eight (88) hours of holiday credit defined in paragraph N, below.

C. Floating holidays accrued shall be available for use the first day following the pay period in which they are accrued, and shall be scheduled with the approval of the Department Director or designee.

D. Employees in regular positions budgeted less than eighty (80) hours per period or job-shared positions shall receive fixed and floating holiday accruals on a pro-rata basis.

E. If a fixed holiday falls on an employee's regularly scheduled workday, the employee shall be entitled to a total of eight (8), nine (9) hours or ten (10) hours (a full work shift) of holiday time off depending on their current work schedule.

F. If a fixed holiday falls on a Saturday, the preceding Friday will be observed as the fixed holiday. If a fixed holiday falls on a Sunday, the succeeding Monday will be observed as the fixed holiday.

G. If a fixed holiday falls on an employee's regularly scheduled day off, the full time employee shall be entitled to a total of eight (8) hours of holiday compensatory time.

H. Non-exempt employees working on fixed holidays shall be compensated at time and one-half (1-1/2) for time actually worked, irrespective of hours actually worked in this workweek. In no event shall such an employee be compensated for working a fixed holiday in excess of one and one-half (1-1/2) times the employee's regular hourly rate of pay plus hour-for-hour holiday compensatory time, except as provided in ARTICLE 15. (CALL BACK).

I. Whenever an employee is directed to work on a fixed holiday, which falls on the employee's regularly scheduled work day, the employee shall accrue, on an hour-for-hour basis, up to a total of regularly scheduled hours (8 or 9 or 10 respectively) of holiday compensatory time.

J. Whenever an employee is directed to work on a fixed holiday which falls on a regular day off, the employee shall accrue on an hour-for-hour basis up to a total of eight (8) hours of holiday compensatory time irrespective of employee's normal work schedule.

K. Employees on leave without pay the last scheduled workday before and the first scheduled workday after a fixed holiday shall not receive holiday pay.

L. Holiday time may be accrued up to a maximum of forty (40) hours. When the employee reaches the forty (40) hour maximum, additional holiday time worked shall be compensated in cash at straight time rates. Upon termination or retirement, employees shall be compensated for any unused accrued holiday time at the then current regular hourly rate of pay.

M. Employees may request cash-out of up to forty (40) hours of their grandfathered holiday time annually, during the pay period in which November 1, falls. This cash-out is at the employee’s current regular hourly rate of pay.

N. Holidays for Modified four-ten (4/10) Schedules: The first pay period of January of each year, employees assigned to the modified four-ten (4/10) schedule shall be credited with eighty-eight (88) hours of accrued holiday time. Holiday leave shall be reduced by eighty-eight (88) hours as required by the modified four-ten (4/10) schedule, for a net of zero (0) hours. See **Exhibit 7**. Employees assigned to the modified four-ten (4/10) schedule are not entitled to any additional compensation when the holiday falls on their regular workday.

If an employee enters into or leaves the modified four-ten (4/10) schedule, the employee's holiday hours shall be adjusted to reflect the schedule change.

ARTICLE 26. PAY DIFFERENTIALS

A. Bilingual Leave. Each Department Director shall, on an annual basis, determine the number of bilingual employees that are needed for oral translation purposes within their department. For purposes of this Article, bilingual is defined as Spanish, Southeast Asian language(s) common to this area, sign language or other languages deemed desirable by the Department Director.

Annually in January, each department will provide to their employees a list of translation opportunities within the department. Employee participation in this effort is voluntary.

A review panel made up of three experts (as determined by the department) will assess the qualifications of employees wishing to participate. Two (2) of the three (3) panel members must agree that the person is capable of bilingual translation.

All employees who pass the review panel and are needed in this capacity by the department shall receive three (3) hours of Bilingual Leave Time per pay period. Employees must agree to use their bilingual skills at the direction of the department for a minimum of one (1) year from the time the compensation begins, unless an unusual hardship is presented by the employee.

Bilingual Leave Bank will share a cap with CTO, with 100 hours total between CTO and Bilingual Leave. When the cap is reached, Bilingual Leave shall be cashed out before CTO is cashed out. Outside of quarterly cash out schedule, employees may elect to cash out hours upon request.

If the Department Director identifies more opportunities for translation than there are employees certified, the Department and the Human Resources Department may establish a second notification for participants and a second review panel in July of that year.

An employee certified and receiving Bilingual Pay shall cease receiving the Bilingual Leave after they have been out of the workplace for three consecutive pay periods. The Bilingual Leave will not be granted beginning the first day of the following pay period. The Bilingual Leave will be resumed the first full pay period the employee returns to work.

The Department Director may choose to eliminate the Bilingual Leave if it is determined that the translation services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of bilingual translation than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

B. Educational Incentive. Employees who possess a Bachelor's Degree from an accredited institution shall be eligible for two- and one-half percent (2.5%) Educational Incentive Pay, subject to criteria established by the CITY. The maximum pay differential for employees who possess a bachelor's degree is 2.5% regardless of the number of degrees obtained. Employees who have completed one full year of service with the City, and who possess a Master's Degree or Juris Doctor from an accredited institution shall be eligible for two and one-halffive percent (2½5.0%) Educational Incentive Pay, subject to criteria established by the CITY.. The maximum pay differential for Educational Incentive is two and one-halffive percent (2½5.0%), regardless of the number of Degrees obtained.

B.C. Longevity Incentive Pay. Effective July 1, 2023, employees with ten (10) years of service with the City shall be eligible for two- and one-half percent (2.5%) Longevity Incentive Pay.

C.D. Notary Incentive Pay. Employees certified as notaries and assigned notary duties shall receive fifty dollars ($50) per pay period. An employee certified and receiving Notary Pay shall cease receiving the Notary Pay after they have been out of the workplace for two consecutive pay periods. The Notary Pay will not be granted beginning the first day of the following pay period. The Notary Pay will be resumed the first full pay period the employee returns to work.

The Department Director may choose to eliminate the Notary Pay if it is determined that the notary services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of notary services than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

Effective July 1, 2025, the Notary Incentive Pay will increase to fifty-five dollars ($55) per pay period.

E. Driver Trainer Incentive Pay. Effective July 1, 2023, employees registered as a Driver's Trainer under the Federal Motor Carrier Safety Administration's ELDT Training Provider Registry and assigned to provide Behind the Wheel or Theory training for employees to obtain/ renew their Commercial License shall receive fifty dollars ($50) per pay period. An employee receiving Driver Trainer Pay shall cease receiving Driver Trainer Pay after they have been out of the workplace for two consecutive pay periods. The Driver Trainer Pay will not be granted beginning the first day of the following pay period. The Driver Trainer Pay will be resumed the first full pay period the employee returns to work.

The Department may choose to eliminate the Driver Trainer Pay if it is determined that the Driver Training services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of Driver Training services than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

Effective July 1, 2025, the Driver Trainer Incentive Pay will increase to fifty-five dollars ($55) per pay period.

F. Driver Examiner Incentive Pay. Effective July 1, 2023, qualified employees assigned to conducting Behind the Wheel or Theory DMV Commercial License exams onsite for employees to obtain/ renew their Commercial License shall receive fifty dollars ($50) per pay period. An employee receiving Driver Examiner Pay shall cease receiving Driver Examiner Pay after they have been out of the workplace for two consecutive pay periods. The Driver Examiner Pay will not be granted beginning the first day of the following pay period. The Driver Examiner Pay will be resumed the first full pay period the employee returns to work.

The Department may choose to eliminate the Driver Examiner Pay if it is determined that the Driver Examiner services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of Driver Examiner services than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

Effective July 1, 2025, the Driver Examiner Incentive Pay will increase to fifty-five dollars ($55) per pay period.

G. DMV Administrator Incentive Pay. Effective July 1, 2023, employees assigned to DMV Commercial License administration for City employees to obtain/ renew their Commercial Driver's License shall receive fifty dollars ($50) per pay period. An employee receiving DMV Administrator Pay shall cease receiving DMV Administrator Pay after they have been out of the workplace for two consecutive pay periods. The DMV Administrator Pay will not be granted beginning the first day of the following pay period. The DMV Administrator Pay will be resumed the first full pay period the employee returns to work.

The Department may choose to eliminate the DMV Administrator Pay if it is determined that the DMV Administrator services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of DMV Administrator services than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

Effective July 1, 2025, the DMV Administrator Pay will increase to fifty-five dollars ($55) per pay period.

~~F.~~H. Shift Pay. All non-exempt employees and exempt employees in the following classifications whose regularly scheduled workday requires that they work four (4) hours or more in a shift, shall be paid shift differential at the following rates for shifts actually worked:

Police Civilian Supervisor

$6.00 per shift for any shift beginning on or after 12 noon up to 4:29 pm.
$8.00 per shift for any shift beginning on or after 4:30 pm.

If a regular shift requires an employee to work more than four (4) hours in both “swing” shift and “graveyard” shift as noted above, the employee shall receive seven dollars ($7.00) total per shift. If the employee is required to work more than four hours in both shifts as a result of paid overtime, the employee shall receive twelve dollars ($12.00) per shift.

ARTICLE 27. DRESS, GROOMING AND UNIFORMS

A. Dress and Grooming

Employees shall be required, while working, to be clean and neat in appearance and be able to wear all safety equipment in an effective manner. Employees shall not wear or place any items on their person that would in any way impair safety on the job.

B. Uniforms

Employees in the following classifications shall wear CITY-provided uniforms, as designated below. Employees in the optional categories who elect a CITY-provided uniform, must wear the uniform.

Uniform Shirts required and Uniform Pants optional:
Operations Supervisor
Custodian Supervisor
Associate Land Surveyor

Uniform Shirts and Uniform Pants optional:
Electrical Supervisor
Operations Supervisor (Utilities)
Utilities Plant Maintenance Supervisor

Coveralls and Jackets

Upon request, the City will provide at no cost to each employee in the following work areas and classifications one (1) coverall and one (1) safety jacket (reflective tape and high visibility color) per fiscal year for all employees assigned to the following departments:

Electrical Division
Parks Division
Streets Division
Urban Forestry Division
Water Division
Wastewater Division

Safety Shoes

Each department will designate employees in certain job assignments for which safety footwear is required and the CITY will pay each employee so designated an annual safety footwear allowance of two hundred twenty dollars ($220~~0~~) during the first pay period in July. Replacement shall occur on an as-needed basis as approved by the immediate supervisor. Safety-toed shoes must meet ANSI standards.

C. Uniform Allowances - Police Department

Employees in the classifications of Police Support Specialist II (Confidential), ~~and~~ Police Civilian Supervisor and Police Civilian Manager shall be required to wear a uniform and shall receive a uniform allowance of ~~sixty-eight~~ninety-two dollars ($92~~68~~) per month, paid monthly. Animal Control Supervisors shall be required to wear a uniform and shall receive a uniform allowance of ~~ninety-five~~one hundred twenty dollars ~~and sixty-six cents~~ ($120.00~~95.66~~) per month. For employees in the classifications of Administrative Office Assistant III (Confidential), Senior Administrative Office Assistant (Confidential) and Executive Assistant, the wearing of a uniform is optional. These employees shall only receive the uniform allowance, stated above, if they elect to wear a uniform.

D. Uniform Allowances – Fire Department
Employees in the classifications of Emergency Service Coordinator shall be required to wear a uniform and shall receive a uniform allowance of eighty-five dollars ($85) per month. Employees in the classifications of Deputy Fire Marshal shall be required to wear a uniform and shall receive a uniform allowance of one hundred twenty-five dollars ($125~~05~~) per month.

E. Working Group
Representatives of the City and MCMA agree to establish a working group to meet to discuss modifications to this provision with a goal of clarifying the classifications who are in need of uniforms/PPE and improving processes related to the issuance of uniforms and PPE. The City's representatives will include Department representatives from Public Works, Utilities, Human Resources, and Purchasing, and the Safety Officer.

ARTICLE 30. HEALTH, DENTAL, VISION INSURANCE

A. All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the health, dental and vision programs authorized by the CITY. The CITY agrees to make available the health, dental and vision benefits currently provided for employees represented by MCMA or any other program(s) mutually agreed upon by the parties.

B. Employees may opt out of participation in the CITY's medical health plan if the employee provides proof of alternate health coverage. This option may only be exercised during the CITY's open enrollment period or within thirty (30) days of a qualifying "life change" event as defined by the IRS. The employee shall continue to participate in the CITY dental and vision plans.

C. For new employees, eligibility for health, dental and vision insurance benefits shall start with the beginning of the payroll period following completion of two (2) full pay periods.

D. The CITY shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

E. Effective July 1, 2023, the City currently contributes the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$336.50
Employee + One	$602.00
Employee Plus Family	$850.50

F. Effective January 1, 2024~~0~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$~~317.00~~345.00
Employee + One	$~~567.00~~690.00
Employee Plus Family	$~~801.50~~975.00

G. Effective January 1, 2025~~1~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$~~323.50~~359.00
Employee + One	$~~578.50~~718.00
Employee Plus Family	$~~817.50~~1014.00

H. Effective January 1, 2026~~2~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$~~330.00~~374.00
Employee + One	$~~590.00~~747.00
Employee Plus Family	$~~834.00~~1,055.00

I. Effective January 1, 2027~~3~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$~~336.50~~389.00
Employee + One	$~~602.00~~777.00
Employee Plus Family	$~~850.50~~1,097.00

J. The City's contribution for employees with family coverage or employee plus one dependent coverage shall not exceed the actual premium amount for the lowest cost HMO (including dental and vision) offered by the CITY, regardless of the health plan selected by the employee or the contribution amounts listed above.

K. For employees enrolled in the City-sponsored High Deductible Health Plan, the City shall deposit any balance of the applicable above contribution not needed to pay for the employee's combined premiums, into the employee's Health Savings Account.

L. For employees who opt out of health coverage, the employee may elect to deposit to the employee's deferred compensation account an amount equal to the remaining balance of the above contributions, if any, not needed to pay for the combined dental and vision premium or have the amount paid in cash. Employees who are out of work on approved, unpaid leaves of absences as set forth in Article 23(A) and who were receiving this opt-out benefit at the time their approved leave of absence began will continue to receive this opt-out benefit while they are on such approved leave.

M. Employees in regular positions budgeted less than eighty (80) hours per pay period or in job shared positions, shall receive premium contributions on a pro-rated basis.

N. Except as otherwise required by law or this MOU, employees on leave without pay in excess of forty (40) hours in a pay period shall not receive a contribution from the CITY towards premium payment and coverage shall cease, unless the premium is paid by the employee. Employees on leave without pay who return to work shall have their health, dental and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.

O. The CITY shall continue an IRS Section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums, for dependent care costs and for unreimbursed medical expenses.

P. The CITY agrees to provide the benefits described in this Article subject to carrier requirements. Selection of the insurance provider(s) shall be within the sole discretion of the CITY.

Q. The CITY's health plan is January through December with open enrollment occurring during the month October and/or November.

ARTICLE 31. RETIREE HEALTH INSURANCE

A. ~~HRA~~ RHS Program: For all employees hired on or before December 31, 2010, the CITY shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retiree Health Savings~~Reimbursement Arrangement~~ (HSA~~RA~~) account. After an initial two year eligibility period is met, ~~T~~the CITY shall contribute $100~~25~~.00 per month for full time employees and a one time deposit of the amounts earned during the eligibility period shall be deposited to the employee's account.

~~For a full time employee, this equates to a maximum of $300 per year after the initial eligibility period is met.~~ Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

The defined City contribution shall be increase annually by $10 monthly up to a maximum contribution of $140 per month by January 2027 as follows:

1. Effective January 1, 2024, the City shall deposit $55 bi-weekly (based on 24 pay periods) into an employee's RHS account. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

2. Effective January 1, 2025, the City shall deposit $60 bi-weekly (based on 24 pay periods) into an employee's RHS account. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

3. Effective January 1, 2026, the City shall deposit $65 bi-weekly (based on 24 pay periods) into an employee's RHS account. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

~~1.~~4. Effective January 1, 2027, the City shall deposit $70 bi-weekly (based on 24 pay periods) into an employee's RHS account. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

~~The defined City contribution shall be a maximum contribution of $100 per month by January 2019.~~

~~A.~~B. Retiree Medical Program

1) Eligible employees hired on or before December 31, 2010 who retire from the City after January 31, 2015:

   a. The City will no longer offer retiree medical plans through City's group plans effective December 31, 2015; however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost.

   b. Employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution to purchase medical insurance.

   c. Funding/Eligibility of Retiree Medical Program/Sick Leave Conversion

d. For each eight hours converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient		Medicare Eligible Recipient	
Retiree Only	= $500	Retiree Only =	$250
Retiree +1 Dep =	$1,000	Retiree +1 Dep =	$500
Retiree + Family=	$1,000	Retiree + Family =	$500

Combined contributions for Retirees
1 Non-Medicare + 1 Medicare coverage = $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer).

Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent.

Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Savings Account ~~Reimbursement Arrangement~~ (RHS~~HRA~~) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows:

Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) and July 31st (for months July - December) until exhaustion of sick leave conversion.

To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year, however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Loss of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future.

If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is

eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death.

In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set forth in subparagraph ii(c)(3)(a) above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

2.) ~~Eligible Employees hired on or after January 1, 2011:~~

~~a. For employees hired on or after January 1, 2011, the CITY shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account, as described below:~~

~~1. Eligibility: Regular full time employees and employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions are eligible to receive a CITY HRA contribution, if they have completed two (2) full years of continuous City regular service. If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.~~

~~2. City Contribution:~~

~~a. Initial Contribution: On the first pay period following completion of two (2) full years of continuous City service, regular full time employees shall receive a lump sum contribution of $2,400 deposited into an HRA account established in their name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on their hours worked.~~

~~Regular City Contribution: After the initial contribution (defined above) is made, the CITY shall contribute for each eligible full time employee $100.00 per month. For a full time employee, this equates to a maximum of $1,200 per year after the initial eligibility~~

~~period is met. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.~~

~~b.~~e. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premium of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

1. Access to Account Balance:

   a. Participants may access the balance in their RHS~~HRA~~ account upon termination of employment and attainment of age 50 or retirement from CalPERS Retirement System, whichever is earlier.

   b. Participants may defer accessing the account balance to any time beyond the earliest date described in (a).

   c. Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan subject to the limitations and maximums as stipulated by law, however, federal regulations at this time does not permit the inclusion of expenses for domestic partners.

2. Survivors of Eligible Retirees with Account Balances:

   a. Spouses and eligible dependent children or dependent adults that are disabled may continue to access account balances after the death of the retiree subject to the limitations and maximums as stipulated by law.

   b. Domestic partners are not permitted access to the account balances of the participant at this time by virtue of restrictions in the federal regulations that govern these types of accounts.

3. Forfeiture of Account Balance:

   a. If an active employee dies prior to retirement, the amount of account balance is available to eligible spouses and dependents to reimburse them for medical expenses permitted under the applicable section of the Internal Revenue code.

   b. Account balances in part or in total for active participants or retirees without any eligible spouse or dependent or unused account balances after the death of the last eligible spouse or dependent will be forfeited and returned to all other active and retired participants in the form of a dividend allocated in direct proportion to the amount to

be distributed divided by the total account balance for all participants applied to each individual account balance.

4. This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

~~**ARTICLE 36. EDUCATIONAL AND TRAINING ALLOWANCES**~~

~~A. Management Training Allowance:~~
~~Employees with one or more years of service in a management classification may be eligible to receive a Management Training Allowance, subject to available funds and approval of the Director of Human Resources. Program criteria and funding are at the discretion of the CITY.~~

~~B. CITY payment of membership dues on behalf of employees who voluntarily elect to join professional associations shall be at the sole discretion of the department director, with consideration given to budget impacts and the benefits to the CITY.~~

~~**ARTICLE 37. ANNUAL PHYSICAL EXAMINATION**~~

~~Employees may utilize their own physician and seek reimbursement for out of pocket expenses not to exceed the CITY's cost for comparable services.~~

~~For those positions for which an annual physical is not required, employees may obtain an annual physical through their personal medical provider as required under the Affordable Care Act.~~

New Article: FATIGUED EMPLOYEES

(A) Policy. It is the policy of the City to ensure that an employee is not required to work such a significant number of hours that it might lead to extreme fatigue of that employee or place that employee in violation of any state or federal law governing employees possessing a commercial driver's license. Further, the City seeks to provide and maintain a safe working environment for each individual.

This Article applies only to employees assigned to a 5/2, 9/80, 12/80 or 4/10 work shift.

(B) Hours Worked for non-exempt eligible employees. An employee who is required to work more than four (4) hours overtime within a sixteen (16)-hour time period AND whose regularly scheduled work shift begins less than six (6) hours from the time the overtime ends, will be afforded a full eight (8)-hour rest period before returning to work.

As an example, Employee's regular shift ends at 11:00 p.m., and they are required to work five (5) hours of overtime and get off at 4:00 a.m. The employee's next scheduled shift begins at 6:00 a.m. Therefore, the employee is entitled to eight (8) hours of rest beginning at 4:00 a.m. Since the eight (8) hours extends into the regular

shift, the employee is entitled to six (6) hours of paid fatigue time from 6:00 a.m. to 12:00 p.m.

In the case of extraordinary circumstances (i.e., a natural disaster), a Department Director or a Deputy Director may authorize an employee to work longer without a rest period.

(C) Hours Worked for exempt employees. An employee who is required to work more than four (4) hours beyond their regular work shift, within a sixteen (16)-hour time period AND whose regularly scheduled work shift begins less than six (6) hours from the time the excess four hours ends, will be afforded a full eight (8)-hour rest period before returning to work.

As an example, Employee's regular shift ends at 11:00 p.m., and they are required to work five (5) hours additional to regular shift and get off at 4:00 a.m. The employee's next scheduled shift begins at 6:00 a.m. Therefore, the employee is entitled to eight (8) hours of rest beginning at 4:00 a.m. Since the eight (8) hours extends into the regular shift, the employee is entitled to six (6) hours of fatigue time and shall be deemed to be on duty from 6:00 a.m. to 12:00 p.m. and there shall be no loss of salary.

(D) Rest Period. If the eight (8)-hour rest period discussed in (B) and (C) above extends into the next regularly scheduled work shift, the employee will be absent from the workplace for a period of time totaling eight (8) hours. Any portion of the eight (8)-hour rest period that extends into the regularly scheduled work shift will be considered time worked.

(E) Additional Rest Period. If, following the eight (8)-hour rest period, the employee is still too fatigued to return to work, the employee may request additional time off to be charged to the employee's vacation, Holiday CTO, or CTO balance. This additional approved time off will not be recorded as an "unscheduled" leave.

New Article: DECLARED EMERGENCY PAY

In the event that the City receives reimbursement for a declared emergency and employees are scheduled to work outside of their regular duty hours or functions, the City will provide a daily stipend to employees in this bargaining unit for working during such emergencies. The daily stipend will only be applicable when declared emergency event provides for the City to be reimbursed for such stipend.

New Article: LEAVE BANK PURCHASE OPTION

1. The City and MCMA agree to allow employees of this bargaining unit to independently agree to a leave bank purchase option plan.

2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MCMA waiving any contractual rights by MCMA to enforce the Memorandum of Understanding.

3. Effective July 1, 2023 through June 30, 2027, employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours annually, during the pay period that contains July 1st. All members must exhaust the purchased leave bank no later than the pay period preceding the pay period that contains July 1st in the following year.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning the pay period that contains July 1st and ending after the 24th pay period following, during each year of the term of the MOU.

6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Exempt employees shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.

8. The City will continue to report each employee's full base pay rate to CalPERS. Fifty percent of employees' deductions are to be sent to CalPERS in the form of a discretionary UAL payment, the remaining 50% will be sent to the Section 115 Pension Trust. Record of the direct deposit to the UAL shall be provided with the other reports provided to MCMA on a per pay period basis.

Exhibit X: MCMA Market Adjustments

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Account Clerk I (Confidential)	5.0%	2.5%	2.5%
Account Clerk II (Confidential)	5.0%	2.5%	2.5%
Account Technician II (Confidential)	5.0%	2.5%	2.5%
Account Technician I (Confidential)	5.0%	2.5%	2.5%
Accounting Manager	2.5%	2.5%	No further adjustment
Administrative Analyst I	2.5%	2.5%	No further adjustment
Administrative Analyst II	2.5%	2.5%	No further adjustment
Administrative Services Officer	2.5%	2.5%	No further adjustment
Airport Manager	2.5%	2.5%	No further adjustment
Animal Control Supervisor	5.0%	2.5%	2.5%
Assistant Chief Building Official	2.5%	2.5%	No further adjustment
Assistant City Engineer	5.0%	2.5%	2.5%
Assistant Engineer	5.0%	2.5%	2.5%
Assistant Planner	5.0%	2.5%	2.5%
Assistant Surveyor	5.0%	2.5%	2.5%
Associate Civil/Traffic Engineer	5.0%	2.5%	2.5%
Associate Landscape Architect/Associate Architect	5.0%	2.5%	2.5%
Associate Planner	5.0%	2.5%	2.5%
Associate Engineer	5.0%	2.5%	2.5%
Associate Land Surveyor	5.0%	2.5%	2.5%
Building Inspection Supervisor	2.5%	2.5%	No further adjustment
Building Safety Program Coordinator	2.5%	2.5%	No further adjustment
Business Analyst	2.5%	2.5%	No further adjustment
Centre Plaza Manager	2.5%	2.5%	No further adjustment
Chief Building Official	2.5%	2.5%	No further adjustment
City Engineer	5.0%	2.5%	2.5%
Community Development Manager	10.0%	5.0%	5.0%
Compost Facility Supervisor	2.5%	2.5%	No further adjustment
Construction Inspection Supervisor	2.5%	2.5%	No further adjustment
Cultural Services Program Manager	2.5%	2.5%	No further adjustment

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Economic Development Manager	10.0%	5.0%	5.0%
Economic Development Marketing Specialist	2.5%	2.5%	No further adjustment
Electrical Supervisor	12.5%	7.5%	5.0%
Engineering Division Manager	5.0%	2.5%	2.5%
Facilities Manager	2.5%	2.5%	No further adjustment
Fleet Manager	2.5%	2.5%	No further adjustment
Financial Analyst I	2.5%	2.5%	No further adjustment
Financial Analyst II	2.5%	2.5%	No further adjustment
Financial Analyst III	2.5%	2.5%	No further adjustment
Information Technology Manager	5.0%	2.5%	2.5%
Information Technology Security Officer	5.0%	2.5%	2.5%
Integrated Waste Program Manager	2.5%	2.5%	No further adjustment
Junior Engineer	5.0%	2.5%	2.5%
Management Analyst	2.5%	2.5%	No further adjustment
Neighborhood Preservation Supervisor	2.5%	2.5%	No further adjustment
Operations Manager	2.5%	2.5%	No further adjustment
Operations Supervisor	2.5%	2.5%	No further adjustment
Parking Adjudication Program Coordinator	5.0%	2.5%	2.5%
Parking Services Supervisor	5.0%	2.5%	2.5%
Parks Planning and Development Manager	5.0%	2.5%	2.5%
Parks Recreation & Neighborhood Operations Manager	2.5%	2.5%	No further adjustment
Planning Manager	5.0%	2.5%	2.5%
Police Civilian Manager	2.5%	2.5%	No further adjustment
Police Civilian Supervisor	2.5%	2.5%	No further adjustment
Police Hiring Supervisor	2.5%	2.5%	No further adjustment
Police Support Specialist II (Confidential)	7.5%	5.0%	2.5%
Principal Information Technology Administrator	5.0%	2.5%	2.5%
Principal Planner	5.0%	2.5%	2.5%
Principal Systems Engineer	5.0%	2.5%	2.5%
Public Safety Business Services Analyst	2.5%	2.5%	No further adjustment

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Purchasing Manager	2.5%	2.5%	No further adjustment
Recycling Program Coordinator	2.5%	2.5%	No further adjustment
Revenue Collections and Compliance Manager	2.5%	2.5%	No further adjustment
Senior Business Analyst	2.5%	2.5%	No further adjustment
Senior Civil/Traffic Engineer	5.0%	2.5%	2.5%
Senior Community Development Program Specialist	2.5%	2.5%	No further adjustment
Senior Crime and Intelligence Analyst	5.0%	2.5%	2.5%
Senior Financial Analyst	2.5%	2.5%	No further adjustment
Senior Land Surveyor	5.0%	2.5%	2.5%
Senior Landscape Architect/Senior Architect	5.0%	2.5%	2.5%
Senior Planner	5.0%	2.5%	2.5%
Senior Software Analyst	5.0%	2.5%	2.5%
Senior Systems Engineer	5.0%	2.5%	2.5%
Senior Systems Technician	7.5%	2.5%	5.0%
Software Analyst I	5.0%	2.5%	2.5%
Software Analyst II	5.0%	2.5%	2.5%
Solid Waste Enforcement Supervisor	2.5%	2.5%	No further adjustment
Streets Manager	2.5%	2.5%	No further adjustment
Systems Engineer I	5.0%	2.5%	2.5%
Systems Engineer II	5.0%	2.5%	2.5%
Systems Technician I	7.5%	2.5%	5.0%
Systems Technician II	7.5%	2.5%	5.0%
Technology Solutions Analyst I	7.5%	2.5%	5.0%
Technology Solutions Analyst II	7.5%	2.5%	5.0%
Traffic Engineer	5.0%	2.5%	2.5%

This Tentative Agreement shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

FOR THE CITY OF MODESTO		FOR MODESTO CONFIDENTIAL & MANAGEMENT ASSOCIATION	
	6/6/23		01-JUN-2023
Christina Alger Director of Human Resources	Date	Calogero Maniscalco MCMA Acting President	Date
	6/6/2023		6/6/23
Jesse Lad Labor Representative, Meyers Nave	Date	Kim Gillingham Goyette, Ruano & Thompson	Date

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-286

RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE AND FIRE NON-SWORN ASSOCIATION (MPNSA) FOR A TERM OF JULY 1, 2023 TO JUNE 30, 2027; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police and Fire Non-Sworn Association (MPNSA) expires on June 30, 2023, and

WHEREAS, representatives of the CITY and the MPNSA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPNSA have reached agreement on language changes for a successor MOU which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from July 1, 2023 to June 30, 2026.

Article 5. SALARY RATES AND STEP ADVANCEMENT. Following ratification of this MOU by MPNSA and adoption by the City Council, effective June 20, 2023, employees will receive a 4% base wage increase. Effective June 18, 2024, employees will receive a 3% base wage salary increase. Effective July 1, 2025, employees will receive 3% base wage increase and adding Step F. Effective June 30, 2026, employees will receive a 3% base wage increase. In addition, based on the results

of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedules set forth in **Exhibits A through D attached** hereto.

Article 15. CALL BACK. When on call-back, an employee receives the following compensation:

Three (3) hours of straight time per call-back occurrence;

In addition to the three (3) hours of straight time, overtime will be applied as paying time and one-half pay for actual time worked in excess of sixty (60) minutes.

Article 19. SHIFT BIDDING & SPECIAL ASSIGNMENTS.

Special assignments and terms are set forth in General Order 2.14, Specialized and Collateral Assignments. Notwithstanding this special assignment provision, the Chief of Police ultimately has the discretion to determine the length and terms of any assignment based on the needs of the department. Police Community Service Officer Assignment Pay: Police Community Service Officers assigned to non-patrol duties as set forth in this subsection (C) shall receive an additional five percent (5.0%) in compensation for the duration of that special assignment and ending upon return to patrol duties. Police Support Specialist Assignment Pay: Police Support Specialists serving in a special assignment as set forth in this subsection (C) shall receive an additional five percent (5.0%) in compensation for the duration of that special assignment and ending upon return to traditional Records Division assignment.

Special Assignment Pay for Collateral Assignment on the Crisis Negotiation Team. In order to be eligible for this specialty pay, employees must be routinely and consistently assigned to work a collateral assignment on the Crisis Negotiation Team.

Effective June 20, 2023, employees shall receive a one percent (1.0%) collateral assignment pay.

Effective June 18, 2024, employees shall receive an additional one half percent (0.5%) for a maximum of one and one half percent (1.5%) collateral assignment pay.

Effective July 1, 2025, employees shall receive an additional one half percent (0.5%) for a maximum of two percent (2.0%) collateral assignment pay.

Effective June 30, 2026, employees shall receive an additional one half percent (0.5%) for a maximum of two and one half percent (2.5%) collateral assignment pay.

Article 21. SPECIALTY PAY.

Longevity Pay. Effective July 1, 2023, employees with ten (10) years of service with the City shall be eligible for two-and one-half percent (2.5%) Longevity Incentive Pay.

Educational Incentive. Effective July 1, 2023, employees who possess a degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a maximum of five percent (5.0%) compensation for the highest college degree obtained and listed below:

Bachelor's Degree 2.5%

Master's Degree 5.0%

Article 23. UNIFORM ALLOWANCES.

All Police Department employees who are required to wear uniforms shall do so in accordance with the Police Department's uniform and equipment regulation and receive uniform allowance as follows:

Police Community Service Officers and Police Animal Control Officers shall receive a uniform allowance of one hundred and twenty dollars ($120.00) per month paid on the last paycheck of the month.

Police Technicians assigned to RTCC, Police Identification Technicians, Police Evidence and Property Technicians and Outreach Specialists and shall receive a uniform allowance of one hundred and five dollars ($105.00) per month paid on the last paycheck of the month.

Police Technicians assigned to Records and Police Support Specialist shall receive a uniform allowance of ninety-two dollars ($92.00) per month paid on the last paycheck of the month.

Article 25. HOLIDAYS. Adding two additional annual holidays for Juneteenth and Cesar Chavez Day.

Holiday CTO. Whenever a regular employee is required to work on a fixed holiday, which falls within the employee's regularly scheduled work week, the employee shall accrue, on an hour-for-hour basis, up to a total of regularly scheduled hours (eight (8), nine (9), ten (10) or eleven (11), holiday compensatory time. Whenever a regular employee is required to work on a fixed holiday which falls on a regular day off, the employee shall accrue on an hour-for-hour basis up to a total of eleven (11) hours of holiday compensatory time depending on the employee's current work schedule (4/10, 4/11 or 9/80).

Article 32. HEALTH, DENTAL, VISION INSURANCE. Increase to City contribution per pay period (for 24 periods) as described below:

	July 1, 2023	January 1, 2024	January 1, 2025	January 1, 2026	January 1, 2027

Single	$336.50	$345	$359	$374	$389
Employee + 1	$602	$690	$718	$747	$777
Family	$850.50	$975	$1,014	$1,055	$1,097

GYM MEMBERSHIP. The City shall pay members a monthly membership fee of twelve dollars ($12) for each employee to utilize the fitness center located at 1018 13th Street, Modesto. The monthly fee shall not increase during the term of this Agreement.

Article 33. RETIREE HEALTH INSURANCE. The defined City contribution shall be increased annually by $10 monthly each year of the contract, up to a maximum contribution of $140 per month.

LEAVE BANK PURCHASE OPTION. The City and MPNSA agree to allow employees of this bargaining unit to independently agree to elect a leave bank purchase option of 48 hours.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MPNSA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MPNSA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police and Fire Non-Sworn Association (MPNSA), which covers a term from July 1, 2023 through June 30, 2027, and upon execution of same, a copy of the MOU will be 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 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto
Schedule of Salary Ranges in City Service For FY 23/24
Effective June 20, 2023
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
1101	15.74	16.53	17.36	18.23	19.14
1102	16.14	16.95	17.79	18.68	19.62
1103	16.54	17.37	18.24	19.15	20.11
1104	16.96	17.80	18.69	19.63	20.61
1105	17.38	18.25	19.16	20.12	21.12
1106	17.81	18.70	19.64	20.62	21.65
1107	18.26	19.17	20.13	21.14	22.19
1108	18.71	19.65	20.63	21.66	22.75
1109	19.18	20.14	21.15	22.21	23.32
1110	19.66	20.64	21.68	22.76	23.90
1111	20.15	21.16	22.22	23.33	24.50
1112	20.66	21.69	22.77	23.91	25.11
1113	21.17	22.23	23.34	24.51	25.74
1114	21.70	22.79	23.93	25.12	26.38
1115	22.25	23.36	24.52	25.75	27.04
1116	22.80	23.94	25.14	26.39	27.71
1117	23.37	24.54	25.77	27.05	28.41
1118	23.96	25.15	26.41	27.73	29.12
1119	24.55	25.78	27.07	28.42	29.84
1120	25.17	26.43	27.75	29.13	30.59
1121	25.80	27.09	28.44	29.86	31.36
1122	26.44	27.76	29.15	30.61	32.14
1123	27.10	28.46	29.88	31.37	32.94
1124	27.78	29.17	30.63	32.16	33.77
1125	28.47	29.90	31.39	32.96	34.61
1126	29.19	30.65	32.18	33.79	35.47
1127	29.92	31.41	32.98	34.63	36.36
1128	30.66	32.20	33.81	35.50	37.27
1129	31.43	33.00	34.65	36.38	38.20
1130	32.22	33.83	35.52	37.29	39.16
1131	33.02	34.67	36.40	38.22	40.14
1132	33.85	35.54	37.31	39.18	41.14
1133	34.69	36.43	38.25	40.16	42.17
1134	35.56	37.34	39.20	41.16	43.22
1135	36.45	38.27	40.18	42.19	44.30
1136	37.36	39.23	41.19	43.25	45.41
1137	38.29	40.21	42.22	44.33	46.54
1138	39.25	41.21	43.27	45.44	47.71
1139	40.23	42.24	44.35	46.57	48.90
1140	41.24	43.30	45.46	47.74	50.12
1141	42.27	44.38	46.60	48.93	51.38
1142	43.32	45.49	47.76	50.15	52.66
1143	44.41	46.63	48.96	51.41	53.98
1144	45.52	47.79	50.18	52.69	55.33

City of Modesto
Schedule of Salary Ranges in City Service For FY 23/24
Effective June 20, 2023
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
1101	1,259.20	1,322.40	1,388.80	1,458.40	1,531.20
1102	1,291.20	1,356.00	1,423.20	1,494.40	1,569.60
1103	1,323.20	1,389.60	1,459.20	1,532.00	1,608.80
1104	1,356.80	1,424.00	1,495.20	1,570.40	1,648.80
1105	1,390.40	1,460.00	1,532.80	1,609.60	1,689.60
1106	1,424.80	1,496.00	1,571.20	1,649.60	1,732.00
1107	1,460.80	1,533.60	1,610.40	1,691.20	1,775.20
1108	1,496.80	1,572.00	1,650.40	1,732.80	1,820.00
1109	1,534.40	1,611.20	1,692.00	1,776.80	1,865.60
1110	1,572.80	1,651.20	1,734.40	1,820.80	1,912.00
1111	1,612.00	1,692.80	1,777.60	1,866.40	1,960.00
1112	1,652.80	1,735.20	1,821.60	1,912.80	2,008.80
1113	1,693.60	1,778.40	1,867.20	1,960.80	2,059.20
1114	1,736.00	1,823.20	1,914.40	2,009.60	2,110.40
1115	1,780.00	1,868.80	1,961.60	2,060.00	2,163.20
1116	1,824.00	1,915.20	2,011.20	2,111.20	2,216.80
1117	1,869.60	1,963.20	2,061.60	2,164.00	2,272.80
1118	1,916.80	2,012.00	2,112.80	2,218.40	2,329.60
1119	1,964.00	2,062.40	2,165.60	2,273.60	2,387.20
1120	2,013.60	2,114.40	2,220.00	2,330.40	2,447.20
1121	2,064.00	2,167.20	2,275.20	2,388.80	2,508.80
1122	2,115.20	2,220.80	2,332.00	2,448.80	2,571.20
1123	2,168.00	2,276.80	2,390.40	2,509.60	2,635.20
1124	2,222.40	2,333.60	2,450.40	2,572.80	2,701.60
1125	2,277.60	2,392.00	2,511.20	2,636.80	2,768.80
1126	2,335.20	2,452.00	2,574.40	2,703.20	2,837.60
1127	2,393.60	2,512.80	2,638.40	2,770.40	2,908.80
1128	2,452.80	2,576.00	2,704.80	2,840.00	2,981.60
1129	2,514.40	2,640.00	2,772.00	2,910.40	3,056.00
1130	2,577.60	2,706.40	2,841.60	2,983.20	3,132.80
1131	2,641.60	2,773.60	2,912.00	3,057.60	3,211.20
1132	2,708.00	2,843.20	2,984.80	3,134.40	3,291.20
1133	2,775.20	2,914.40	3,060.00	3,212.80	3,373.60
1134	2,844.80	2,987.20	3,136.00	3,292.80	3,457.60
1135	2,916.00	3,061.60	3,214.40	3,375.20	3,544.00
1136	2,988.80	3,138.40	3,295.20	3,460.00	3,632.80
1137	3,063.20	3,216.80	3,377.60	3,546.40	3,723.20
1138	3,140.00	3,296.80	3,461.60	3,635.20	3,816.80
1139	3,218.40	3,379.20	3,548.00	3,725.60	3,912.00
1140	3,299.20	3,464.00	3,636.80	3,819.20	4,009.60
1141	3,381.60	3,550.40	3,728.00	3,914.40	4,110.40
1142	3,465.60	3,639.20	3,820.80	4,012.00	4,212.80
1143	3,552.80	3,730.40	3,916.80	4,112.80	4,318.40
1144	3,641.60	3,823.20	4,014.40	4,215.20	4,426.40

City of Modesto
Schedule of Salary Ranges in City Service For FY 23/24
Effective June 20, 2023
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
1101	2,728.27	2,865.20	3,009.07	3,159.87	3,317.60
1102	2,797.60	2,938.00	3,083.60	3,237.87	3,400.80
1103	2,866.94	3,010.80	3,161.60	3,319.34	3,485.74
1104	2,939.74	3,085.34	3,239.60	3,402.54	3,572.40
1105	3,012.54	3,163.34	3,321.07	3,487.47	3,660.80
1106	3,087.07	3,241.34	3,404.27	3,574.14	3,752.67
1107	3,165.07	3,322.80	3,489.20	3,664.27	3,846.27
1108	3,243.07	3,406.00	3,575.87	3,754.40	3,943.34
1109	3,324.54	3,490.94	3,666.00	3,849.74	4,042.14
1110	3,407.74	3,577.60	3,757.87	3,945.07	4,142.67
1111	3,492.67	3,667.74	3,851.47	4,043.87	4,246.67
1112	3,581.07	3,759.60	3,946.80	4,144.40	4,352.40
1113	3,669.47	3,853.20	4,045.60	4,248.40	4,461.60
1114	3,761.34	3,950.27	4,147.87	4,354.14	4,572.54
1115	3,856.67	4,049.07	4,250.14	4,463.34	4,686.94
1116	3,952.00	4,149.60	4,357.60	4,574.27	4,803.07
1117	4,050.80	4,253.60	4,466.80	4,688.67	4,924.40
1118	4,153.07	4,359.34	4,577.74	4,806.54	5,047.47
1119	4,255.34	4,468.54	4,692.14	4,926.14	5,172.27
1120	4,362.80	4,581.20	4,810.00	5,049.20	5,302.27
1121	4,472.00	4,695.60	4,929.60	5,175.74	5,435.74
1122	4,582.94	4,811.74	5,052.67	5,305.74	5,570.94
1123	4,697.34	4,933.07	5,179.20	5,437.47	5,709.60
1124	4,815.20	5,056.14	5,309.20	5,574.40	5,853.47
1125	4,934.80	5,182.67	5,440.94	5,713.07	5,999.07
1126	5,059.60	5,312.67	5,577.87	5,856.94	6,148.14
1127	5,186.14	5,444.40	5,716.54	6,002.54	6,302.40
1128	5,314.40	5,581.34	5,860.40	6,153.34	6,460.14
1129	5,447.87	5,720.00	6,006.00	6,305.87	6,621.34
1130	5,584.80	5,863.87	6,156.80	6,463.60	6,787.74
1131	5,723.47	6,009.47	6,309.34	6,624.80	6,957.60
1132	5,867.34	6,160.27	6,467.07	6,791.20	7,130.94
1133	6,012.94	6,314.54	6,630.00	6,961.07	7,309.47
1134	6,163.74	6,472.27	6,794.67	7,134.40	7,491.47
1135	6,318.00	6,633.47	6,964.54	7,312.94	7,678.67
1136	6,475.74	6,799.87	7,139.60	7,496.67	7,871.07
1137	6,636.94	6,969.74	7,318.14	7,683.87	8,066.94
1138	6,803.34	7,143.07	7,500.14	7,876.27	8,269.74
1139	6,973.20	7,321.60	7,687.34	8,072.14	8,476.00
1140	7,148.27	7,505.34	7,879.74	8,274.94	8,687.47
1141	7,326.80	7,692.54	8,077.34	8,481.20	8,905.87
1142	7,508.80	7,884.94	8,278.40	8,692.67	9,127.74
1143	7,697.74	8,082.54	8,486.40	8,911.07	9,356.54
1144	7,890.14	8,283.60	8,697.87	9,132.94	9,590.54

City of Modesto
Schedule of Salary Ranges in City Service For FY 23/24
Effective June 20, 2023
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
1145	46.66	48.99	51.44	54.01	56.71
1146	47.82	50.21	52.72	55.36	58.13
1147	49.02	51.47	54.04	56.74	59.58
1148	50.24	52.75	55.39	58.16	61.07
1149	51.50	54.07	56.78	59.61	62.60
1150	52.79	55.42	58.20	61.11	64.16
1151	54.11	56.81	59.65	62.63	65.76
1152	55.46	58.23	61.14	64.20	67.41
1153	56.84	59.69	62.67	65.80	69.09
1154	58.26	61.18	64.24	67.45	70.82
1155	59.72	62.71	65.84	69.13	72.59
1156	61.21	64.27	67.49	70.86	74.41
1157	62.74	65.88	69.18	72.63	76.27
1158	64.31	67.53	70.90	74.45	78.17
1159	65.92	69.22	72.68	76.31	80.13
1160	67.57	70.95	74.49	78.22	82.13
1161	69.26	72.72	76.36	80.17	84.18

City of Modesto
Schedule of Salary Ranges in City Service For FY 23/24
Effective June 20, 2023
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
1145	3,732.80	3,919.20	4,115.20	4,320.80	4,536.80
1146	3,825.60	4,016.80	4,217.60	4,428.80	4,650.40
1147	3,921.60	4,117.60	4,323.20	4,539.20	4,766.40
1148	4,019.20	4,220.00	4,431.20	4,652.80	4,885.60
1149	4,120.00	4,325.60	4,542.40	4,768.80	5,008.00
1150	4,223.20	4,433.60	4,656.00	4,888.80	5,132.80
1151	4,328.80	4,544.80	4,772.00	5,010.40	5,260.80
1152	4,436.80	4,658.40	4,891.20	5,136.00	5,392.80
1153	4,547.20	4,775.20	5,013.60	5,264.00	5,527.20
1154	4,660.80	4,894.40	5,139.20	5,396.00	5,665.60
1155	4,777.60	5,016.80	5,267.20	5,530.40	5,807.20
1156	4,896.80	5,141.60	5,399.20	5,668.80	5,952.80
1157	5,019.20	5,270.40	5,534.40	5,810.40	6,101.60
1158	5,144.80	5,402.40	5,672.00	5,956.00	6,253.60
1159	5,273.60	5,537.60	5,814.40	6,104.80	6,410.40
1160	5,405.60	5,676.00	5,959.20	6,257.60	6,570.40
1161	5,540.80	5,817.60	6,108.80	6,413.60	6,734.40

City of Modesto
Schedule of Salary Ranges in City Service For FY 23/24
Effective June 20, 2023
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
1145	8,087.74	8,491.60	8,916.27	9,361.74	9,829.74
1146	8,288.80	8,703.07	9,138.14	9,595.74	10,075.87
1147	8,496.80	8,921.47	9,366.94	9,834.94	10,327.20
1148	8,708.27	9,143.34	9,600.94	10,081.07	10,585.47
1149	8,926.67	9,372.14	9,841.87	10,332.40	10,850.67
1150	9,150.27	9,606.14	10,088.00	10,592.40	11,121.07
1151	9,379.07	9,847.07	10,339.34	10,855.87	11,398.40
1152	9,613.07	10,093.20	10,597.60	11,128.00	11,684.40
1153	9,852.27	10,346.27	10,862.80	11,405.34	11,975.60
1154	10,098.40	10,604.54	11,134.94	11,691.34	12,275.47
1155	10,351.47	10,869.74	11,412.27	11,982.54	12,582.27
1156	10,609.74	11,140.14	11,698.27	12,282.40	12,897.74
1157	10,874.94	11,419.20	11,991.20	12,589.20	13,220.14
1158	11,147.07	11,705.20	12,289.34	12,904.67	13,549.47
1159	11,426.14	11,998.14	12,597.87	13,227.07	13,889.20
1160	11,712.14	12,298.00	12,911.60	13,558.14	14,235.87
1161	12,005.07	12,604.80	13,235.74	13,896.14	14,591.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
1101	16.22	17.04	17.89	18.78	19.72
1102	16.63	17.46	18.33	19.25	20.21
1103	17.05	17.90	18.79	19.73	20.72
1104	17.47	18.35	19.26	20.23	21.24
1105	17.91	18.80	19.74	20.73	21.77
1106	18.36	19.27	20.24	21.25	22.31
1107	18.82	19.76	20.74	21.78	22.87
1108	19.29	20.25	21.26	22.32	23.44
1109	19.77	20.76	21.79	22.88	24.03
1110	20.26	21.27	22.34	23.45	24.63
1111	20.77	21.81	22.90	24.04	25.24
1112	21.29	22.35	23.47	24.64	25.87
1113	21.82	22.91	24.06	25.26	26.52
1114	22.36	23.48	24.66	25.89	27.18
1115	22.92	24.07	25.27	26.54	27.86
1116	23.50	24.67	25.90	27.20	28.56
1117	24.08	25.29	26.55	27.88	29.27
1118	24.69	25.92	27.22	28.58	30.00
1119	25.30	26.57	27.90	29.29	30.75
1120	25.94	27.23	28.59	30.02	31.52
1121	26.58	27.91	29.31	30.77	32.31
1122	27.25	28.61	30.04	31.54	33.12
1123	27.93	29.33	30.79	32.33	33.95
1124	28.63	30.06	31.56	33.14	34.80
1125	29.34	30.81	32.35	33.97	35.66
1126	30.08	31.58	33.16	34.82	36.56
1127	30.83	32.37	33.99	35.69	37.47
1128	31.60	33.18	34.84	36.58	38.41
1129	32.39	34.01	35.71	37.49	39.37
1130	33.20	34.86	36.60	38.43	40.35
1131	34.03	35.73	37.51	39.39	41.36
1132	34.88	36.62	38.45	40.37	42.39
1133	35.75	37.54	39.41	41.38	43.45
1134	36.64	38.48	40.40	42.42	44.54
1135	37.56	39.44	41.41	43.48	45.65
1136	38.50	40.42	42.44	44.57	46.79
1137	39.46	41.43	43.50	45.68	47.96
1138	40.45	42.47	44.59	46.82	49.16
1139	41.46	43.53	45.71	47.99	50.39
1140	42.49	44.62	46.85	49.19	51.65
1141	43.56	45.73	48.02	50.42	52.94
1142	44.65	46.88	49.22	51.68	54.27
1143	45.76	48.05	50.45	52.97	55.62
1144	46.91	49.25	51.71	54.30	57.01

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
1101	1,297.60	1,363.20	1,431.20	1,502.40	1,577.60
1102	1,330.40	1,396.80	1,466.40	1,540.00	1,616.80
1103	1,364.00	1,432.00	1,503.20	1,578.40	1,657.60
1104	1,397.60	1,468.00	1,540.80	1,618.40	1,699.20
1105	1,432.80	1,504.00	1,579.20	1,658.40	1,741.60
1106	1,468.80	1,541.60	1,619.20	1,700.00	1,784.80
1107	1,505.60	1,580.80	1,659.20	1,742.40	1,829.60
1108	1,543.20	1,620.00	1,700.80	1,785.60	1,875.20
1109	1,581.60	1,660.80	1,743.20	1,830.40	1,922.40
1110	1,620.80	1,701.60	1,787.20	1,876.00	1,970.40
1111	1,661.60	1,744.80	1,832.00	1,923.20	2,019.20
1112	1,703.20	1,788.00	1,877.60	1,971.20	2,069.60
1113	1,745.60	1,832.80	1,924.80	2,020.80	2,121.60
1114	1,788.80	1,878.40	1,972.80	2,071.20	2,174.40
1115	1,833.60	1,925.60	2,021.60	2,123.20	2,228.80
1116	1,880.00	1,973.60	2,072.00	2,176.00	2,284.80
1117	1,926.40	2,023.20	2,124.00	2,230.40	2,341.60
1118	1,975.20	2,073.60	2,177.60	2,286.40	2,400.00
1119	2,024.00	2,125.60	2,232.00	2,343.20	2,460.00
1120	2,075.20	2,178.40	2,287.20	2,401.60	2,521.60
1121	2,126.40	2,232.80	2,344.80	2,461.60	2,584.80
1122	2,180.00	2,288.80	2,403.20	2,523.20	2,649.60
1123	2,234.40	2,346.40	2,463.20	2,586.40	2,716.00
1124	2,290.40	2,404.80	2,524.80	2,651.20	2,784.00
1125	2,347.20	2,464.80	2,588.00	2,717.60	2,852.80
1126	2,406.40	2,526.40	2,652.80	2,785.60	2,924.80
1127	2,466.40	2,589.60	2,719.20	2,855.20	2,997.60
1128	2,528.00	2,654.40	2,787.20	2,926.40	3,072.80
1129	2,591.20	2,720.80	2,856.80	2,999.20	3,149.60
1130	2,656.00	2,788.80	2,928.00	3,074.40	3,228.00
1131	2,722.40	2,858.40	3,000.80	3,151.20	3,308.80
1132	2,790.40	2,929.60	3,076.00	3,229.60	3,391.20
1133	2,860.00	3,003.20	3,152.80	3,310.40	3,476.00
1134	2,931.20	3,078.40	3,232.00	3,393.60	3,563.20
1135	3,004.80	3,155.20	3,312.80	3,478.40	3,652.00
1136	3,080.00	3,233.60	3,395.20	3,565.60	3,743.20
1137	3,156.80	3,314.40	3,480.00	3,654.40	3,836.80
1138	3,236.00	3,397.60	3,567.20	3,745.60	3,932.80
1139	3,316.80	3,482.40	3,656.80	3,839.20	4,031.20
1140	3,399.20	3,569.60	3,748.00	3,935.20	4,132.00
1141	3,484.80	3,658.40	3,841.60	4,033.60	4,235.20
1142	3,572.00	3,750.40	3,937.60	4,134.40	4,341.60
1143	3,660.80	3,844.00	4,036.00	4,237.60	4,449.60
1144	3,752.80	3,940.00	4,136.80	4,344.00	4,560.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
1101	2,811.47	2,953.60	3,100.94	3,255.20	3,418.14
1102	2,882.54	3,026.40	3,177.20	3,336.67	3,503.07
1103	2,955.34	3,102.67	3,256.94	3,419.87	3,591.47
1104	3,028.14	3,180.67	3,338.40	3,506.54	3,681.60
1105	3,104.40	3,258.67	3,421.60	3,593.20	3,773.47
1106	3,182.40	3,340.14	3,508.27	3,683.34	3,867.07
1107	3,262.14	3,425.07	3,594.94	3,775.20	3,964.14
1108	3,343.60	3,510.00	3,685.07	3,868.80	4,062.94
1109	3,426.80	3,598.40	3,776.94	3,965.87	4,165.20
1110	3,511.74	3,686.80	3,872.27	4,064.67	4,269.20
1111	3,600.14	3,780.40	3,969.34	4,166.94	4,374.94
1112	3,690.27	3,874.00	4,068.14	4,270.94	4,484.14
1113	3,782.14	3,971.07	4,170.40	4,378.40	4,596.80
1114	3,875.74	4,069.87	4,274.40	4,487.60	4,711.20
1115	3,972.80	4,172.14	4,380.14	4,600.27	4,829.07
1116	4,073.34	4,276.14	4,489.34	4,714.67	4,950.40
1117	4,173.87	4,383.60	4,602.00	4,832.54	5,073.47
1118	4,279.60	4,492.80	4,718.14	4,953.87	5,200.00
1119	4,385.34	4,605.47	4,836.00	5,076.94	5,330.00
1120	4,496.27	4,719.87	4,955.60	5,203.47	5,463.47
1121	4,607.20	4,837.74	5,080.40	5,333.47	5,600.40
1122	4,723.34	4,959.07	5,206.94	5,466.94	5,740.80
1123	4,841.20	5,083.87	5,336.94	5,603.87	5,884.67
1124	4,962.54	5,210.40	5,470.40	5,744.27	6,032.00
1125	5,085.60	5,340.40	5,607.34	5,888.14	6,181.07
1126	5,213.87	5,473.87	5,747.74	6,035.47	6,337.07
1127	5,343.87	5,610.80	5,891.60	6,186.27	6,494.80
1128	5,477.34	5,751.20	6,038.94	6,340.54	6,657.74
1129	5,614.27	5,895.07	6,189.74	6,498.27	6,824.14
1130	5,754.67	6,042.40	6,344.00	6,661.20	6,994.00
1131	5,898.54	6,193.20	6,501.74	6,827.60	7,169.07
1132	6,045.87	6,347.47	6,664.67	6,997.47	7,347.60
1133	6,196.67	6,506.94	6,831.07	7,172.54	7,531.34
1134	6,350.94	6,669.87	7,002.67	7,352.80	7,720.27
1135	6,510.40	6,836.27	7,177.74	7,536.54	7,912.67
1136	6,673.34	7,006.14	7,356.27	7,725.47	8,110.27
1137	6,839.74	7,181.20	7,540.00	7,917.87	8,313.07
1138	7,011.34	7,361.47	7,728.94	8,115.47	8,521.07
1139	7,186.40	7,545.20	7,923.07	8,318.27	8,734.27
1140	7,364.94	7,734.14	8,120.67	8,526.27	8,952.67
1141	7,550.40	7,926.54	8,323.47	8,739.47	9,176.27
1142	7,739.34	8,125.87	8,531.47	8,957.87	9,406.80
1143	7,931.74	8,328.67	8,744.67	9,181.47	9,640.80
1144	8,131.07	8,536.67	8,963.07	9,412.00	9,881.74

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
1145	48.08	50.48	53.01	55.66	58.44
1146	49.28	51.74	54.33	57.05	59.90
1147	50.51	53.04	55.69	58.47	61.40
1148	51.77	54.36	57.08	59.93	62.93
1149	53.07	55.72	58.51	61.43	64.50
1150	54.40	57.11	59.97	62.97	66.12
1151	55.75	58.54	61.47	64.54	67.77
1152	57.15	60.01	63.01	66.16	69.46
1153	58.58	61.51	64.58	67.81	71.20
1154	60.04	63.04	66.20	69.50	72.98
1155	61.54	64.62	67.85	71.24	74.80
1156	63.08	66.23	69.55	73.02	76.67
1157	64.66	67.89	71.28	74.85	78.59
1158	66.27	69.59	73.07	76.72	80.56
1159	67.93	71.33	74.89	78.64	82.57
1160	69.63	73.11	76.77	80.60	84.63
1161	71.37	74.94	78.68	82.62	86.75

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
1145	3,846.40	4,038.40	4,240.80	4,452.80	4,675.20
1146	3,942.40	4,139.20	4,346.40	4,564.00	4,792.00
1147	4,040.80	4,243.20	4,455.20	4,677.60	4,912.00
1148	4,141.60	4,348.80	4,566.40	4,794.40	5,034.40
1149	4,245.60	4,457.60	4,680.80	4,914.40	5,160.00
1150	4,352.00	4,568.80	4,797.60	5,037.60	5,289.60
1151	4,460.00	4,683.20	4,917.60	5,163.20	5,421.60
1152	4,572.00	4,800.80	5,040.80	5,292.80	5,556.80
1153	4,686.40	4,920.80	5,166.40	5,424.80	5,696.00
1154	4,803.20	5,043.20	5,296.00	5,560.00	5,838.40
1155	4,923.20	5,169.60	5,428.00	5,699.20	5,984.00
1156	5,046.40	5,298.40	5,564.00	5,841.60	6,133.60
1157	5,172.80	5,431.20	5,702.40	5,988.00	6,287.20
1158	5,301.60	5,567.20	5,845.60	6,137.60	6,444.80
1159	5,434.40	5,706.40	5,991.20	6,291.20	6,605.60
1160	5,570.40	5,848.80	6,141.60	6,448.00	6,770.40
1161	5,709.60	5,995.20	6,294.40	6,609.60	6,940.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective June 18, 2024
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
1145	8,333.87	8,749.87	9,188.40	9,647.74	10,129.60
1146	8,541.87	8,968.27	9,417.20	9,888.67	10,382.67
1147	8,755.07	9,193.60	9,652.94	10,134.80	10,642.67
1148	8,973.47	9,422.40	9,893.87	10,387.87	10,907.87
1149	9,198.80	9,658.14	10,141.74	10,647.87	11,180.00
1150	9,429.34	9,899.07	10,394.80	10,914.80	11,460.80
1151	9,663.34	10,146.94	10,654.80	11,186.94	11,746.80
1152	9,906.00	10,401.74	10,921.74	11,467.74	12,039.74
1153	10,153.87	10,661.74	11,193.87	11,753.74	12,341.34
1154	10,406.94	10,926.94	11,474.67	12,046.67	12,649.87
1155	10,666.94	11,200.80	11,760.67	12,348.27	12,965.34
1156	10,933.87	11,479.87	12,055.34	12,656.80	13,289.47
1157	11,207.74	11,767.60	12,355.20	12,974.00	13,622.27
1158	11,486.80	12,062.27	12,665.47	13,298.14	13,963.74
1159	11,774.54	12,363.87	12,980.94	13,630.94	14,312.14
1160	12,069.20	12,672.40	13,306.80	13,970.67	14,669.20
1161	12,370.80	12,989.60	13,637.87	14,320.80	15,036.67

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1101	16.71	17.55	18.43	19.35	20.32	21.33
1102	17.13	17.99	18.89	19.83	20.82	21.86
1103	17.56	18.44	19.36	20.33	21.34	22.41
1104	18.00	18.90	19.84	20.84	21.88	22.97
1105	18.45	19.37	20.34	21.36	22.42	23.55
1106	18.91	19.86	20.85	21.89	22.99	24.13
1107	19.38	20.35	21.37	22.44	23.56	24.74
1108	19.87	20.86	21.90	23.00	24.15	25.36
1109	20.36	21.38	22.45	23.57	24.75	25.99
1110	20.87	21.92	23.01	24.16	25.37	26.64
1111	21.40	22.46	23.59	24.77	26.00	27.30
1112	21.93	23.03	24.18	25.39	26.65	27.99
1113	22.48	23.60	24.78	26.02	27.32	28.69
1114	23.04	24.19	25.40	26.67	28.00	29.40
1115	23.62	24.80	26.04	27.34	28.70	30.14
1116	24.21	25.42	26.69	28.02	29.42	30.89
1117	24.81	26.05	27.35	28.72	30.16	31.66
1118	25.43	26.70	28.04	29.44	30.91	32.46
1119	26.07	27.37	28.74	30.17	31.68	33.27
1120	26.72	28.05	29.46	30.93	32.48	34.10
1121	27.39	28.76	30.19	31.70	33.29	34.95
1122	28.07	29.47	30.95	32.49	34.12	35.82
1123	28.77	30.21	31.72	33.31	34.97	36.72
1124	29.49	30.97	32.51	34.14	35.85	37.64
1125	30.23	31.74	33.33	34.99	36.74	38.58
1126	30.98	32.53	34.16	35.87	37.66	39.54
1127	31.76	33.35	35.01	36.76	38.60	40.53
1128	32.55	34.18	35.89	37.68	39.57	41.55
1129	33.37	35.03	36.79	38.63	40.56	42.58
1130	34.20	35.91	37.71	39.59	41.57	43.65
1131	35.06	36.81	38.65	40.58	42.61	44.74
1132	35.93	37.73	39.61	41.59	43.67	45.86
1133	36.83	38.67	40.60	42.63	44.77	47.00
1134	37.75	39.64	41.62	43.70	45.88	48.18
1135	38.69	40.63	42.66	44.79	47.03	49.38
1136	39.66	41.64	43.73	45.91	48.21	50.62
1137	40.65	42.69	44.82	47.06	49.41	51.88
1138	41.67	43.75	45.94	48.24	50.65	53.18
1139	42.71	44.85	47.09	49.44	51.91	54.51
1140	43.78	45.97	48.26	50.68	53.21	55.87
1141	44.87	47.12	49.47	51.94	54.54	57.27
1142	45.99	48.29	50.71	53.24	55.91	58.70
1143	47.14	49.50	51.98	54.57	57.30	60.17
1144	48.32	50.74	53.27	55.94	58.73	61.67
1145	49.53	52.01	54.61	57.34	60.20	63.21
1146	50.77	53.31	55.97	58.77	61.71	64.79
1147	52.04	54.64	57.37	60.24	63.25	66.41
1148	53.34	56.00	58.80	61.74	64.83	68.07
1149	54.67	57.40	60.27	63.29	66.45	69.77
1150	56.04	58.84	61.78	64.87	68.11	71.52
1151	57.44	60.31	63.33	66.49	69.82	73.31
1152	58.87	61.82	64.91	68.15	71.56	75.14

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1101	1,336.80	1,404.00	1,474.40	1,548.00	1,625.60	1,706.40
1102	1,370.40	1,439.20	1,511.20	1,586.40	1,665.60	1,748.80
1103	1,404.80	1,475.20	1,548.80	1,626.40	1,707.20	1,792.80
1104	1,440.00	1,512.00	1,587.20	1,667.20	1,750.40	1,837.60
1105	1,476.00	1,549.60	1,627.20	1,708.80	1,793.60	1,884.00
1106	1,512.80	1,588.80	1,668.00	1,751.20	1,839.20	1,930.40
1107	1,550.40	1,628.00	1,709.60	1,795.20	1,884.80	1,979.20
1108	1,589.60	1,668.80	1,752.00	1,840.00	1,932.00	2,028.80
1109	1,628.80	1,710.40	1,796.00	1,885.60	1,980.00	2,079.20
1110	1,669.60	1,753.60	1,840.80	1,932.80	2,029.60	2,131.20
1111	1,712.00	1,796.80	1,887.20	1,981.60	2,080.00	2,184.00
1112	1,754.40	1,842.40	1,934.40	2,031.20	2,132.00	2,239.20
1113	1,798.40	1,888.00	1,982.40	2,081.60	2,185.60	2,295.20
1114	1,843.20	1,935.20	2,032.00	2,133.60	2,240.00	2,352.00
1115	1,889.60	1,984.00	2,083.20	2,187.20	2,296.00	2,411.20
1116	1,936.80	2,033.60	2,135.20	2,241.60	2,353.60	2,471.20
1117	1,984.80	2,084.00	2,188.00	2,297.60	2,412.80	2,532.80
1118	2,034.40	2,136.00	2,243.20	2,355.20	2,472.80	2,596.80
1119	2,085.60	2,189.60	2,299.20	2,413.60	2,534.40	2,661.60
1120	2,137.60	2,244.00	2,356.80	2,474.40	2,598.40	2,728.00
1121	2,191.20	2,300.80	2,415.20	2,536.00	2,663.20	2,796.00
1122	2,245.60	2,357.60	2,476.00	2,599.20	2,729.60	2,865.60
1123	2,301.60	2,416.80	2,537.60	2,664.80	2,797.60	2,937.60
1124	2,359.20	2,477.60	2,600.80	2,731.20	2,868.00	3,011.20
1125	2,418.40	2,539.20	2,666.40	2,799.20	2,939.20	3,086.40
1126	2,478.40	2,602.40	2,732.80	2,869.60	3,012.80	3,163.20
1127	2,540.80	2,668.00	2,800.80	2,940.80	3,088.00	3,242.40
1128	2,604.00	2,734.40	2,871.20	3,014.40	3,165.60	3,324.00
1129	2,669.60	2,802.40	2,943.20	3,090.40	3,244.80	3,406.40
1130	2,736.00	2,872.80	3,016.80	3,167.20	3,325.60	3,492.00
1131	2,804.80	2,944.80	3,092.00	3,246.40	3,408.80	3,579.20
1132	2,874.40	3,018.40	3,168.80	3,327.20	3,493.60	3,668.80
1133	2,946.40	3,093.60	3,248.00	3,410.40	3,581.60	3,760.00
1134	3,020.00	3,171.20	3,329.60	3,496.00	3,670.40	3,854.40
1135	3,095.20	3,250.40	3,412.80	3,583.20	3,762.40	3,950.40
1136	3,172.80	3,331.20	3,498.40	3,672.80	3,856.80	4,049.60
1137	3,252.00	3,415.20	3,585.60	3,764.80	3,952.80	4,150.40
1138	3,333.60	3,500.00	3,675.20	3,859.20	4,052.00	4,254.40
1139	3,416.80	3,588.00	3,767.20	3,955.20	4,152.80	4,360.80
1140	3,502.40	3,677.60	3,860.80	4,054.40	4,256.80	4,469.60
1141	3,589.60	3,769.60	3,957.60	4,155.20	4,363.20	4,581.60
1142	3,679.20	3,863.20	4,056.80	4,259.20	4,472.80	4,696.00
1143	3,771.20	3,960.00	4,158.40	4,365.60	4,584.00	4,813.60
1144	3,865.60	4,059.20	4,261.60	4,475.20	4,698.40	4,933.60
1145	3,962.40	4,160.80	4,368.80	4,587.20	4,816.00	5,056.80
1146	4,061.60	4,264.80	4,477.60	4,701.60	4,936.80	5,183.20
1147	4,163.20	4,371.20	4,589.60	4,819.20	5,060.00	5,312.80
1148	4,267.20	4,480.00	4,704.00	4,939.20	5,186.40	5,445.60
1149	4,373.60	4,592.00	4,821.60	5,063.20	5,316.00	5,581.60
1150	4,483.20	4,707.20	4,942.40	5,189.60	5,448.80	5,721.60
1151	4,595.20	4,824.80	5,066.40	5,319.20	5,585.60	5,864.80
1152	4,709.60	4,945.60	5,192.80	5,452.00	5,724.80	6,011.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1101	2,896.40	3,042.00	3,194.54	3,354.00	3,522.14	3,697.20
1102	2,969.20	3,118.27	3,274.27	3,437.20	3,608.80	3,789.07
1103	3,043.74	3,196.27	3,355.74	3,523.87	3,698.94	3,884.40
1104	3,120.00	3,276.00	3,438.94	3,612.27	3,792.54	3,981.47
1105	3,198.00	3,357.47	3,525.60	3,702.40	3,886.14	4,082.00
1106	3,277.74	3,442.40	3,614.00	3,794.27	3,984.94	4,182.54
1107	3,359.20	3,527.34	3,704.14	3,889.60	4,083.74	4,288.27
1108	3,444.14	3,615.74	3,796.00	3,986.67	4,186.00	4,395.74
1109	3,529.07	3,705.87	3,891.34	4,085.47	4,290.00	4,504.94
1110	3,617.47	3,799.47	3,988.40	4,187.74	4,397.47	4,617.60
1111	3,709.34	3,893.07	4,088.94	4,293.47	4,506.67	4,732.00
1112	3,801.20	3,991.87	4,191.20	4,400.94	4,619.34	4,851.60
1113	3,896.54	4,090.67	4,295.20	4,510.14	4,735.47	4,972.94
1114	3,993.60	4,192.94	4,402.67	4,622.80	4,853.34	5,096.00
1115	4,094.14	4,298.67	4,513.60	4,738.94	4,974.67	5,224.27
1116	4,196.40	4,406.14	4,626.27	4,856.80	5,099.47	5,354.27
1117	4,300.40	4,515.34	4,740.67	4,978.14	5,227.74	5,487.74
1118	4,407.87	4,628.00	4,860.27	5,102.94	5,357.74	5,626.40
1119	4,518.80	4,744.14	4,981.60	5,229.47	5,491.20	5,766.80
1120	4,631.47	4,862.00	5,106.40	5,361.20	5,629.87	5,910.67
1121	4,747.60	4,985.07	5,232.94	5,494.67	5,770.27	6,058.00
1122	4,865.47	5,108.14	5,364.67	5,631.60	5,914.14	6,208.80
1123	4,986.80	5,236.40	5,498.14	5,773.74	6,061.47	6,364.80
1124	5,111.60	5,368.14	5,635.07	5,917.60	6,214.00	6,524.27
1125	5,239.87	5,501.60	5,777.20	6,064.94	6,368.27	6,687.20
1126	5,369.87	5,638.54	5,921.07	6,217.47	6,527.74	6,853.60
1127	5,505.07	5,780.67	6,068.40	6,371.74	6,690.67	7,025.20
1128	5,642.00	5,924.54	6,220.94	6,531.20	6,858.80	7,202.00
1129	5,784.14	6,071.87	6,376.94	6,695.87	7,030.40	7,380.54
1130	5,928.00	6,224.40	6,536.40	6,862.27	7,205.47	7,566.00
1131	6,077.07	6,380.40	6,699.34	7,033.87	7,385.74	7,754.94
1132	6,227.87	6,539.87	6,865.74	7,208.94	7,569.47	7,949.07
1133	6,383.87	6,702.80	7,037.34	7,389.20	7,760.14	8,146.67
1134	6,543.34	6,870.94	7,214.14	7,574.67	7,952.54	8,351.20
1135	6,706.27	7,042.54	7,394.40	7,763.60	8,151.87	8,559.20
1136	6,874.40	7,217.60	7,579.87	7,957.74	8,356.40	8,774.14
1137	7,046.00	7,399.60	7,768.80	8,157.07	8,564.40	8,992.54
1138	7,222.80	7,583.34	7,962.94	8,361.60	8,779.34	9,217.87
1139	7,403.07	7,774.00	8,162.27	8,569.60	8,997.74	9,448.40
1140	7,588.54	7,968.14	8,365.07	8,784.54	9,223.07	9,684.14
1141	7,777.47	8,167.47	8,574.80	9,002.94	9,453.60	9,926.80
1142	7,971.60	8,370.27	8,789.74	9,228.27	9,691.07	10,174.67
1143	8,170.94	8,580.00	9,009.87	9,458.80	9,932.00	10,429.47
1144	8,375.47	8,794.94	9,233.47	9,696.27	10,179.87	10,689.47
1145	8,585.20	9,015.07	9,465.74	9,938.94	10,434.67	10,956.40
1146	8,800.14	9,240.40	9,701.47	10,186.80	10,696.40	11,230.27
1147	9,020.27	9,470.94	9,944.14	10,441.60	10,963.34	11,511.07
1148	9,245.60	9,706.67	10,192.00	10,701.60	11,237.20	11,798.80
1149	9,476.14	9,949.34	10,446.80	10,970.27	11,518.00	12,093.47
1150	9,713.60	10,198.94	10,708.54	11,244.14	11,805.74	12,396.80
1151	9,956.27	10,453.74	10,977.20	11,524.94	12,102.14	12,707.07
1152	10,204.14	10,715.47	11,251.07	11,812.67	12,403.74	13,024.27

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1153	60.35	63.36	66.53	69.86	73.35	77.02
1154	61.86	64.95	68.19	71.60	75.18	78.94
1155	63.40	66.57	69.90	73.39	77.06	80.92
1156	64.99	68.24	71.65	75.23	78.99	82.94
1157	66.61	69.94	73.44	77.11	80.96	85.01
1158	68.28	71.69	75.27	79.04	82.99	87.14
1159	69.98	73.48	77.16	81.01	85.06	89.32
1160	71.73	75.32	79.08	83.04	87.19	91.55
1161	73.53	77.20	81.06	85.11	89.37	93.84

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1153	4,828.00	5,068.80	5,322.40	5,588.80	5,868.00	6,161.60
1154	4,948.80	5,196.00	5,455.20	5,728.00	6,014.40	6,315.20
1155	5,072.00	5,325.60	5,592.00	5,871.20	6,164.80	6,473.60
1156	5,199.20	5,459.20	5,732.00	6,018.40	6,319.20	6,635.20
1157	5,328.80	5,595.20	5,875.20	6,168.80	6,476.80	6,800.80
1158	5,462.40	5,735.20	6,021.60	6,323.20	6,639.20	6,971.20
1159	5,598.40	5,878.40	6,172.80	6,480.80	6,804.80	7,145.60
1160	5,738.40	6,025.60	6,326.40	6,643.20	6,975.20	7,324.00
1161	5,882.40	6,176.00	6,484.80	6,808.80	7,149.60	7,507.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective July 1, 2025
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1153	10,460.67	10,982.40	11,531.87	12,109.07	12,714.00	13,350.14
1154	10,722.40	11,258.00	11,819.60	12,410.67	13,031.20	13,682.94
1155	10,989.34	11,538.80	12,116.00	12,720.94	13,357.07	14,026.14
1156	11,264.94	11,828.27	12,419.34	13,039.87	13,691.60	14,376.27
1157	11,545.74	12,122.94	12,729.60	13,365.74	14,033.07	14,735.07
1158	11,835.20	12,426.27	13,046.80	13,700.27	14,384.94	15,104.27
1159	12,129.87	12,736.54	13,374.40	14,041.74	14,743.74	15,482.14
1160	12,433.20	13,055.47	13,707.20	14,393.60	15,112.94	15,868.67
1161	12,745.20	13,381.34	14,050.40	14,752.40	15,490.80	16,265.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1101	17.22	18.09	18.99	19.94	20.94	21.98
1102	17.66	18.54	19.46	20.44	21.46	22.53
1103	18.10	19.00	19.95	20.95	22.00	23.10
1104	18.55	19.48	20.45	21.47	22.55	23.67
1105	19.01	19.96	20.96	22.01	23.11	24.26
1106	19.49	20.46	21.48	22.56	23.69	24.87
1107	19.97	20.97	22.02	23.12	24.28	25.49
1108	20.47	21.50	22.57	23.70	24.89	26.13
1109	20.99	22.03	23.14	24.29	25.51	26.78
1110	21.51	22.59	23.71	24.90	26.14	27.45
1111	22.05	23.15	24.31	25.52	26.80	28.14
1112	22.60	23.73	24.92	26.16	27.47	28.84
1113	23.16	24.32	25.54	26.81	28.15	29.56
1114	23.74	24.93	26.18	27.48	28.86	30.30
1115	24.34	25.55	26.83	28.17	29.58	31.06
1116	24.94	26.19	27.50	28.88	30.32	31.84
1117	25.57	26.85	28.19	29.60	31.08	32.63
1118	26.21	27.52	28.89	30.34	31.85	33.45
1119	26.86	28.21	29.62	31.10	32.65	34.28
1120	27.53	28.91	30.36	31.87	33.47	35.14
1121	28.22	29.63	31.11	32.67	34.30	36.02
1122	28.93	30.37	31.89	33.49	35.16	36.92
1123	29.65	31.13	32.69	34.32	36.04	37.84
1124	30.39	31.91	33.51	35.18	36.94	38.79
1125	31.15	32.71	34.34	36.06	37.86	39.76
1126	31.93	33.53	35.20	36.96	38.81	40.75
1127	32.73	34.36	36.08	37.89	39.78	41.77
1128	33.55	35.22	36.98	38.83	40.77	42.81
1129	34.38	36.10	37.91	39.80	41.79	43.88
1130	35.24	37.01	38.86	40.80	42.84	44.98
1131	36.13	37.93	39.83	41.82	43.91	46.10
1132	37.03	38.88	40.82	42.86	45.01	47.26
1133	37.95	39.85	41.84	43.94	46.13	48.44
1134	38.90	40.85	42.89	45.03	47.29	49.65
1135	39.87	41.87	43.96	46.16	48.47	50.89
1136	40.87	42.91	45.06	47.31	49.68	52.16
1137	41.89	43.99	46.19	48.50	50.92	53.47
1138	42.94	45.09	47.34	49.71	52.19	54.80
1139	44.01	46.21	48.52	50.95	53.50	56.17
1140	45.11	47.37	49.74	52.22	54.84	57.58
1141	46.24	48.55	50.98	53.53	56.21	59.02
1142	47.40	49.77	52.26	54.87	57.61	60.49
1143	48.58	51.01	53.56	56.24	59.05	62.00
1144	49.80	52.29	54.90	57.65	60.53	63.55
1145	51.04	53.59	56.27	59.09	62.04	65.14
1146	52.32	54.93	57.68	60.56	63.59	66.77
1147	53.63	56.31	59.12	62.08	65.18	68.44
1148	54.97	57.71	60.60	63.63	66.81	70.15
1149	56.34	59.16	62.11	65.22	68.48	71.90
1150	57.75	60.64	63.67	66.85	70.19	73.70
1151	59.19	62.15	65.26	68.52	71.95	75.54
1152	60.67	63.71	66.89	70.23	73.75	77.43

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1101	1,377.60	1,447.20	1,519.20	1,595.20	1,675.20	1,758.40
1102	1,412.80	1,483.20	1,556.80	1,635.20	1,716.80	1,802.40
1103	1,448.00	1,520.00	1,596.00	1,676.00	1,760.00	1,848.00
1104	1,484.00	1,558.40	1,636.00	1,717.60	1,804.00	1,893.60
1105	1,520.80	1,596.80	1,676.80	1,760.80	1,848.80	1,940.80
1106	1,559.20	1,636.80	1,718.40	1,804.80	1,895.20	1,989.60
1107	1,597.60	1,677.60	1,761.60	1,849.60	1,942.40	2,039.20
1108	1,637.60	1,720.00	1,805.60	1,896.00	1,991.20	2,090.40
1109	1,679.20	1,762.40	1,851.20	1,943.20	2,040.80	2,142.40
1110	1,720.80	1,807.20	1,896.80	1,992.00	2,091.20	2,196.00
1111	1,764.00	1,852.00	1,944.80	2,041.60	2,144.00	2,251.20
1112	1,808.00	1,898.40	1,993.60	2,092.80	2,197.60	2,307.20
1113	1,852.80	1,945.60	2,043.20	2,144.80	2,252.00	2,364.80
1114	1,899.20	1,994.40	2,094.40	2,198.40	2,308.80	2,424.00
1115	1,947.20	2,044.00	2,146.40	2,253.60	2,366.40	2,484.80
1116	1,995.20	2,095.20	2,200.00	2,310.40	2,425.60	2,547.20
1117	2,045.60	2,148.00	2,255.20	2,368.00	2,486.40	2,610.40
1118	2,096.80	2,201.60	2,311.20	2,427.20	2,548.00	2,676.00
1119	2,148.80	2,256.80	2,369.60	2,488.00	2,612.00	2,742.40
1120	2,202.40	2,312.80	2,428.80	2,549.60	2,677.60	2,811.20
1121	2,257.60	2,370.40	2,488.80	2,613.60	2,744.00	2,881.60
1122	2,314.40	2,429.60	2,551.20	2,679.20	2,812.80	2,953.60
1123	2,372.00	2,490.40	2,615.20	2,745.60	2,883.20	3,027.20
1124	2,431.20	2,552.80	2,680.80	2,814.40	2,955.20	3,103.20
1125	2,492.00	2,616.80	2,747.20	2,884.80	3,028.80	3,180.80
1126	2,554.40	2,682.40	2,816.00	2,956.80	3,104.80	3,260.00
1127	2,618.40	2,748.80	2,886.40	3,031.20	3,182.40	3,341.60
1128	2,684.00	2,817.60	2,958.40	3,106.40	3,261.60	3,424.80
1129	2,750.40	2,888.00	3,032.80	3,184.00	3,343.20	3,510.40
1130	2,819.20	2,960.80	3,108.80	3,264.00	3,427.20	3,598.40
1131	2,890.40	3,034.40	3,186.40	3,345.60	3,512.80	3,688.00
1132	2,962.40	3,110.40	3,265.60	3,428.80	3,600.80	3,780.80
1133	3,036.00	3,188.00	3,347.20	3,515.20	3,690.40	3,875.20
1134	3,112.00	3,268.00	3,431.20	3,602.40	3,783.20	3,972.00
1135	3,189.60	3,349.60	3,516.80	3,692.80	3,877.60	4,071.20
1136	3,269.60	3,432.80	3,604.80	3,784.80	3,974.40	4,172.80
1137	3,351.20	3,519.20	3,695.20	3,880.00	4,073.60	4,277.60
1138	3,435.20	3,607.20	3,787.20	3,976.80	4,175.20	4,384.00
1139	3,520.80	3,696.80	3,881.60	4,076.00	4,280.00	4,493.60
1140	3,608.80	3,789.60	3,979.20	4,177.60	4,387.20	4,606.40
1141	3,699.20	3,884.00	4,078.40	4,282.40	4,496.80	4,721.60
1142	3,792.00	3,981.60	4,180.80	4,389.60	4,608.80	4,839.20
1143	3,886.40	4,080.80	4,284.80	4,499.20	4,724.00	4,960.00
1144	3,984.00	4,183.20	4,392.00	4,612.00	4,842.40	5,084.00
1145	4,083.20	4,287.20	4,501.60	4,727.20	4,963.20	5,211.20
1146	4,185.60	4,394.40	4,614.40	4,844.80	5,087.20	5,341.60
1147	4,290.40	4,504.80	4,729.60	4,966.40	5,214.40	5,475.20
1148	4,397.60	4,616.80	4,848.00	5,090.40	5,344.80	5,612.00
1149	4,507.20	4,732.80	4,968.80	5,217.60	5,478.40	5,752.00
1150	4,620.00	4,851.20	5,093.60	5,348.00	5,615.20	5,896.00
1151	4,735.20	4,972.00	5,220.80	5,481.60	5,756.00	6,043.20
1152	4,853.60	5,096.80	5,351.20	5,618.40	5,900.00	6,194.40

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1101	2,984.80	3,135.60	3,291.60	3,456.27	3,629.60	3,809.87
1102	3,061.07	3,213.60	3,373.07	3,542.94	3,719.74	3,905.20
1103	3,137.34	3,293.34	3,458.00	3,631.34	3,813.34	4,004.00
1104	3,215.34	3,376.54	3,544.67	3,721.47	3,908.67	4,102.80
1105	3,295.07	3,459.74	3,633.07	3,815.07	4,005.74	4,205.07
1106	3,378.27	3,546.40	3,723.20	3,910.40	4,106.27	4,310.80
1107	3,461.47	3,634.80	3,816.80	4,007.47	4,208.54	4,418.27
1108	3,548.14	3,726.67	3,912.14	4,108.00	4,314.27	4,529.20
1109	3,638.27	3,818.54	4,010.94	4,210.27	4,421.74	4,641.87
1110	3,728.40	3,915.60	4,109.74	4,316.00	4,530.94	4,758.00
1111	3,822.00	4,012.67	4,213.74	4,423.47	4,645.34	4,877.60
1112	3,917.34	4,113.20	4,319.47	4,534.40	4,761.47	4,998.94
1113	4,014.40	4,215.47	4,426.94	4,647.07	4,879.34	5,123.74
1114	4,114.94	4,321.20	4,537.87	4,763.20	5,002.40	5,252.00
1115	4,218.94	4,428.67	4,650.54	4,882.80	5,127.20	5,383.74
1116	4,322.94	4,539.60	4,766.67	5,005.87	5,255.47	5,518.94
1117	4,432.14	4,654.00	4,886.27	5,130.67	5,387.20	5,655.87
1118	4,543.07	4,770.14	5,007.60	5,258.94	5,520.67	5,798.00
1119	4,655.74	4,889.74	5,134.14	5,390.67	5,659.34	5,941.87
1120	4,771.87	5,011.07	5,262.40	5,524.14	5,801.47	6,090.94
1121	4,891.47	5,135.87	5,392.40	5,662.80	5,945.34	6,243.47
1122	5,014.54	5,264.14	5,527.60	5,804.94	6,094.40	6,399.47
1123	5,139.34	5,395.87	5,666.27	5,948.80	6,246.94	6,558.94
1124	5,267.60	5,531.07	5,808.40	6,097.87	6,402.94	6,723.60
1125	5,399.34	5,669.74	5,952.27	6,250.40	6,562.40	6,891.74
1126	5,534.54	5,811.87	6,101.34	6,406.40	6,727.07	7,063.34
1127	5,673.20	5,955.74	6,253.87	6,567.60	6,895.20	7,240.14
1128	5,815.34	6,104.80	6,409.87	6,730.54	7,066.80	7,420.40
1129	5,959.20	6,257.34	6,571.07	6,898.67	7,243.60	7,605.87
1130	6,108.27	6,415.07	6,735.74	7,072.00	7,425.60	7,796.54
1131	6,262.54	6,574.54	6,903.87	7,248.80	7,611.07	7,990.67
1132	6,418.54	6,739.20	7,075.47	7,429.07	7,801.74	8,191.74
1133	6,578.00	6,907.34	7,252.27	7,616.27	7,995.87	8,396.27
1134	6,742.67	7,080.67	7,434.27	7,805.20	8,196.94	8,606.00
1135	6,910.80	7,257.47	7,619.74	8,001.07	8,401.47	8,820.94
1136	7,084.14	7,437.74	7,810.40	8,200.40	8,611.20	9,041.07
1137	7,260.94	7,624.94	8,006.27	8,406.67	8,826.14	9,268.14
1138	7,442.94	7,815.60	8,205.60	8,616.40	9,046.27	9,498.67
1139	7,628.40	8,009.74	8,410.14	8,831.34	9,273.34	9,736.14
1140	7,819.07	8,210.80	8,621.60	9,051.47	9,505.60	9,980.54
1141	8,014.94	8,415.34	8,836.54	9,278.54	9,743.07	10,230.14
1142	8,216.00	8,626.80	9,058.40	9,510.80	9,985.74	10,484.94
1143	8,420.54	8,841.74	9,283.74	9,748.27	10,235.34	10,746.67
1144	8,632.00	9,063.60	9,516.00	9,992.67	10,491.87	11,015.34
1145	8,846.94	9,288.94	9,753.47	10,242.27	10,753.60	11,290.94
1146	9,068.80	9,521.20	9,997.87	10,497.07	11,022.27	11,573.47
1147	9,295.87	9,760.40	10,247.47	10,760.54	11,297.87	11,862.94
1148	9,528.14	10,003.07	10,504.00	11,029.20	11,580.40	12,159.34
1149	9,765.60	10,254.40	10,765.74	11,304.80	11,869.87	12,462.67
1150	10,010.00	10,510.94	11,036.14	11,587.34	12,166.27	12,774.67
1151	10,259.60	10,772.67	11,311.74	11,876.80	12,471.34	13,093.60
1152	10,516.14	11,043.07	11,594.27	12,173.20	12,783.34	13,421.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MPNSA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1153	62.19	65.30	68.56	71.99	75.59	79.37
1154	63.74	66.93	70.28	73.79	77.48	81.35
1155	65.34	68.60	72.03	75.63	79.42	83.39
1156	66.97	70.32	73.83	77.52	81.40	85.47
1157	68.64	72.08	75.68	79.46	83.44	87.61
1158	70.36	73.88	77.57	81.45	85.52	89.80
1159	72.12	75.72	79.51	83.49	87.66	92.04
1160	73.92	77.62	81.50	85.57	89.85	94.34
1161	75.77	79.56	83.54	87.71	92.10	96.70

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MPNSA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1153	4,975.20	5,224.00	5,484.80	5,759.20	6,047.20	6,349.60
1154	5,099.20	5,354.40	5,622.40	5,903.20	6,198.40	6,508.00
1155	5,227.20	5,488.00	5,762.40	6,050.40	6,353.60	6,671.20
1156	5,357.60	5,625.60	5,906.40	6,201.60	6,512.00	6,837.60
1157	5,491.20	5,766.40	6,054.40	6,356.80	6,675.20	7,008.80
1158	5,628.80	5,910.40	6,205.60	6,516.00	6,841.60	7,184.00
1159	5,769.60	6,057.60	6,360.80	6,679.20	7,012.80	7,363.20
1160	5,913.60	6,209.60	6,520.00	6,845.60	7,188.00	7,547.20
1161	6,061.60	6,364.80	6,683.20	7,016.80	7,368.00	7,736.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective June 30, 2026
MPNSA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1153	10,779.60	11,318.67	11,883.74	12,478.27	13,102.27	13,757.47
1154	11,048.27	11,601.20	12,181.87	12,790.27	13,429.87	14,100.67
1155	11,325.60	11,890.67	12,485.20	13,109.20	13,766.14	14,454.27
1156	11,608.14	12,188.80	12,797.20	13,436.80	14,109.34	14,814.80
1157	11,897.60	12,493.87	13,117.87	13,773.07	14,462.94	15,185.74
1158	12,195.74	12,805.87	13,445.47	14,118.00	14,823.47	15,565.34
1159	12,500.80	13,124.80	13,781.74	14,471.60	15,194.40	15,953.60
1160	12,812.80	13,454.14	14,126.67	14,832.14	15,574.00	16,352.27
1161	13,133.47	13,790.40	14,480.27	15,203.07	15,964.00	16,761.34

Total Tentative Agreement Between
The City of Modesto Package Proposal and MPNSA

May 17, 2023

The parties agree that a total tentative agreement for a successor Memorandum of Understanding (MOU) has been reached on the below items. This total tentative agreement is contingent upon ratification by the bargaining unit and approval by the City Council. All items in the current MOU not identified in this total tentative agreement shall remain the same.

There shall be no retroactivity for any proposed enhancement in this total tentative agreement. The effective date of any proposed enhancement in this total tentative agreement shall be the date identified in the tentative agreement, or the date the City Council approves the enhancement in a successor MOU, whichever is later. Accordingly, to the extent this total tentative agreement identifies a date that is prior to the Council's approval of a successor MOU, those dates shall be revised to the effective date of the successor MOU.

Summary

1)Wages
- a) June 20, 2023, 4% base wage increase
- b) June 18, 2024, 3% base wage increase;
- c) July 1, 2025, 3% base wage increase and add Step F,
- d) June 30, 2026, 3% base wage increase

2)Market Equity - Enhancement
- a) As listed in Exhibit X:
  - i) Installment 1 effective June 20, 2023
  - ii) Installment 2 effective June 18, 2024

3)Call Back
- a) Adjust from 78 minutes to 60 minutes

4)Special Assignment – Enhancement and New
- a) Increase from 2.5% to 5.0%
- b) Add Crisis Negotiation Team Collateral Assignment Pay
  - i)1.0% Year one and increase 0.5% annually to a maximum of 2.5%

5)Longevity Incentive - New
- a) 2.5% at 10 years of service

6) Education Incentive - New
- a) BA/BS 2.5% and MA/MS 5%

7)Uniform Allowance
- a) $20 increase upon contract adoption
- b) Add Police Technician Allowance

8)Holidays - Enhancement
- a) Adding Juneteenth and Cesar Chavez Day

9) Cafeteria Plan - Enhancement
- a) Increase to City contribution as described below

10)Gym Membership - New
- a)Gym membership of $12 per month

11) Retiree Health Savings - Increase
- a) Additional $10 per month; increased annually

12)Holiday CTO

a)Employees will receive hour for hour Holiday CTO based on work schedule

13) Leave Bank Purchase Option of 48 hours

14)Language Clean Up to be agreed by the parties

LANGUAGE

ARTICLE 1. TERM

The term of this Memorandum of Understanding (MOU) shall commence on July 1, 2023~~19~~, and shall expire and otherwise be fully terminated at midnight, June 30, 2027~~3~~. Unless otherwise provided for in the MOU, none of the modifications to this agreement shall become effective prior to ratification of this agreement by MPNSA and adoption by the City Council.

ARTICLE 3. REPRESENTATION

This Memorandum of Understanding covers the employees in the following position classifications of City, which MPNSA is certified as representing, and MPNSA is the formally recognized employee organization which has the exclusive right to represent said employees during the term of this implementation.

Fire Prevention Inspector I
Fire Prevention Inspector II
Outreach Specialist
Police Animal Control Officer I
Police Animal Control Officer II
Police Cadet I
Police Cadet II
Police ~~Clerk~~ Support Specialist I
Police ~~Clerk~~ Support Specialist II
Police Community Service Officer I
Police Community Service Officer II
Police Crime and Intelligence Analyst I
Police Crime and Intelligence Analyst II
Police Evidence and Property Technician I
Police Evidence and Property Technician II
Police Identification Technician I
Police Identification Technician II
Police Officer Recruit
Police Technician
Senior Fire Prevention Inspector
Senior Outreach Specialist

ARTICLE 5. SALARY RATES AND STEP ADVANCEMENTS

A. Salary Rates and Ranges:

1) The salary range for each of position shown in **Exhibit 1** shall increase by ~~two~~ four percent (4.0%~~2.0%~~) effective ~~the October 29, 2019~~June 20, 2023, as provided in **Exhibit 2~~4~~**.
2) The salary range for each of those positions shall increase by ~~two~~ three percent (3.0%~~2.0%~~) effective June 18~~23~~, 2024~~0~~, as provided in **Exhibit 3~~5~~**.
3) The salary range for each of those positions shall increase by three percent (3.0%) effective July 1, 2025, as provided in **Exhibit 4**.
4) The salary range for each of those position shall increase by ~~two~~ three percent (3.0%~~2.0%~~) effective June 30, 2026~~22, 2021~~ as provided in **Exhibit 5~~6~~.** ~~The salary range for each of those position shall increase by two percent (2.0%) effective June 21, 2022 as provided in **Exhibit 7**.~~

B. Labor Market Adjustments: In addition to the salary increases described in subsection (A) of this Article, the salary range for each of the ~~benchmark~~ classifications~~es~~ listed in **Exhibit X~~8~~**~~, along with any related classes,~~ shall increase in accordance with the schedule set forth in **Exhibit X~~8~~**. The effective date for the "Year 1 Adjustment" will be June 20, 2023. The effective date for the "Year 2 Adjustment" will be June 18, 2024.

In accordance with California Government Code Section 3500 et al., classification titles and ranges may be amended from time to time by Resolution adopted by the City Council.

C. For purposes of this Memorandum, base salary range shall mean the salary range assigned to a specific classification as provided in **Exhibits 2~~1~~ through 5~~3~~**. Base salary rate shall mean the hourly rate of pay established pursuant to the Step placement within the base salary range as provided in this Memorandum.

Paid time shall be based upon the base salary rate with the computation rounded to the nearest cent.

D. Each salary range shall consist of five (5) Steps, A through E. Each salary range shall consist of five (5) steps, A through E, at five percent (5%) increments. Progression through the steps shall be based upon both length of service and job performance.

(1) Step A will normally be paid upon initial employment.

a. The initial salary may be set at a higher Step only upon approval of the Department Director and City Manager. In cases of exceptional performance, employees hired at higher than Step A may be considered for their first Step increase after thirteen (13) pay periods.

(2) Step B shall be paid upon completion of thirteen (13) pay periods with an overall "meets" performance evaluation. Employees in Step B shall be paid at Step C upon completion of twenty-six (26) pay periods in Step B with an overall "meets" performance evaluation.

(3) Step D through Step E shall be paid upon completion of twenty-six (26) pay periods with an overall "meets" performance evaluation at each Step.

(4) Accelerated Step increases within the established salary range may be granted in addition to those above, upon approval of the City Manager.

(5) When a Step increase is denied, there shall be another performance evaluation of the employee in thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

(6) Due to inferior work, lack of application, indifferent attitude or other legitimate reasons, an employee's Step may be reduced to a lower Step. There is no right of appeal due to the lowering of Steps, but the reasons for reduction shall be given in writing to the employee.

(7) All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

E. Effective July 1, 2025, each salary range shall consist of six (6) Steps, A through F at five percent (5%) increments. Progression through the steps shall be based upon both length of service and job performance. Effective July 1, 2025, employees who have been in Step E for 26 pay periods or more shall be placed into Step F.

(1) Step A will normally be paid upon initial employment.

a. The initial salary may be set at a higher Step only upon approval of the Department Director and City Manager. In cases of exceptional performance, employees hired at higher than Step A may be considered for their first Step increase after thirteen (13) pay periods.

(2) Step B shall be paid upon completion of thirteen (13) pay periods with an overall "meets" performance evaluation. Employees in Step B shall be paid at Step C upon completion of twenty-six (26) pay periods in Step B with an overall “meets” performance evaluation.

(3) Step D through Step F shall be paid upon completion of twenty-six (26) pay periods with an overall "meets” performance evaluation at each Step.

(4) Accelerated Step increases within the established salary range may be granted in addition to those above, upon approval of the City Manager.

(5) When a Step increase is denied, there shall be another performance evaluation of the employee in thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

(6) Due to inferior work, lack of application, indifferent attitude or other legitimate reasons, an employee's Step may be reduced to a lower Step. There is no right of appeal due to the lowering of Steps, but the reasons for reduction shall be given in writing to the employee.

(7) All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

ARTICLE 15. CALL BACK

When an employee returns to active duty at the request of the Department Director, or designee, after said employee has been released from active duty, said employee shall be entitled to call-back compensation. Paid Call-Back shall begin when the employee departs for his/her duty assignment and shall end when the employee departs from the worksite.

(A) The following incidents are not considered call-back and are compensated on a time and one-half basis:

(1) Planned overtime for which the employee has received a minimum of twenty-four (24) hours advance notice;

(2) Overtime associated with assigned Standby as described in Article 13;

(3) Overtime which occurs as an extension of an employee's regular workday;

(4) When an employee begins work at the request of the Department within ninety (90) minutes prior to the scheduled start of his/her regular work shift.

(B) When on call-back, an employee receives the following compensation:

(1) Three (3) hours of straight time per call-back occurrence;

(2) In addition to the three (3) hours of straight time, overtime will be applied as paying time and one-half pay for actual time worked in excess of ~~seventy-eight~~sixty (60~~78~~) minutes.

ARTICLE 19. SHIFT BIDDING & SPECIAL ASSIGNMENTS

A. Squad and Shift Bidding for Patrol:

(1) Police Community Service Officers assigned to general police field duties within the Operations Division may bid for squad and shift assignments based on seniority. Shift assignments are four (4) consecutive calendar months. Seniority shall be classification seniority.

(2) Subject to the remaining provisions of this paragraph, CSOs assigned to the Operations Division may submit squad and shift bids during the months of November, March and July for the following four-month (4 month) period.

(3) Following six (6) consecutive assignments to the same shift, a CSO shall rotate off that shift by bidding for another shift assignment.

(4) Each employee's bid will contain the following information:

(a) Name
(b) Badge Number
(c) Notation of assignment to any specialized units
(d) First choice of shift
(e) Second choice of shift
(f) Third choice of shift
(g) First choice squad

(5) The Department must post a seniority list of employees no later than November 1st, March 1st and July 1st. Any objections to the posted seniority list shall be reported to the Operations Division Commander within ten (10) calendar days of the posting.

(6) All CSOs who have not successfully completed their initial probationary period prior to the posting of the seniority list may be exempted from the shift bidding process at the discretion of the Operations Division Commander.

B. Squad and Shift Bidding for Records:

(1) Police ~~Clerks~~ Support Specialists assigned to Records Division may bid for squad and shift assignments based on seniority. Seniority shall be by classification seniority.

(2) Subject to the remaining provisions of this paragraph, Police Support Specialists ~~Clerks~~ assigned to Records may submit squad and shift bids upon request in anticipation of reassignments. All records reassignments will be based on the shift bids during the months of December and June for the following six-month (6 month) period.

(3) Each employee's bid will contain the following information:

(a) Name
(b) Date of Hire
(c) Notation of prior assignment to any specialized units
(d) First choice of shift
(e) Second choice of shift
(f) Third choice of shift
(g) First choice of squad

(4) The Department must post a seniority list of employees each time a seniority bid occurs no later than December 1st, and June 1st. Any objections to the posted seniority list shall be reported to the Records Lieutenant within ten (10) calendar days of the posting.

(5) All Support Specialists~~Records Clerks~~ who have not successfully completed their initial probationary period prior to the posting of the seniority list may be exempted from the shift bidding process at the discretion of the Records Lieutenant.

C. Special Assignments:

(1) There shall be a five (5) consecutive year limit to special assignments. A special assignment is defined as any assignment that removes the employee from regular patrol duties as a Police Community Service Officer or from the seniority shift bidding process in Records as a Police Support Specialists~~Clerk~~. The employee's performance will be evaluated annually and must maintain a minimum rating of "professional" to remain in the assignment. The Chief of Police or their designee may exercise, notwithstanding the foregoing limitation, at their discretion to extend these assignments beyond five (5) years. Absent exceptional circumstances, employees who have completed five (5) consecutive years in special assignments must perform at least twelve (12) months of regular patrol duty or duty in Records before being assigned to another special assignment.

(2) In the event an employee has fulfilled the maximum term limit and must vacate a special assignment and the department has not received any interest from a qualified applicant, the incumbent may, with approval of the Police Chief, extend the assignment one (1) year. However, if the department receives interest from a qualified applicant during the one (1) year extension, the incumbent must vacate the special assignment at the end of the one (1) year extension in order to fill the position with an applicant. The one (1) year extension may be repeated if the preceding conditions persist.

(3) Special assignments and terms are set forth in General Order 2.14, Specialized and Collateral Assignments.

(4) Notwithstanding this special assignment provision, the Chief of Police ultimately has the discretion to determine the length and terms of any assignment based on the needs of the department.

(5) Police Community Service Officer Assignment Pay: Police Community Service Officers assigned to non-patrol duties as set forth in this subsection (C) shall receive an additional ~~two and one half~~five percent (~~2.5~~5.0%) in compensation for the duration of that special assignment and ending upon return to patrol duties.

(6) Police ~~Records Clerk~~Support Specialist Assignment Pay: Police ~~Records Clerks~~Support Specialists serving in a special assignment as set forth in this subsection (C) shall receive an additional ~~two and one half~~five percent (~~2.5~~5.0%) in compensation for the duration of that special assignment and ending upon return to traditional Records Division assignment.

(7) Special Assignment Pay for Collateral Assignment on the Crisis Negotiation Team:

In order to be eligible for this specialty pay, employees must be routinely and consistently assigned to work a collateral assignment on the Crisis Negotiation Team.

a. Effective July 1, 2023, employees shall receive a one percent (1.0%) collateral assignment pay.
b. Effective July 1, 2024, employees shall receive an additional one half percent (0.5%) for a maximum of one and one half percent (1.5%) collateral assignment pay.
c. Effective July 1, 2025, employees shall receive an additional one half percent (0.5%) for a maximum of two percent (2.0%) collateral assignment pay.
d. Effective July 1, 2026, employees shall receive an additional one half percent (0.5%) for a maximum of two and one half percent (2.5%) collateral assignment pay.

Employees must maintain a meets expectations performance review to maintain collateral assignment.

D. Management Rights:

(A) Nothing contained herein shall limit the discretion of the employer to determine the number of employees to be assigned to each area, shift, Bureau, Division, Unit or specialized position, or the discretion of the employer to assign and transfer employees to meet the operating requirements of the Department, including temporary hardship needs of an employee.

(B) The bid system shall not supersede Management Rights as stated in Article 2 of this Memorandum, nor shall it infringe upon any of the Management Rights contained therein. Specifically, Management retains the right to assign and transfer employees~~.~~

(C) The Department Director is the final authority in assigning personnel and such decisions shall not be subject to the grievance procedure, arbitration or considered as discipline.

(D) All other administrative policies and procedures shall be as contained in the Personnel Rules and Personnel Administrative Orders.

ARTICLE 21. SPECIALTY PAY

(A) Shift Pay: Employees who are regularly assigned to work swing shift which is defined as any shift beginning on or after 12 noon, shall receive a shift differential of $6 per shift for every regularly scheduled shift.

Employees who are regularly assigned to work graveyard shift which is defined as any shift beginning on or after 4:30 pm shall receive a shift differential of $8 per shift for every regularly scheduled shift.

Police Support Specialists ~~Clerks~~ regularly assigned to work a swing or graveyard shift shall receive the shift differential when working a double day.

No shift differential shall be paid to an employee working an overtime shift where the employee is receiving time and one half pay. An employee who works hours in addition to his or her regular schedule on a short week at straight time shall receive the differential.

An employee who works all or part of a regularly scheduled swing or graveyard shift shall receive the full differential for that shift.

(B) Training Pay: Employees in this bargaining unit directed to train other employees shall receive five percent (5%) assignment pay for all hours worked as a trainer.

(C) CSO – ID Unit Pay: Community Service Officers assigned to the ID Unit shall receive an additional five percent (5%) in compensation.

(D) Bilingual Pay: Each Department Director shall, on an annual basis, determine the number of bilingual employees that are needed for oral translation purposes within their department. For purposes of this Article, bilingual is defined as Spanish, Southeast Asian language(s) common to this area, sign language or other languages deemed desirable by the Department Director.

Prior to January 1 annually, each department will provide to their employees a list of translation opportunities within the department. Employee participation in this effort is voluntary.

A review panel made up of three (3) experts (as determined by the department) will assess the qualifications of employees wishing to participate. Two (2) of the three (3) panel members must agree that the person is capable of bilingual translation.

Employees who pass the review panel and are needed in this capacity by the department shall receive $50.00 (fifty dollars) per pay period. Employees must agree to use their bilingual skills at the direction of the department for a minimum of one (1) year from the time the compensation begins, unless an unusual hardship is presented by the employee.

The Department Director may choose to eliminate the compensation if it is determined that the translation services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of bilingual translation than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

If the Department Director identifies more opportunities for translation than there are employees certified, the Department and the Human Resources Department may establish a second notification for participants and a second review panel in July of that year.

An employee certified and receiving bilingual compensation shall cease receiving the pay after they have been out of the workplace for three (3) consecutive pay periods. The pay will not be granted beginning the first day of the following pay

period. The pay will be resumed the first full pay period the employee returns to work.

(E) Longevity Pay. Effective July 1, 2023, employees with ten (10) years of service with the City shall be eligible for two- and one-half percent (2.5%) Longevity Incentive Pay.

(F) Educational Incentive. Effective July 1, 2023, employees who possess a degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a maximum of five percent (5.0%) compensation for the highest college degree obtained and listed below:

1) BA/BS 2.5%
~~1)~~2) MA/MS 5.0%

~~(E)~~(G) Pay Differentials: Pay differentials provided in paragraphs (A) through ~~(E)~~~~C~~ herein shall be included in base pay for purposes of compensation for approved vacation and holiday leave, compensating time off and sick leave.

ARTICLE 23. UNIFORM ALLOWANCES

(A) Police: All Police Department employees who are required to wear uniforms shall do so in accordance with the Police Departm~~e~~'nt's uniform and equipment regulation and receive uniform allowance as follows:

(1) Police Community Service Officers and~~,~~ Police Animal Control Officers ~~and Police Identification Technicians~~ shall receive a uniform allowance of one hundred twenty dollars ($120~~00~~.00) per month paid on the last paycheck of the month.

(2) Police Technicians assigned to RTCC, Police Identification Technicians, Police Evidence and Property Technicians and Outreach Specialists and shall receive a uniform allowance of ~~eighty~~one hundred-five dollars ($105.00~~85.00~~) per month paid on the last paycheck of the month.

(3) Police Technicians assigned to Records and ~~Clerks~~ Police Support Specialists shall receive a uniform allowance of ~~seventy~~ninety-two dollars ($~~7~~92.00) per month paid on the last paycheck of the month.

(4) Full Time Police Cadets shall receive a uniform allowance of one hundred twenty dollars ($120.00) per month paid on the last paycheck of the month; Part Time Police Cadets shall receive a pro-rated uniform allowance of ~~fifty~~ sixty dollars ($~~5~~60.00) per month paid on the last paycheck of the month.

(B) Fire: All Fire Department employees who are required to wear uniforms shall do so in accordance with the Fire Department Rules and Regulations and receive a uniform allowance as follows:

Fire Prevention ~~Technician~~ Inspector~~I, II,~~ and Senior Fire Prevention ~~Technicians~~ Inspector shall receive a uniform allowance of one hundred and twenty-five dollars ($125.00~~105.00~~) per month. Newly hired employees shall receive an allowance prorated from the date of hire.

(C) Reimbursement for Damage: The City will reimburse employees for the cost of replacing or repairing damaged uniforms in accordance with Personnel Administrative Order 19.1-81-6.

(D) An employee hired into or promoted into a position requiring a uniform or different uniform will receive a uniform allowance advance equal to three (3) months' accrual. The advancement will be provided within twenty (20) days of hire. The employee will not receive a uniform allowance for the first three months of employment. If an employee leaves the department and is subsequently rehired, such advance allowance will be available provided the employee has been separated from city service for more than twelve (12) months.

ARTICLE 25. HOLIDAYS

(A) Fixed Holidays: All employees in regular positions, except those employees assigned to a 6/3, 4/11 or a modified 4/10 schedule shall be entitled to the following fixed holidays:

New Year's Day	Martin Luther King, Jr. Day
Presidents' Day	Cesar Chavez Day
Memorial Day	Juneteenth
Independence Day	Labor Day
Veterans' Day	Thanksgiving Day
Day after Thanksgiving Day	Christmas Day

The first pay period of January of each year, employees assigned to the 4/11 or modified 4/10 schedule shall be credited with eighty-eight (88) hours of accrued holiday time. Holiday leave shall be reduced by eighty-eight (88) as required by the modified 4/10 schedule for a net of zero (0) hours or reduced by twenty (20) hours as required by the 4/11 schedule, for a net of sixty-eight (68) hours. See Appendix. Employees assigned to the 4/11 or modified 4/10 schedule are not entitled to any additional compensation when the holiday falls on their regular workday. For employees on a 4/11 schedule, the remaining sixty-eight (68) hours of holiday time in the employee's regular holiday account shall be taken as time off, or shall be forfeited at the end of each calendar year. (The end of the calendar year is defined as the pay period in which January 1 falls). If an employee enters into or leaves a 4/11 or modified 4/10 schedule, the employees holiday hours shall be adjusted to reflect the schedule change.

At the sole discretion of the Police Chief, a probationary Police Community Service Officer assigned to Field Training may be required to cash out all, or a portion, of their holiday time. The Police Chief shall determine the number of hours to be cashed out based on the timing and duration of the Field Training assignment and the needs of the Police Department.

(B) Floating Holiday: Employees in regular positions shall be entitled to a total of eight (8) hours on a 5/2 or 6/3 schedule, nine (9) hours for a 9/80, ten (10) hours for a 4/10 schedule, eleven (11) hours for a 4/11 schedule floating holiday time provided that the employee is on the payroll during the entire pay period in which such floating holiday time is to accrue. "Entire pay period" shall mean that an employee must have been hired prior to, or at the start of, the pay period and not have separated prior to the end of the pay period and was paid for at least one-half (1/2) of the scheduled hours. Floating holiday time shall be accrued during the pay period in which January 1 falls.

(C) Floating holidays accrued shall be available for use the first day following the pay period in which they are accrued, with the approval of the Department Director.

(D) Job Sharing: Employees in regular positions budgeted less than eighty (80) hours per period or job-shared positions shall receive fixed and floating holiday accruals on a pro-rata basis.

(E) If a fixed holiday falls on an employee's regularly scheduled workday, the employee shall be entitled to a total of eight (8), nine (9), ten (10) or eleven (11) hours (a full work shift) of holiday time off depending on their current work schedule. Employees on a modified 4-10 or 4-11 shall receive holiday compensation as defined in the shift agreement.

(F) If a fixed holiday falls on a Saturday, the preceding Friday will be observed as the fixed holiday. If a fixed holiday falls on a Sunday, the succeeding Monday will be observed as the fixed holiday.

(G) If a fixed holiday falls on an employee'''s regularly scheduled day off, the full time employee shall be entitled to a total of eight (8), nine (9), ten (10) or eleven (11) hours (a full work shift) of holiday time compensatory off, depending on their current work schedule hours of holiday compensatory time.

(H) Employees working on fixed holidays shall be compensated at time and one-half for time actually worked; irrespective of hours actually worked in this workweek. In no event shall such an employee be compensated for working a fixed holiday in excess of one and one-half (1-1/2) times the employee's regular hourly rate of pay plus hour-for-hour holiday compensatory time except as provided in Article 12 (c).

(I) Whenever a regular employee is required to work on a fixed holiday, which falls within the employee's regularly scheduled work week, the employee shall accrue, on an hour-for-hour basis, up to a total of regularly scheduled hours (eight (8), nine (9), or ten (10) or eleven (11), holiday compensatory time.

(J) Whenever a regular employee is required to work on a fixed holiday which falls on a regular day off, the employee shall accrue on an hour-for-hour basis up to a total of eight eleven (118) hours of holiday compensatory time irrespective depending on theof employee's normal current work schedule (4/10, 4/11 or 9/80,).

(K) Employees on leave without pay the last scheduled workday before and the first scheduled workday after a fixed holiday shall not receive holiday pay.

(L) Holiday time may be accrued up to a maximum of forty (40) hours. When the employee reaches the forty (40) hour maximum, additional holiday time worked shall be compensated in cash at straight time rates. Upon termination or retirement, employees shall be compensated for any unused accrued holiday time at the then current regular hourly rate of pay.

(M) Employees may request cash-out of up to forty (40) hours of their grandfathered holiday time annually during the pay period in which November 1 falls. This cash-out is at the employee's current regular hourly rate of pay.

ARTICLE 32. HEALTH, DENTAL, VISION INSURANCE

All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the health, dental and vision programs authorized by the City.

The City agrees to make available the health, dental and vision benefits currently provided for employees represented by MPNSA or any other program(s) mutually agreed upon by the parties.

Employees may opt out of participation in the City's medical health plans if the employee provides proof of coverage under another medical health insurance. This option may only be exercised during the City's open enrollment period or within thirty (30) days of a qualifying "life change" event as defined by the IRS. Employees who opt out of participation shall continue to participate in the City dental and vision plans.

For new employees, eligibility for health, dental and vision insurance benefits shall start with the beginning of the payroll period following completion of four (4) full pay periods.

The City shall contribute the following amounts bi-weekly (based on twenty-four (24) pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

(A) Effective July 1, 2023, the City currently contributes the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$336.50
Employee + One	$602.00
Employee Plus Family	$850.50

(B) Effective January 1, 2024~~0~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$345.00~~317.00~~
Employee + One	$690.00~~567.00~~
Employee Plus Family	$975.00~~801.50~~

(C) Effective January 1, 2025~~1~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$359.00~~323.50~~
Employee + One	$718.00~~578.50~~
Employee Plus Family	$1014.00~~817.50~~

(D) Effective January 1, 2026~~2~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$374.00~~330.00~~
Employee + One	$747.00~~590.00~~
Employee Plus Family	$1055.00~~834.00~~

(E) Effective January 1, 2027~~3~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$225.00
Employee Only	$389.00~~336.50~~
Employee + One	$777.00~~602.00~~
Employee Plus Family	$1097.00~~850.50~~

(F) The City's contribution for employees with family coverage or employee plus one dependent coverage shall not exceed the actual premium amount for the lowest cost HMO (including dental and vision) offered by the CITY, regardless of the health plan selected by the employee or the contribution amounts listed above.

(G) For employees enrolled in the City-sponsored High Deductible Health Plan, the City shall deposit any balance of the applicable above contribution not needed to pay for the employee's combined premiums, into the employee's Health Savings Account.

(H) For employees who opt out of medical health coverage, employee may elect to deposit to the employee's deferred compensation account an amount equal to the remaining balance of the above contributions, if any, not needed to pay for the dental and vision premium or have the amount paid in cash.

Employees in regular positions budgeted less than eighty (80) hours per pay period or in job-shared positions, shall receive premium contributions on a pro-rated basis.

Except as otherwise required by law or this Memorandum, employees on leave without pay in excess of forty (40) hours in a pay period shall not receive a contribution from the City towards premium payment and coverage shall cease, unless the premium is paid by the employee. Employees on leave without pay who return to work shall have their health, dental, and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.

Employees receiving Workers' Compensation temporary disability payments through payroll shall continue to receive the City contribution towards health, dental and vision benefits.

The City shall continue an IRS Section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums for un-reimbursed health, dental and vision expenses and dependent care costs.

The City agrees to provide the benefits described in this Article subject to carrier requirements. Selection of the insurance provider(s) shall be within the sole discretion of the City.

The City's health plan year is January through December with open enrollment occurring during the month of October.

The City shall pay members a monthly membership fee of twelve dollars ($12) for each employee to utilize the fitness center located at 1018 13th Street, Modesto. The monthly fee shall not increase during the term of this Agreement.

~~Should the year-over-year healthcare premium for the Kaiser HDHP (Employee + 1) plan increase by ten percent (10%) or greater, the parties shall meet and confer to discuss the City's contributions towards employee healthcare costs for the applicable plan year. In no event will the City's contribution to healthcare costs be decreased under this reopener. This provision shall sunset at the expiration of this contract.~~

ARTICLE 33. RETIREE HEALTH INSURANCE

(A) Eligible Employees hired before January 1, 2011 who retire from the City on or after January 1, 2015:

The City will no longer offer retiree medical plans through the City's group plans effective January 1, 2015; however, a retiree may elect on a one-time basis at retirement the option to purchase and maintain the City's dental and vision plans at retiree's cost.

I. Retiree Medical Program

a. The City currently contributes to a City sponsored defined contribution retiree medical benefit plan a City contribution of one hundred dollars ($100)~~25~~ per month for full time employees. For a full-time employee, this equates to a maximum of one thousand two hundred dollars ($1,200)~~300~~ per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

~~Effective January 1, 2019, the defined City contribution shall increase by an additional $15. The defined City contribution shall be a maximum contribution of $100 per month by January 2019.~~
Effective January 1, 2024, the defined City contribution shall increase by an additional ten dollars ($10) for a total of one hundred ten dollars ($110) per employee, per month. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

Effective January 1, 2025, the defined City contribution shall increase by an additional ten dollars ($10) for a total of one hundred twenty dollars ($120) per employee, per month. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

Effective January 1, 2026, the defined City contribution shall increase by an additional ten dollars ($10) for a total of one hundred thirty dollars ($130) per employee, per month. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

Effective January 1, 2027, the defined City contribution shall increase by an additional ten dollars ($10) for a total of one hundred forty dollars ($140) per employee, per month. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

Employees under this subsection shall be deemed to have satisfied any service eligibility requirements necessary to receive this benefit.

b. Employees who retire after five (5) continuous years of service in good standing may, on a one-time basis, have ninety percent (90%) of their unused grandfathered sick leave converted to a City sponsored defined

contribution retiree medical benefit plan at a rate of eight (8) hours equals one month of contribution to purchase medical insurance.

II. Funding/Eligibility of Retiree Medical Program/Sick Leave Conversion

a. For each eight hours converted to retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient			Medicare Eligible Recipient
Retiree Only	=	$500	Retiree Only = $250
Retiree +1 Dep	=	$1,000	Retiree +1 Dep = $500
Retiree + Family	=	$1,000	Retiree + Family = $500

Combined contributions for Retirees
1 Non-Medicare + 1 Medicare coverage = $750

b. Retiree Only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer).

c. Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent.

d. Upon retirement only, the City shall transfer contributions based on eligibility above into the retiree's individual account with the City sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows:

i. Upon Retirement – initial contributions will be made for the months from loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

ii. Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) & July 31st (for months July - December) until exhaustion of sick leave conversion.

2. To receive the semi-annual contribution, the Retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year, however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. This will not result, however, in a reduction to the number of months the Retiree is eligible for receiving contributions in the future in they did not receive a contribution during the year.

3. If Retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the Retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the Retiree's status changes from Retiree Only to Retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the Retiree for the change in status for the month of December in the previous calendar year. If the Retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the Retiree receiving a contribution for the Retiree Only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the Retiree's death.

4. In the event of the death of Retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be $500 for spouse or $1,000 for spouse and one or more child dependent and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

(B) Eligible Employees hired on or after January 1, 2011:

(1) For employees hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a ~~Health~~ Retiree Heath Savings ~~Reimbursement Arrangement~~ (R~~H~~S~~RA~~) account, as described below:

(a) Eligibility: Regular full time employees and employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions are eligible to receive a City ~~HRA~~ RHS contribution, if they have completed two (2) full years of continuous City regular service. If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.

(b) City Contribution:

(1) Initial Contribution: On the first pay period following completion of two (2) full years of continuous City service, regular full time employees shall receive a lump sum contribution of $2,400 deposited into a~~n~~ ~~HRA~~ RHS account established in their name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on their hours worked.

(2) Regular City Contribution: After the initial contribution (defined above) is made, the City shall contribute for each eligible full-time employee, one hundred dollars ($100.00) per month. For a full-time employee, this equates to a maximum of $1,200 per year after the initial eligibility period is met. Employees in regular positions budgeted less than eighty (80) hours per pay period or job shared positions, shall receive a pro-rated lump sum contribution based on their hours worked. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

The regular City contribution shall be increased annually by ten dollars ($10) monthly, up to a maximum contribution of $140 per month by January 2027 as follows:

a) Effective January 1, 2024, the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of $110 monthly. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

b) Effective January 1, 2025 the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of $120 monthly. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

c) Effective January 1, 2026 the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of $130 monthly. Employees in regular

positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

a)d)Effective January 1, 2027, the defined City contribution shall increase by an additional ten dollars ($10) per month, per employee for a total of $140 monthly. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month.

(D) Access to Account Balance:

(1) Participants may access the balance in their HRA RHS account upon termination of employment and attainment of age fifty (50) or retirement from CalPERS Retirement System, whichever is earlier.

(2) Participants may defer accessing the account balance to any time beyond the earliest date described in (1).

(3) Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan subject to the limitations and maximums as stipulated by law, however, federal regulations at this time do not permit the inclusion of expenses for domestic partners. Should future federal regulations allow for the inclusion of domestic partners, they shall be added as eligible to this section.

(E) Survivors of eligible retirees with account balances:

(1) Spouses and eligible dependent children or dependent adults that are disabled may continue to access account balances after the death of the retiree subject to the limitations and maximums as stipulated by law.

(2) Domestic partners are not permitted access to the account balances of the participant at this time by virtue of restrictions in the federal regulations that govern these types of accounts. Should future federal regulations allow for the inclusion of domestic partners, they shall be added as eligible to Section (1), above.

(F) Forfeiture of account balance:

(1) If an active employee dies prior to retirement, the amount of account balance is available to eligible spouses and dependents to reimburse them for medical expenses permitted under the applicable section of the Internal Revenue code.

(2) Account balances in part or in total for active participants or retirees without any eligible spouse or dependent or unused account balances after the death of the last eligible spouse or dependent will be forfeited and returned to all other active and retired participants in the form of a dividend allocated in direct proportion to

the amount to be distributed divided by the total account balance for all participants applied to each individual account balance.

(G) This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

New Article: Leave Bank Purchase Option

1. The City and MPNSA agree to allow employees of this bargaining unit to independently agree to a leave bank purchase option plan.

2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MPNSA waiving any contractual rights by MPNSA to enforce the Memorandum of Understanding.

3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours annually, during the pay period that contains July 1st. All members must exhaust the purchased leave bank no later than the pay period preceding the pay period that contains July 1st in the following year.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning the pay period that contains July 1st and ending after the 24th pay period following, during each year of the term of the MOU.

6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt members of MPNSA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.

8. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MPNSA on a per pay period basis.

Exhibit X MPNSA Market Adjustments

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Police Animal Control Officer I	5.0%	5.0%	No further adjustment
Police Animal Control Officer II	5.0%	5.0%	No further adjustment
Police Community Service Officer I	5.0%	5.0%	No further adjustment
Police Community Service Officer II	5.0%	5.0%	No further adjustment
Police Crime & Intelligence Analyst I	5.0%	2.5%	2.5%
Police Crime & Intelligence Analyst II	5.0%	2.5%	2.5%
Police Evidence & Property Technician I	2.5%	2.5%	No further adjustment
Police Evidence & Property Technician II	2.5%	2.5%	No further adjustment
Police Identification Technician I	2.5%	2.5%	No further adjustment
Police Identification Technician II	2.5%	2.5%	No further adjustment
Police Support Specialist I	7.5%	5.0%	2.5%
Police Support Specialist II	7.5%	5.0%	2.5%
Police Technician	2.5%	2.5%	No further adjustment

This Tentative Agreement shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

FOR THE CITY OF MODESTO	FOR MODESTO POLICE & FIRE NON-SWORN ASSOCIATION
5/17/23	5/17/23
Christina Alger Date Director of Human Resources	Christy Beffa Date MPNSA President
5/17/23	5/17/23
Jesse Lad Date Labor Representative, Meyers Nave	Tony Arguelles Date Labor Representative, Goyette, Ruano & Thompson, Inc.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-287

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR UNREPRESENTED NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES CONSISTENT WITH THOSE IN REPRESENTED UNITS AS SET FORTH IN ATTACHED EXHIBIT A, "SUMMARY OF BENEFIT OFFERINGS FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES"; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE AND THE CITY ATTORNEY TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 7, 2022, by Resolution No 2022-268 Council approved benefit changes to Unrepresented Management Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Management Confidential employees consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit, and

WHEREAS, a Summary Of Benefit Offerings For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives includes the changes below, as set forth in the following **exhibit** and shall be **attached** hereto as and made a part hereof:

1) Changes to the City's contribution for medical, dental, and vision insurance of:
    a) Initial increase to City contributions (excluding opt out), as listed below effective January 1, 2024
    b) Four percent increase to City contributions (excluding opt out), effective January 1, 2025

c) Four percent increase to City contributions (excluding opt out), effective January 1, 2026

d) Four percent increase to City contributions (excluding opt out), effective January 1, 2027

e) The City's bi-weekly (based on 24 pay periods) contribution rate medical, dental and vision insurance premiums as described below:

	July 1, 2023	January 1, 2024	January 1, 2025	January 1, 2026	January 1, 2027
Single	$336.50	$345	$359	$374	$389
Employee + 1	$602	$690	$718	$747	$777
Family	$850.50	$975	$1,014	$1,055	$1,097

2) Increase City Retiree Health Savings Account contributions for all employees regardless of date of hire as follows:

   a) An additional $10.00 monthly per employee effective January 1, 2024

   b) An additional $10.00 monthly per employee effective January 1, 2025

   c) An additional $10.00 monthly per employee effective January 1, 2026

   d) An additional $10.00 monthly per employee effective January 1, 2027

3) Education Incentive Pay of 2.5% for Bachelor's Degree and 5.0% for Master's Degree

4) 2.5% Longevity Incentive Pay at 10 years of service

5) Paid Holidays: Juneteenth and Cesar Chavez Day

6) Leave Bank Purchase Option of 48 hours – Employee paid

WHEREAS, the Summary Of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including

Charter Officers and Executives set forth in the following **exhibit** which are **attached** hereto and made a part hereof shall supersede Resolution No. 2022-268.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives, **attached** hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager, or designee, and the City Attorney are hereby authorized to take the necessary administrative action to implement the provisions of this resolution.

BE IT FURTHER RESOLVED, the City Attorney is directed to prepare any Amendments to the At-Will Employment Agreements for the City Manager and City Clerk necessary to implement the modifications in this Resolution and its attachments, and the Mayor is authorized to execute such Amendments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

SUMMARY OF BENEFIT OFFERINGS FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES

Effective June 20, 2023

Table of Contents

SECTION 1. PROBATIONARY PERIOD. 3

SECTION 2. COMPENSATORY TIME OFF CAP. 4

SECTION 3. HOLIDAY CAP. 4

SECTION 4 MANAGEMENT LEAVE. 4

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT. 4

SECTION 6. MEDICAL LEAVES OF ABSENCE. 4

SECTION 7. CATASTROPHIC LEAVE. 5

SECTION 8. NEGATIVE VACATION. 5

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. 5

SECTION 10. SICK LEAVE. 5

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. 6

SECTION 12. PROMOTION. 6

SECTION 13. REGISTRATION AND CERTIFICATION FEES. 6

SECTION 14. VEHICLE ALLOWANCE. 6

SECTION 15. UNIFORM ALLOWANCES. 7

SECTION 16. POST CERTIFICATION PAY. 7

SECTION 17. BONUS PAY FOR UNREPRESENTED POLICE MANAGEMENT. 7

SECTION 18. HAZARDOUS MATERIALS CERTIFICATION PAY. 7

SECTION 19. ALS PARAMEDIC PAY. 7

SECTION 20. FIRE CHIEF OFFICER SHIFT STIPEND. 8

SECTION 21. ASSIGNMENT PAY. 8

SECTION 22. MUTUAL AID ASSIGNMENT. 8

SECTION 23. DEFERRED COMPENSATION 457 PLAN. 9

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS. 9

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS. 9

SECTION 26. DOMESTIC PARTNERS. 10

SECTION 27. RETIREE HEALTH INSURANCE. 10

SECTION 28. PAYCHECK ADVICES. 14

SECTION 29. EDUCATION INCENTIVE PAY. 14

SECTION 30. CERTIFICATION INCENTIVE PAY. 15

SECTION 31. LONGEVITY INCENTIVE PAY. 16

SECTION 32. UNFUNDED LIABILITY. 16

SECTION 33. FURLOUGH. 18

SECTION 34. LEAVE BANK PURCHASE OPTION. 19

Nothing in this document shall create an express or implied covenant or contract or create a property right or tenure for any person appointed to unrepresented classifications covered by this Summary.

The City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit.

Further, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto City Fire Fighters Association (MCFFA) bargaining unit and for Unrepresented Sworn Police employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit.

By Resolution No 2022-268, Council approved updated the benefit offerings for unrepresented sworn management and non-sworn management and confidential employees, including charter officers and executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes.

By Resolution 2023-____ , Council approved this Summary Of Benefit Offerings For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes as follows:

SECTION 1. PROBATIONARY PERIOD.

All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP.

Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP.

Holiday time for unpresented non-sworn employees may accrue up to a maximum of 40 hours. When the employee reaches the 40-hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 4 MANAGEMENT LEAVE.

Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) in January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave. In the even of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT.

The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Assistant Police Chief, Police Captains, Fire Battalion Chiefs, Fire Deputy Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 6. MEDICAL LEAVES OF ABSENCE.

Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE.

Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long-term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION.

Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire Management employees in the classification of Fire Battalion Chief, Fire Deputy Chief and Fire Chief working a 40-hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56-hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one- half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE.

NON-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfather sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank – Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank – remaining sick leave balance as of promotion date not grandfathered. When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) into a Health Saving Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must meet the following requirements: Must have a balance of no less than 240 hours of regular sick leave (360 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule).

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfather sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In Addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 12. PROMOTION.

For employees promoted on or after November 17, 2015, prior to their promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfather compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. REGISTRATION AND CERTIFICATION FEES.

Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 14. VEHICLE ALLOWANCE.

Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of $300/month. The City Manager is also authorized to

grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 15. UNIFORM ALLOWANCES.

Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform are as follows:

Positions	Effective Date	Allowance
Sworn Police Management	February 1, 2015	$101.67
Sworn Fire Management	April 16, 2019	$105.00

SECTION 16. POST CERTIFICATION PAY.

Effective March 7, 2017, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective March 7, 2017, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for ten percent (10%) Management POST Certificate pay. Effective January 10, 2016, Police Chief shall be eligible for an additional ten percent (10.0%) Executive POST pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10.0%).

SECTION 17. BONUS PAY FOR UNREPRESENTED POLICE MANAGEMENT.

City shall pay one thousand dollars ($1,000) to Sworn Police Management as a retention bonus to be paid out in the second pay period of November each year for the term of the contract.

SECTION 18. HAZARDOUS MATERIALS CERTIFICATION PAY.

Effective July 1, 2003, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 19. ALS PARAMEDIC PAY.

Effective July 14, 2015, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized ten percent (10%) ALS Paramedic pay, while assigned to the ALS

Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 20. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 2, 2014, Fire Battalion Chiefs and Fire Deputy Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Deputy Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 21. ASSIGNMENT PAY.

Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Deputy Chief to the assignment of Fire Assistant Chief and shall be paid ten percent (10%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at any time and such employee shall return to an assignment as Fire Deputy Chief. Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Battalion Chief to the assignment of Fire Division Chief and shall be paid five percent (5%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at anytime and such employee shall return to an assignment as Fire Battalion Chief.

SECTION 22. MUTUAL AID ASSIGNMENT.

Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Deputy Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24-hour period. Fire Deputy Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a twenty-four 24-hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.

2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 23. DEFERRED COMPENSATION 457 PLAN.

The City shall provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the City shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the City for nine (9) or more years, the City shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS.

The 401 (a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of (5%) for Charter Officers, (3%) for Executives other than Charter Officers, and (2%) for all other unrepresented Management and Confidential employees.

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS.

The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives and Unrepresented Sworn Fire and Police Management and, shall be a three- tier system as follows and the City monthly contribution (excluding opt out) shall increase on January 1, 2024 as listed below and by four (4) percent annually thereafter, as follows:

Coverage Level	2023	2024	2025	2026	2027
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00	$450.00
Employee only	$673.00	$690.00	$718.00	$748.00	$778.00
Employee plus one	$1,204.00	$1,380.00	$1,436.00	$1,494.00	$1,554.00
Employee plus family	$1,701.00	$1,950.00	$2,028.00	$2,110.00	$2,194.00

The City shall pay in cash any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City- sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall pay in cash any balance of the above contribution not needed to pay for the employee's combined premium.

SECTION 26. DOMESTIC PARTNERS.

Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 27. RETIREE HEALTH INSURANCE.

Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under the City -authorized plan and are responsible for all cost.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City prior to October 23, 2012 five (5) year of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision

premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56 hour schedule, shall have hours at a retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the city on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Medicare Retiree and Number of Dependents	Medicare Eligible Recipient Contribution
Retiree Only	$250
Retiree plus one Dependent	$500
Retiree plus two or more	$500

Non-Medicare Retiree and Number of Dependents	Non-Medicare Eligible Recipient Contribution
Retiree Only	$500
Retiree plus one Dependent	$1,000
Retiree plus two or more	$1,000

Combined Contributions for Retirees

One Non-Medicare plus one Medicare coverage equals $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree plus one or Retiree plus family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Savings Account (RHS) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement.

Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution- a semi-annual years' worth of contributions will be made on a semi-annual basis no later than January 31st (for months January – June) and July 31st (for months July- December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year.

Failure to provide proof of coverage will result in the retiree losing a City Contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July Contribution. Loss of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree plus one on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the even of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be

deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the even of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retirement Health Savings account (RHS). For non-sworn employees, effective July 2, 2013, the City shall contribute $25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute $25.00 per month. For a full-time employee, this equates to a maximum of $300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City RHS by an additional ten dollars ($10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be $100. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retirement Health Savings (RHS) account. An employee is eligible to receive a City RHS contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the City shall deposit $2,400 into an RHS account established in the employee's name. Employees in regular position budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute $100 per month for each eligible full-time employee.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for

any sick leave conversion towards retiree medical premiums of any sort. The City's contributions under this section represents the entre contribution towards employee retiree medical.

Beginning January 1, 2024, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2027, by an additional $10 per month, per year, per employee each January. The defined City contribution shall be a maximum contribution of $140 per month by January 2027. For all employees regardless of date of hire by January 1, 2024, the City will increase the City contribution to the City RHS by an additional ten dollars ($10.00) monthly per employee effective January 1, 2024; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2025; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2026; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2027. The contribution effective January 1, 2027 will be $140. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month.

SECTION 28. PAYCHECK ADVICES.

All employees who have direct deposit will no longer receive hard copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service. Employees are responsible to view their pay advices, including their annual W-2s. Employees have the option to elect to be paid via direct deposit or debit card. Pay advices are available for viewing anytime on payday. Current and historical pay slips can be printed utilizing city computer workstation.

SECTION 29. EDUCATION INCENTIVE PAY.

Master's Degree Incentive Pay. Effective June 20, 2023, employees who possess a Bachelor's Degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a two- and one-half percent (2.5%) Educational Incentive Pay. The maximum pay differential for employees who possess a bachelor's degree is 2.5% regardless of the number of degrees obtained. Employees who possess a Master's Degree or Juris Doctor from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for five percent (5.0%) Educational Incentive Pay. The maximum pay differential for Educational Incentive is five percent (5.0%), regardless of the number of Degrees obtained. Effective June 25, 2019, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted four percent (4.0%) Masters Pay.

Effective June 22, 2022, Sworn Fire Management employees in the classification of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

Degree	Educational Incentive Pay Percentage
AA/A	2.50%
BA/BS	5.00%

Qualifying certificates and degrees:

1. Associates Degree in Fire Science, Fire Technology, or a related field, OR a Bachelor's Degree in Fire Science, Fire Management, Public Safety Administration or a related field. Fire Chief reserves the right to determine qualifying degrees.

Education incentives are not stackable or cumulative. Employees receive pay for the highest certification or degree earned. Employee is responsible for submitting request for educational incentive. Educational incentive will be effective in the same pay period that verification of education is received by the City from the employee.

SECTION 30. CERTIFICATION INCENTIVE PAY.

Effective June 22, 2022, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Education Incentive Pay for certificates identified in (b) below. Employee is responsible for submitting request for certificate incentive. Certificate incentive will be effective in the same pay period that verification of certificate is received by the City from the employee.

a) Employees shall receive one half percent (0.5%) for each qualifying certificate listed below, for up to a maximum of two-and one-half percent (2.5%) certification incentive pay.

b) Qualifying certificates

   Certificates below held from the Office of the California State Fire Marshal or the equivalent California Joint Apprentice Committee Program shall be eligible for compensation:

   - Fire Investigator – 1A, 1B, 1C
   - Fire Inspector (or Prevention) – 1A, 1B, 1C, 1D
   - Fire Instructor – 1A, 1B, or I, II, III
   - Fire Command – 1A, 1B, 1C
   - Fire Management I
   - Plans Examiner (or Checker) – 1A, 1B, 1C
   - Fire and Life Safety Educator – 1A, 1B, 1C
   - Fire Science or Fire Technology Certificate

- Rescue Tech 2
- Rope Rescue Technician
- Boat Operator
- Wildland Firefighter – Equivalent courses in series.
- Fire Apparatus Driver/ Operator or Engineer or Equivalent (Equivalent to completion of 1A and 1B)
- Driver Operator 1A
- Driver Operator 1B
- Fire Control 5 (ARFF – Aircraft Rescue and Fire Fighting)
- Company Officer – 2A, 2B, 2C, 2D, 2E
- Fire Marshal – 1A, 1B, 1C, 1D, 1E
- Chief Officer – 3A, 3B, 3C, 3D

SECTION 31. LONGEVITY INCENTIVE PAY.

Effective July 1, 2023, non-sworn unrepresented management and confidential employees, including charter officers and executives with ten (10) years of service with the City shall be eligible for two- and one-half percent (2.5%) Longevity Incentive Pay.

Effective June 22, 2022, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

Years of Service	Longevity Incentive Pay Percentage
10	2.00%
15	3.50%
20	5.00%

Longevity incentives are not stable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 32. UNFUNDED LIABILITY.

1. Effective April 16, 2019, each unrepresented Fire Management employee shall contribute one percent (1.0%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.
2. Effective July 21, 2020, each unrepresented Fire Management employee shall contribute an additional three percent (3.0%) of salary for a total of four percent (4%).

a. Effective July 21, 2020 through June 7, 2021, the four (4%) contribution shall be used to fund a portion of the Employer Share of the normal cost versus being contributed to an agreed upon Base on the CalPERS Safety Schedule Amortization.

b. Effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue to until such liability is paid in full. To the extent possible, the City shall ensure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

c. Effective June 21, 2022, employees shall receive a two and one-half percent (2.5%) salary increase pursuant to 2 (b) above, and the employee will contribute an additional two and one-half percent (2.5%) for a total of six and one-half percent (6.5%) as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specially related to fire employees.

d. In contributing to their statutorily required retirement contributions, PERPA employees shall not exceed the agreed upon additional contribution levels noted above; sixteen percent (16.0%) for June 2021 and eighteen and one-half percent (18.5%) for June 2022. During the stated timelines, should the PERPA contribution exceed the percentages noted above, PERPA employees shall have their additional contributions to the City's Base account adjusted downward accordingly. The cap of eighteen and one-half percent (18.5%) shall remain in effect from July 1, 2022 through June 30, 2024.

e. If any other City employee group which has agreed to concessions, salary reductions, furloughs, postponed salary increases or any similar "give back" reversed, the three percent (3.0%) raise diversion noted in 3 (a) above shall immediately cease and shall revert to the employee's three percent (3.0%) base wage increase.

3. Effective June 21, 2021, the three percent increase shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases.

4. Effective June 25, 2019, each Unrepresented Sworn Police Management employee shall contribute one- and one-half percent (1.5%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 33. FURLOUGH.

1. Effective the pay period beginning July 7, 2020, and for a total of 24 periods, each Unrepresented Sworn Police Management and Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the twenty-four (24) pay periods. Unrepresented Sworn Police Management employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours.
3. Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all Sworn Police Management exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.
4. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all Non-Sworn employees exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.
5. Non-Sworn employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Employees who elect this option will, effective July 7, 2020 for a total of 24 pay period, have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.
6. All employees shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.
7. Non-sworn employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.
8. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
9. The City has the sole discretion to assign overtime and that employees will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, there may be occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.
10. If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed $147,000,000 for Fiscal Year 20/21,

furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions effective the pay period following such a determination.

11. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in above, the employee will not be reimbursed for using such leave.
12. For Sworn Police Management, during this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS, as referenced in Section 31 above, shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with above, the 1.5% furlough deduction shall resume.
13. For Sworn Police Management, during this designated furlough usage period, the vacation accrual cap shall be temporarily suspended. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension at the discretion of the Police Chief and City Manager.

SECTION 34. LEAVE BANK PURCHASE OPTION.

1. The City shall allow Non-Sworn Unrepresented Management and Confidential employees, including Charter Officers and Executives to independently apply for the leave bank purchase option plan.
2. The allowance is not to be viewed as a precedent or the establishment of a past practice.
3. Eligible employees may elect a leave bank purchase option of forty-eight (48) hours.
4. The City shall create for each eligible employee an additional leave bank of 48 hours annually, during the pay period that contains July 1st. All eligible employees must exhaust the purchased leave bank no later than the pay period preceding the pay period that contains July 1st in the following year.
5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period that contains July 1st and ending after the 24th pay period following, during each year from July 1, 2023 through June 30, 2027.
6. Eligible employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt employees shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.
8. During the designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees; deductions go to UAL payment by making additional direct payments (ADP).

The Council of the City of Modesto approved the above benefit offerings by Resolution No. 2023-____ on June 13, 2023.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-288

RESOLUTION APPROVING SALARY CHANGES FOR UNREPRESENTED NON SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES CONSISTENT WITH THOSE IN REPRESENTED UNITS, EFFECTIVE JUNE 20, 2023; AS SET FORTH IN ATTACHED EXHIBIT A, "SUMMARY OF SALARY RANGES AND SCHEDULES FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES"; SUPERCEDING RESOLUTION 2022-267, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE AND THE CITY ATTORNEY TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 7, 2022, by Resolution No 2022-267 Council approved salary changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Management consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto Confidential and Management Association (MCMA) on June 13, 2023 which included salary increases,

WHEREAS, the Council of the City of Modesto desires to approve a four percent (4.0%) base salary increase for all Unrepresented Non-Sworn employees effective June 20, 2023; followed by an additional three (3.0%) percent salary increase effective June 18, 2024; followed by an additional three (3.0%) percent salary increase effective July 1, 2025; followed by an additional three (3.0%) percent salary increase effective June 30, 2026 and

WHEREAS, the City desires to maintain competitive position with the labor market. Therefore, a Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives provides for the changes below, as set forth in the following **exhibits** and shall be **attached** hereto as and made a part hereof:

1) Implements across the board salary increase in base wages for Non-Sworn Confidential and Management employees, including Charter Officers and Executives as follows:
    a) 4% base wage increase effective June 20, 2023
    b) 3% base wage increase effective June 18, 2024
    c) 3% base wage increase effective July 1, 2025
    d) 3% base wage increase effective June 30, 2026
2) Effective July 1, 2025 a new Step "F" shall be added to all salary schedules for all Non-Sworn Unrepresented classifications and shall be 5% above then Step E.
3) Based on the results of the City's most recent labor market study, the salary range for each of the classes listed in "**Exhibit X** Market Adjustment for Non-Sworn Unrepresented", along with any related classes, shall receive market equity adjustments as follows, in accordance with the schedule and is set forth in the **attached Exhibits**:
    a) Installment 1 effective June 20, 2023
    b) Installment 2 effective June 18, 2024

WHEREAS, the Summary Of Salary Ranges and Schedules For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees,

Including Charter Officers and Executives set forth in the following **exhibit** which are **attached** hereto and made a part hereof shall supersede Resolution No. 2022-267.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Summary of Salary Ranges and Schedules For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives, **attached** hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager, or designee, and the City Attorney are hereby authorized to implement the provisions of this resolution.

BE IT FURTHER RESOLVED, the City Attorney is directed to prepare any Amendments to the At-Will Employment Agreements for the City Manager and City Clerk necessary to implement the modifications in this Resolution and its attachments, and the Mayor is authorized to execute such Amendments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

SUMMARY OF SALARY RANGES AND SCHEDULES FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES

Effective June 20, 2023

Table of Contents

1. SALARY RANGES, RATES AND EFFECTIVE DATES 5
2. CHARTER OFFICERS. 8
3. USE OF CLASSES. 8
4. POSITIONS. 8
5. APPOINTMENTS AND SALARIES. 8
6. SPECIAL SALARY RATES. 8
7. PART-TIME EMPLOYMENT. 8
ATTACHMENTS 10
EXHIBIT 1: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23 10
EXHIBIT 2: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23 11
EXHIBIT 3A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23 12
EXHIBIT 3B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23 13
EXHIBIT 3C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23 14
EXHIBIT 4A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24 15
EXHIBIT 4B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24 16
EXHIBIT 4C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24 17
EXHIBIT 5A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25 18
EXHIBIT 5B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25 19
EXHIBIT 5C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN – 7/1/25 20
EXHIBIT 6A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26 21

EXHIBIT 6B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26 22

EXHIBIT 6C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26 23

EXHIBIT 7A: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/20/23 24

EXHIBIT 7B: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/18/24 25

EXHIBIT 8A: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 6/20/23 26

EXHIBIT 8B: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 6/18/24 27

EXHIBIT 8C: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 7/1/25 28

EXHIBIT 8D: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 6/30/26 29

EXHIBIT 9A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/21/22 30

EXHIBIT 10A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/21/22 31

EXHIBIT 9B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/20/23 32

EXHIBIT 10B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/20/23 33

EXHIBIT 11A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS - EFFECTIVE 6/21/22 34

EXHIBIT 11B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS – EFFECTIVE 6/20/23 35

EXHIBIT 12A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/21/22 36

EXHIBIT 12B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/20/23 37

EXHIBIT 13: CLASS RANGE TABLE FOR UNREPRESENTED FIRE MANAGEMENT EFFECTIVE 9/7/21 38

EXHIBIT 14: CLASS RANGE TABLE FOR UNREPRESENTED FIRE CHIEF EFFECTIVE 7/12/16 39

EXHIBIT 15: CLASS RANGE TABLE FOR UNREPRESENTED POLICE MANAGEMENT EFFECTIVE 6/26/18 . 40

EXHIBIT 16A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/23/20 .. 41

EXHIBIT 16B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/22/21 ... 42

EXHIBIT 16C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/21/22 ... 43

EXHIBIT 17A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/23/20 44

EXHIBIT 17B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/22/21 45

EXHIBIT 17C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/21/22 46
EXHIBIT 18: CLASS RANGE TABLE FOR UNREPRESENTED POLICE CHIEF EFFECTIVE 6/27/17 47
EXHIBIT X: UNREPRESENTED MARKET ADJUSTMENTS 48

Nothing in this document shall create an expressed or implied covenant or contract or create a property right or tenure for any person appointed to unrepresented classifications covered by this summary.

The City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit.

Further, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto City Fire Fighters Association (MCFFA) bargaining unit and for Unrepresented Sworn Police employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit.

On June 7, 2022, by Resolution No 2022-267, Council approved updates to salary ranges and salary schedules for unrepresented sworn management and non-sworn management and confidential employees, including charter officers and executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes.

On June 13, 2023, by Resolution No 2023-___ ,Council approved the Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes as follows:

1. SALARY RANGES, RATES AND EFFECTIVE DATES

The salary rates, salary ranges and salary steps as set forth in the following exhibits and attached hereto provide for a six-step schedule, effective June 20, 2023, for unrepresented sworn Fire Management employees and for unrepresented non-sworn management and confidential employees, including charter officers and executives.

The remaining exhibits provide for a two and one-half (2.5) percent across the board salary adjustment for unrepresented Fire Management effective June 22, 2021, and an additional two and half (2.5) percent across the board salary adjustment for unrepresented sworn Fire Management effective June 21, 2022. The remaining exhibits made a part hereof provide for four (4.0%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees, including Charter Officers and Executives, effective June 20, 2023; salary ranges increased by three (3.0%) percent effective June 18, 2024 for unrepresented Management and Confidential employees, including Charter Officers and Executives; an additional three (3.0%) percent increase effective July 1, 2025 for unrepresented Management and Confidential employees, including Charter Officers and Executives; and an additional three (3.0%) percent base salary increase for all unrepresented Management and Confidential employees, including

Charter Officers and Executives, effective June 30, 2026. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in Exhibit X, along with any related classes shall increase in accordance with the schedule and is set forth in these Exhibits.

1. Exhibit 1: Class Range Table for Unrepresented Management & Confidential Non-Sworn Classes Effective 6/20/23
2. Exhibit 2: Class Range Table for Unrepresented Management & Confidential Non-Sworn Classes Effective 6/20/23
3. Exhibit 3A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
4. Exhibit 3B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
5. Exhibit 3C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
6. Exhibit 4A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
7. Exhibit 4B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
8. Exhibit 4C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
9. Exhibit 5A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 7/1/25
10. Exhibit 5B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 7/1/25
11. Exhibit 5C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn – 7/1/25
12. Exhibit 6A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
13. Exhibit 6B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
14. Exhibit 6C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
15. Exhibit 7A: Class Range Table Executive Management 6/20/23
16. Exhibit 7B: Class Range Table Executive Management 6/18/24
17. Exhibit 8A: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/20/23
18. Exhibit 8B: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/18/24
19. Exhibit 8C: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 7/1/25

20. Exhibit 8D: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/30/26
21. Exhibit 9A: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/21/22
22. Exhibit 10A: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/21/22
23. Exhibit 9B: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/20/23
24. Exhibit 10B: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/20/23
25. Exhibit 11A: Schedule of Salary for Unrepresented Fire Deputy Chiefs - Effective 6/21/22
26. Exhibit 11B: Schedule of Salary for Unrepresented Fire Deputy Chiefs – Effective 6/20/23
27. Exhibit 12A: Schedule of Salary for Unrepresented Fire Chief – Effective 6/21/22
28. Exhibit 12B: Schedule of Salary for Unrepresented Fire Chief – Effective 6/20/23
29. Exhibit 13: Class Range Table for Unrepresented Fire Management Effective 9/7/21
30. Exhibit 14: Class Range Table for Unrepresented Fire Chief Effective 7/12/16
31. Exhibit 15: Class Range Table for Unrepresented Police Management Effective 6/26/18
32. Exhibit 16A: Schedule of Salary for Unrepresented Police Captains – Effective 6/23/20
33. Exhibit 16B: Schedule of Salary for Unrepresented Police Captains – Effective 6/22/21
34. Exhibit 16C: Schedule of Salary for Unrepresented Police Captains – Effective 6/21/22
35. Exhibit 17A: Schedule of Salary for Unrepresented Police Chief – Effective 6/23/20
36. Exhibit 17B: Schedule of Salary for Unrepresented Police Chief – Effective 6/22/21
37. Exhibit 17C: Schedule of Salary for Unrepresented Police Chief – Effective 6/21/22
38. Exhibit 18: Class Range Table for Unrepresented Police Chief Effective 6/27/17
39. Exhibit X: Unrepresented Market Adjustments

2. CHARTER OFFICERS.

The salaries for the positions of the Charter Officers shall be as follows effective June 20, 2023:

Title	Hourly	Bi-Weekly	Monthly
City Manager	$ 133.51	$ 10,680.80	$ 23,141.74
City Attorney	$ 120.96	$ 9,676.80	$ 20,966.40
City Auditor	$ 85.61	$ 6,848.80	$ 14,839.07
City Clerk	$ 73.82	$ 5,905.60	$ 12,795.47

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.

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, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

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.

6. SPECIAL SALARY RATES.

The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

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.

The Council of the City of Modesto approved the above salary ranges and salary schedules by Resolution No. 2023-_____ on June 13, 2023.

ATTACHMENTS

EXHIBIT 1: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective June 20, 2023

Range Number	Title
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council
2429	Executive Assistant to the City Manager
2429	Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2445	Deputy City Attorney I
2448	Human Resources Manager
2448	Risk Manager
2449	Deputy City Attorney II
2452	Budget Manager
2452	Deputy Director of Community and Economic Development
2452	Deputy Director of Cultural and Enterprise Services
2452	Deputy Director of Finance
2452	Deputy Director of Human Resources
2452	Deputy Director of Recreation and Neighborhoods
2452	Public Relations and Legislative Affairs Manager
2453	Deputy City Attorney III
2453	Police Administrator
2457	Senior Deputy City Attorney
2463	Assistant City Attorney

EXHIBIT 2: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective June 18, 2024

Range Number	Title
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council
2429	Executive Assistant to the City Manager
2429	Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2448	Deputy City Attorney I
2448	Human Resources Manager
2448	Risk Manager
2452	Deputy City Attorney II
2452	Deputy Director of Community and Economic Development
2452	Deputy Director of Cultural and Enterprise Services
2452	Deputy Director of Finance
2452	Deputy Director of Human Resources
2452	Deputy Director of Recreation and Neighborhoods
2452	Public Relations and Legislative Affairs Manager
2453	Budget Manager
2453	Police Administrator
2456	Deputy City Attorney III
2460	Senior Deputy City Attorney
2466	Assistant City Attorney

EXHIBIT 3A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	26.28	27.60	28.98	30.43	31.95
2420	26.94	28.29	29.70	31.19	32.75
2421	27.62	29.00	30.45	31.97	33.57
2422	28.31	29.72	31.21	32.77	34.40
2423	29.01	30.46	31.99	33.59	35.26
2424	29.74	31.23	32.79	34.43	36.15
2425	30.48	32.01	33.61	35.29	37.05
2426	31.24	32.81	34.45	36.17	37.98
2427	32.02	33.63	35.31	37.07	38.93
2428	32.83	34.47	36.19	38.00	39.90
2429	33.65	35.33	37.09	38.95	40.90
2430	34.49	36.21	38.02	39.92	41.92
2431	35.35	37.12	38.97	40.92	42.97
2432	36.23	38.04	39.95	41.94	44.04
2433	37.14	38.99	40.94	42.99	45.14
2434	38.07	39.97	41.97	44.07	46.27

Step Range	Step A	Step B	Step C	Step D	Step E
2435	39.02	40.97	43.02	45.17	47.43
2436	39.99	41.99	44.09	46.30	48.61
2437	40.99	43.04	45.19	47.45	49.83
2438	42.02	44.12	46.32	48.64	51.07
2439	43.07	45.22	47.48	49.86	52.35
2440	44.14	46.35	48.67	51.10	53.66
2441	45.25	47.51	49.89	52.38	55.00
2442	46.38	48.70	51.13	53.69	56.37
2443	47.54	49.91	52.41	55.03	57.78
2444	48.73	51.16	53.72	56.41	59.23
2445	49.94	52.44	55.06	57.82	60.71
2446	51.19	53.75	56.44	59.26	62.22
2447	52.47	55.10	57.85	60.74	63.78
2448	53.78	56.47	59.30	62.26	65.37
2449	55.13	57.89	60.78	63.82	67.01
2450	56.51	59.33	62.30	65.41	68.68

Step Range	Step A	Step B	Step C	Step D	Step E
2451	57.92	60.82	63.86	67.05	70.40
2452	59.37	62.34	65.45	68.72	72.16
2453	60.85	63.89	67.09	70.44	73.96
2454	62.37	65.49	68.77	72.20	75.81
2455	63.93	67.13	70.48	74.01	77.71
2456	65.53	68.81	72.25	75.86	79.65
2457	67.17	70.53	74.05	77.75	81.64
2458	68.85	72.29	75.90	79.70	83.68
2459	70.57	74.10	77.80	81.69	85.78
2460	72.33	75.95	79.75	83.73	87.92
2461	74.14	77.85	81.74	85.83	90.12
2462	75.99	79.79	83.78	87.97	92.37
2463	77.89	81.79	85.88	90.17	94.68
2464	79.84	83.83	88.02	92.43	97.05
2465	81.84	85.93	90.22	94.74	99.47
2466	83.88	88.08	92.48	97.10	101.96

EXHIBIT 3B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	2,102.40	2,208.00	2,318.40	2,434.40	2,556.00
2420	2,155.20	2,263.20	2,376.00	2,495.20	2,620.00
2421	2,209.60	2,320.00	2,436.00	2,557.60	2,685.60
2422	2,264.80	2,377.60	2,496.80	2,621.60	2,752.00
2423	2,320.80	2,436.80	2,559.20	2,687.20	2,820.80
2424	2,379.20	2,498.40	2,623.20	2,754.40	2,892.00
2425	2,438.40	2,560.80	2,688.80	2,823.20	2,964.00
2426	2,499.20	2,624.80	2,756.00	2,893.60	3,038.40
2427	2,561.60	2,690.40	2,824.80	2,965.60	3,114.40
2428	2,626.40	2,757.60	2,895.20	3,040.00	3,192.00
2429	2,692.00	2,826.40	2,967.20	3,116.00	3,272.00
2430	2,759.20	2,896.80	3,041.60	3,193.60	3,353.60
2431	2,828.00	2,969.60	3,117.60	3,273.60	3,437.60
2432	2,898.40	3,043.20	3,196.00	3,355.20	3,523.20
2433	2,971.20	3,119.20	3,275.20	3,439.20	3,611.20
2434	3,045.60	3,197.60	3,357.60	3,525.60	3,701.60

Step Range	Step A	Step B	Step C	Step D	Step E
2435	3,121.60	3,277.60	3,441.60	3,613.60	3,794.40
2436	3,199.20	3,359.20	3,527.20	3,704.00	3,888.80
2437	3,279.20	3,443.20	3,615.20	3,796.00	3,986.40
2438	3,361.60	3,529.60	3,705.60	3,891.20	4,085.60
2439	3,445.60	3,617.60	3,798.40	3,988.80	4,188.00
2440	3,531.20	3,708.00	3,893.60	4,088.00	4,292.80
2441	3,620.00	3,800.80	3,991.20	4,190.40	4,400.00
2442	3,710.40	3,896.00	4,090.40	4,295.20	4,509.60
2443	3,803.20	3,992.80	4,192.80	4,402.40	4,622.40
2444	3,898.40	4,092.80	4,297.60	4,512.80	4,738.40
2445	3,995.20	4,195.20	4,404.80	4,625.60	4,856.80
2446	4,095.20	4,300.00	4,515.20	4,740.80	4,977.60
2447	4,197.60	4,408.00	4,628.00	4,859.20	5,102.40
2448	4,302.40	4,517.60	4,744.00	4,980.80	5,229.60
2449	4,410.40	4,631.20	4,862.40	5,105.60	5,360.80
2450	4,520.80	4,746.40	4,984.00	5,232.80	5,494.40

Step Range	Step A	Step B	Step C	Step D	Step E
2451	4,633.60	4,865.60	5,108.80	5,364.00	5,632.00
2452	4,749.60	4,987.20	5,236.00	5,497.60	5,772.80
2453	4,868.00	5,111.20	5,367.20	5,635.20	5,916.80
2454	4,989.60	5,239.20	5,501.60	5,776.00	6,064.80
2455	5,114.40	5,370.40	5,638.40	5,920.80	6,216.80
2456	5,242.40	5,504.80	5,780.00	6,068.80	6,372.00
2457	5,373.60	5,642.40	5,924.00	6,220.00	6,531.20
2458	5,508.00	5,783.20	6,072.00	6,376.00	6,694.40
2459	5,645.60	5,928.00	6,224.00	6,535.20	6,862.40
2460	5,786.40	6,076.00	6,380.00	6,698.40	7,033.60
2461	5,931.20	6,228.00	6,539.20	6,866.40	7,209.60
2462	6,079.20	6,383.20	6,702.40	7,037.60	7,389.60
2463	6,231.20	6,543.20	6,870.40	7,213.60	7,574.40
2464	6,387.20	6,706.40	7,041.60	7,394.40	7,764.00
2465	6,547.20	6,874.40	7,217.60	7,579.20	7,957.60
2466	6,710.40	7,046.40	7,398.40	7,768.00	8,156.80

EXHIBIT 3C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/23
EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	4,555.20	4,784.00	5,023.20	5,274.54	5,538.00
2420	4,669.60	4,903.60	5,148.00	5,406.27	5,676.67
2421	4,787.47	5,026.67	5,278.00	5,541.47	5,818.80
2422	4,907.07	5,151.47	5,409.74	5,680.14	5,962.67
2423	5,028.40	5,279.74	5,544.94	5,822.27	6,111.74
2424	5,154.94	5,413.20	5,683.60	5,967.87	6,266.00
2425	5,283.20	5,548.40	5,825.74	6,116.94	6,422.00
2426	5,414.94	5,687.07	5,971.34	6,269.47	6,583.20
2427	5,550.14	5,829.20	6,120.40	6,425.47	6,747.87
2428	5,690.54	5,974.80	6,272.94	6,586.67	6,916.00
2429	5,832.67	6,123.87	6,428.94	6,751.34	7,089.34
2430	5,978.27	6,276.40	6,590.14	6,919.47	7,266.14
2431	6,127.34	6,434.14	6,754.80	7,092.80	7,448.14
2432	6,279.87	6,593.60	6,924.67	7,269.60	7,633.60
2433	6,437.60	6,758.27	7,096.27	7,451.60	7,824.27
2434	6,598.80	6,928.14	7,274.80	7,638.80	8,020.14

Step Range	Step A	Step B	Step C	Step D	Step E
2435	6,763.47	7,101.47	7,456.80	7,829.47	8,221.20
2436	6,931.60	7,278.27	7,642.27	8,025.34	8,425.74
2437	7,104.94	7,460.27	7,832.94	8,224.67	8,637.20
2438	7,283.47	7,647.47	8,028.80	8,430.94	8,852.14
2439	7,465.47	7,838.14	8,229.87	8,642.40	9,074.00
2440	7,650.94	8,034.00	8,436.14	8,857.34	9,301.07
2441	7,843.34	8,235.07	8,647.60	9,079.20	9,533.34
2442	8,039.20	8,441.34	8,862.54	9,306.27	9,770.80
2443	8,240.27	8,651.07	9,084.40	9,538.54	10,015.20
2444	8,446.54	8,867.74	9,311.47	9,777.74	10,266.54
2445	8,656.27	9,089.60	9,543.74	10,022.14	10,523.07
2446	8,872.94	9,316.67	9,782.94	10,271.74	10,784.80
2447	9,094.80	9,550.67	10,027.34	10,528.27	11,055.20
2448	9,321.87	9,788.14	10,278.67	10,791.74	11,330.80
2449	9,555.87	10,034.27	10,535.20	11,062.14	11,615.07
2450	9,795.07	10,283.87	10,798.67	11,337.74	11,904.54

Step Range	Step A	Step B	Step C	Step D	Step E
2451	10,039.47	10,542.14	11,069.07	11,622.00	12,202.67
2452	10,290.80	10,805.60	11,344.67	11,911.47	12,507.74
2453	10,547.34	11,074.27	11,628.94	12,209.60	12,819.74
2454	10,810.80	11,351.60	11,920.14	12,514.67	13,140.40
2455	11,081.20	11,635.87	12,216.54	12,828.40	13,469.74
2456	11,358.54	11,927.07	12,523.34	13,149.07	13,806.00
2457	11,642.80	12,225.20	12,835.34	13,476.67	14,150.94
2458	11,934.00	12,530.27	13,156.00	13,814.67	14,504.54
2459	12,232.14	12,844.00	13,485.34	14,159.60	14,868.54
2460	12,537.20	13,164.67	13,823.34	14,513.20	15,239.47
2461	12,850.94	13,494.00	14,168.27	14,877.20	15,620.80
2462	13,171.60	13,830.27	14,521.87	15,248.14	16,010.80
2463	13,500.94	14,176.94	14,885.87	15,629.47	16,411.20
2464	13,838.94	14,530.54	15,256.80	16,021.20	16,822.00
2465	14,185.60	14,894.54	15,638.14	16,421.60	17,241.47
2466	14,539.20	15,267.20	16,029.87	16,830.67	17,673.07

EXHIBIT 4A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	27.07	28.43	29.85	31.34	32.91
2420	27.75	29.14	30.60	32.13	33.73
2421	28.45	29.87	31.36	32.93	34.57
2422	29.16	30.61	32.14	33.75	35.44
2423	29.89	31.38	32.95	34.60	36.32
2424	30.63	32.16	33.77	35.46	37.23
2425	31.40	32.97	34.62	36.35	38.16
2426	32.18	33.79	35.48	37.25	39.12
2427	32.99	34.64	36.37	38.19	40.10
2428	33.81	35.50	37.28	39.14	41.10
2429	34.66	36.39	38.21	40.12	42.12
2430	35.52	37.30	39.16	41.12	43.18
2431	36.41	38.23	40.14	42.15	44.26
2432	37.32	39.19	41.15	43.20	45.36
2433	38.25	40.17	42.17	44.28	46.50
2434	39.21	41.17	43.23	45.39	47.66

Step Range	Step A	Step B	Step C	Step D	Step E
2435	40.19	42.20	44.31	46.52	48.85
2436	41.20	43.25	45.42	47.69	50.07
2437	42.22	44.34	46.55	48.88	51.32
2438	43.28	45.44	47.72	50.10	52.61
2439	44.36	46.58	48.91	51.35	53.92
2440	45.47	47.74	50.13	52.64	55.27
2441	46.61	48.94	51.38	53.95	56.65
2442	47.77	50.16	52.67	55.30	58.07
2443	48.97	51.42	53.99	56.68	59.52
2444	50.19	52.70	55.34	58.10	61.01
2445	51.45	54.02	56.72	59.55	62.53
2446	52.73	55.37	58.14	61.04	64.09
2447	54.05	56.75	59.59	62.57	65.70
2448	55.40	58.17	61.08	64.13	67.34
2449	56.79	59.63	62.61	65.74	69.02
2450	58.21	61.12	64.17	67.38	70.75

Step Range	Step A	Step B	Step C	Step D	Step E
2451	59.66	62.64	65.78	69.06	72.52
2452	61.15	64.21	67.42	70.79	74.33
2453	62.68	65.81	69.11	72.56	76.19
2454	64.25	67.46	70.83	74.37	78.09
2455	65.85	69.15	72.60	76.23	80.04
2456	67.50	70.87	74.42	78.14	82.05
2457	69.19	72.65	76.28	80.09	84.10
2458	70.92	74.46	78.19	82.09	86.20
2459	72.69	76.32	80.14	84.15	88.35
2460	74.51	78.23	82.14	86.25	90.56
2461	76.37	80.19	84.20	88.41	92.83
2462	78.28	82.19	86.30	90.62	95.15
2463	80.24	84.25	88.46	92.88	97.53
2464	82.24	86.35	90.67	95.20	99.96
2465	84.30	88.51	92.94	97.58	102.46
2466	86.40	90.72	95.26	100.02	105.02

EXHIBIT 4B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	2,165.60	2,274.40	2,388.00	2,507.20	2,632.80
2420	2,220.00	2,331.20	2,448.00	2,570.40	2,698.40
2421	2,276.00	2,389.60	2,508.80	2,634.40	2,765.60
2422	2,332.80	2,448.80	2,571.20	2,700.00	2,835.20
2423	2,391.20	2,510.40	2,636.00	2,768.00	2,905.60
2424	2,450.40	2,572.80	2,701.60	2,836.80	2,978.40
2425	2,512.00	2,637.60	2,769.60	2,908.00	3,052.80
2426	2,574.40	2,703.20	2,838.40	2,980.00	3,129.60
2427	2,639.20	2,771.20	2,909.60	3,055.20	3,208.00
2428	2,704.80	2,840.00	2,982.40	3,131.20	3,288.00
2429	2,772.80	2,911.20	3,056.80	3,209.60	3,369.60
2430	2,841.60	2,984.00	3,132.80	3,289.60	3,454.40
2431	2,912.80	3,058.40	3,211.20	3,372.00	3,540.80
2432	2,985.60	3,135.20	3,292.00	3,456.00	3,628.80
2433	3,060.00	3,213.60	3,373.60	3,542.40	3,720.00
2434	3,136.80	3,293.60	3,458.40	3,631.20	3,812.80

Step Range	Step A	Step B	Step C	Step D	Step E
2435	3,215.20	3,376.00	3,544.80	3,721.60	3,908.00
2436	3,296.00	3,460.00	3,633.60	3,815.20	4,005.60
2437	3,377.60	3,547.20	3,724.00	3,910.40	4,105.60
2438	3,462.40	3,635.20	3,817.60	4,008.00	4,208.80
2439	3,548.80	3,726.40	3,912.80	4,108.00	4,313.60
2440	3,637.60	3,819.20	4,010.40	4,211.20	4,421.60
2441	3,728.80	3,915.20	4,110.40	4,316.00	4,532.00
2442	3,821.60	4,012.80	4,213.60	4,424.00	4,645.60
2443	3,917.60	4,113.60	4,319.20	4,534.40	4,761.60
2444	4,015.20	4,216.00	4,427.20	4,648.00	4,880.80
2445	4,116.00	4,321.60	4,537.60	4,764.00	5,002.40
2446	4,218.40	4,429.60	4,651.20	4,883.20	5,127.20
2447	4,324.00	4,540.00	4,767.20	5,005.60	5,256.00
2448	4,432.00	4,653.60	4,886.40	5,130.40	5,387.20
2449	4,543.20	4,770.40	5,008.80	5,259.20	5,521.60
2450	4,656.80	4,889.60	5,133.60	5,390.40	5,660.00

Step Range	Step A	Step B	Step C	Step D	Step E
2451	4,772.80	5,011.20	5,262.40	5,524.80	5,801.60
2452	4,892.00	5,136.80	5,393.60	5,663.20	5,946.40
2453	5,014.40	5,264.80	5,528.80	5,804.80	6,095.20
2454	5,140.00	5,396.80	5,666.40	5,949.60	6,247.20
2455	5,268.00	5,532.00	5,808.00	6,098.40	6,403.20
2456	5,400.00	5,669.60	5,953.60	6,251.20	6,564.00
2457	5,535.20	5,812.00	6,102.40	6,407.20	6,728.00
2458	5,673.60	5,956.80	6,255.20	6,567.20	6,896.00
2459	5,815.20	6,105.60	6,411.20	6,732.00	7,068.00
2460	5,960.80	6,258.40	6,571.20	6,900.00	7,244.80
2461	6,109.60	6,415.20	6,736.00	7,072.80	7,426.40
2462	6,262.40	6,575.20	6,904.00	7,249.60	7,612.00
2463	6,419.20	6,740.00	7,076.80	7,430.40	7,802.40
2464	6,579.20	6,908.00	7,253.60	7,616.00	7,996.80
2465	6,744.00	7,080.80	7,435.20	7,806.40	8,196.80
2466	6,912.00	7,257.60	7,620.80	8,001.60	8,401.60

EXHIBIT 4C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	4,692.14	4,927.87	5,174.00	5,432.27	5,704.40
2420	4,810.00	5,050.94	5,304.00	5,569.20	5,846.54
2421	4,931.34	5,177.47	5,435.74	5,707.87	5,992.14
2422	5,054.40	5,305.74	5,570.94	5,850.00	6,142.94
2423	5,180.94	5,439.20	5,711.34	5,997.34	6,295.47
2424	5,309.20	5,574.40	5,853.47	6,146.40	6,453.20
2425	5,442.67	5,714.80	6,000.80	6,300.67	6,614.40
2426	5,577.87	5,856.94	6,149.87	6,456.67	6,780.80
2427	5,718.27	6,004.27	6,304.14	6,619.60	6,950.67
2428	5,860.40	6,153.34	6,461.87	6,784.27	7,124.00
2429	6,007.74	6,307.60	6,623.07	6,954.14	7,300.80
2430	6,156.80	6,465.34	6,787.74	7,127.47	7,484.54
2431	6,311.07	6,626.54	6,957.60	7,306.00	7,671.74
2432	6,468.80	6,792.94	7,132.67	7,488.00	7,862.40
2433	6,630.00	6,962.80	7,309.47	7,675.20	8,060.00
2434	6,796.40	7,136.14	7,493.20	7,867.60	8,261.07

Step Range	Step A	Step B	Step C	Step D	Step E
2435	6,966.27	7,314.67	7,680.40	8,063.47	8,467.34
2436	7,141.34	7,496.67	7,872.80	8,266.27	8,678.80
2437	7,318.14	7,685.60	8,068.67	8,472.54	8,895.47
2438	7,501.87	7,876.27	8,271.47	8,684.00	9,119.07
2439	7,689.07	8,073.87	8,477.74	8,900.67	9,346.14
2440	7,881.47	8,274.94	8,689.20	9,124.27	9,580.14
2441	8,079.07	8,482.94	8,905.87	9,351.34	9,819.34
2442	8,280.14	8,694.40	9,129.47	9,585.34	10,065.47
2443	8,488.14	8,912.80	9,358.27	9,824.54	10,316.80
2444	8,699.60	9,134.67	9,592.27	10,070.67	10,575.07
2445	8,918.00	9,363.47	9,831.47	10,322.00	10,838.54
2446	9,139.87	9,597.47	10,077.60	10,580.27	11,108.94
2447	9,368.67	9,836.67	10,328.94	10,845.47	11,388.00
2448	9,602.67	10,082.80	10,587.20	11,115.87	11,672.27
2449	9,843.60	10,335.87	10,852.40	11,394.94	11,963.47
2450	10,089.74	10,594.14	11,122.80	11,679.20	12,263.34

Step Range	Step A	Step B	Step C	Step D	Step E
2451	10,341.07	10,857.60	11,401.87	11,970.40	12,570.14
2452	10,599.34	11,129.74	11,686.14	12,270.27	12,883.87
2453	10,864.54	11,407.07	11,979.07	12,577.07	13,206.27
2454	11,136.67	11,693.07	12,277.20	12,890.80	13,535.60
2455	11,414.00	11,986.00	12,584.00	13,213.20	13,873.60
2456	11,700.00	12,284.14	12,899.47	13,544.27	14,222.00
2457	11,992.94	12,592.67	13,221.87	13,882.27	14,577.34
2458	12,292.80	12,906.40	13,552.94	14,228.94	14,941.34
2459	12,599.60	13,228.80	13,890.94	14,586.00	15,314.00
2460	12,915.07	13,559.87	14,237.60	14,950.00	15,697.07
2461	13,237.47	13,899.60	14,594.67	15,324.40	16,090.54
2462	13,568.54	14,246.27	14,958.67	15,707.47	16,492.67
2463	13,908.27	14,603.34	15,333.07	16,099.20	16,905.20
2464	14,254.94	14,967.34	15,716.14	16,501.34	17,326.40
2465	14,612.00	15,341.74	16,109.60	16,913.87	17,759.74
2466	14,976.00	15,724.80	16,511.74	17,336.80	18,203.47

EXHIBIT 5A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	27.89	29.29	30.75	32.29	33.91	35.60
2420	28.59	30.02	31.52	33.10	34.75	36.49
2421	29.31	30.77	32.31	33.93	35.62	37.40
2422	30.04	31.54	33.12	34.77	36.51	38.34
2423	30.79	32.33	33.95	35.64	37.42	39.30
2424	31.56	33.14	34.79	36.53	38.36	40.28
2425	32.35	33.97	35.66	37.45	39.32	41.28
2426	33.16	34.82	36.56	38.38	40.30	42.32
2427	33.99	35.69	37.47	39.34	41.31	43.37
2428	34.84	36.58	38.41	40.33	42.34	44.46
2429	35.71	37.49	39.37	41.33	43.40	45.57
2430	36.60	38.43	40.35	42.37	44.49	46.71
2431	37.51	39.39	41.36	43.43	45.60	47.88
2432	38.45	40.37	42.39	44.51	46.74	49.07
2433	39.41	41.38	43.45	45.62	47.91	50.30
2434	40.40	42.42	44.54	46.76	49.10	51.56

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	41.41	43.48	45.65	47.93	50.33	52.85
2436	42.44	44.56	46.79	49.13	51.59	54.17
2437	43.50	45.68	47.96	50.36	52.88	55.52
2438	44.59	46.82	49.16	51.62	54.20	56.91
2439	45.71	47.99	50.39	52.91	55.55	58.33
2440	46.85	49.19	51.65	54.23	56.94	59.79
2441	48.02	50.42	52.94	55.59	58.37	61.29
2442	49.22	51.68	54.26	56.98	59.83	62.82
2443	50.45	52.97	55.62	58.40	61.32	64.39
2444	51.71	54.30	57.01	59.86	62.85	66.00
2445	53.00	55.65	58.44	61.36	64.43	67.65
2446	54.33	57.05	59.90	62.89	66.04	69.34
2447	55.69	58.47	61.39	64.46	67.69	71.07
2448	57.08	59.93	62.93	66.08	69.38	72.85
2449	58.51	61.43	64.50	67.73	71.11	74.67
2450	59.97	62.97	66.11	69.42	72.89	76.54

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	61.47	64.54	67.77	71.16	74.71	78.45
2452	63.00	66.15	69.46	72.93	76.58	80.41
2453	64.58	67.81	71.20	74.76	78.50	82.42
2454	66.19	69.50	72.98	76.63	80.46	84.48
2455	67.85	71.24	74.80	78.54	82.47	86.59
2456	69.54	73.02	76.67	80.51	84.53	88.76
2457	71.28	74.85	78.59	82.52	86.64	90.98
2458	73.06	76.72	80.55	84.58	88.81	93.25
2459	74.89	78.64	82.57	86.70	91.03	95.58
2460	76.76	80.60	84.63	88.86	93.31	97.97
2461	78.68	82.62	86.75	91.08	95.64	100.42
2462	80.65	84.68	88.92	93.36	98.03	102.93
2463	82.67	86.80	91.14	95.69	100.48	105.50
2464	84.73	88.97	93.42	98.09	102.99	108.14
2465	86.85	91.19	95.75	100.54	105.57	110.84
2466	89.02	93.47	98.15	103.05	108.21	113.62

EXHIBIT 5B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	2,231.20	2,343.20	2,460.00	2,583.20	2,712.80	2,848.00
2420	2,287.20	2,401.60	2,521.60	2,648.00	2,780.00	2,919.20
2421	2,344.80	2,461.60	2,584.80	2,714.40	2,849.60	2,992.00
2422	2,403.20	2,523.20	2,649.60	2,781.60	2,920.80	3,067.20
2423	2,463.20	2,586.40	2,716.00	2,851.20	2,993.60	3,144.00
2424	2,524.80	2,651.20	2,783.20	2,922.40	3,068.80	3,222.40
2425	2,588.00	2,717.60	2,852.80	2,996.00	3,145.60	3,302.40
2426	2,652.80	2,785.60	2,924.80	3,070.40	3,224.00	3,385.60
2427	2,719.20	2,855.20	2,997.60	3,147.20	3,304.80	3,469.60
2428	2,787.20	2,926.40	3,072.80	3,226.40	3,387.20	3,556.80
2429	2,856.80	2,999.20	3,149.60	3,306.40	3,472.00	3,645.60
2430	2,928.00	3,074.40	3,228.00	3,389.60	3,559.20	3,736.80
2431	3,000.80	3,151.20	3,308.80	3,474.40	3,648.00	3,830.40
2432	3,076.00	3,229.60	3,391.20	3,560.80	3,739.20	3,925.60
2433	3,152.80	3,310.40	3,476.00	3,649.60	3,832.80	4,024.00
2434	3,232.00	3,393.60	3,563.20	3,740.80	3,928.00	4,124.80

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	3,312.80	3,478.40	3,652.00	3,834.40	4,026.40	4,228.00
2436	3,395.20	3,564.80	3,743.20	3,930.40	4,127.20	4,333.60
2437	3,480.00	3,654.40	3,836.80	4,028.80	4,230.40	4,441.60
2438	3,567.20	3,745.60	3,932.80	4,129.60	4,336.00	4,552.80
2439	3,656.80	3,839.20	4,031.20	4,232.80	4,444.00	4,666.40
2440	3,748.00	3,935.20	4,132.00	4,338.40	4,555.20	4,783.20
2441	3,841.60	4,033.60	4,235.20	4,447.20	4,669.60	4,903.20
2442	3,937.60	4,134.40	4,340.80	4,558.40	4,786.40	5,025.60
2443	4,036.00	4,237.60	4,449.60	4,672.00	4,905.60	5,151.20
2444	4,136.80	4,344.00	4,560.80	4,788.80	5,028.00	5,280.00
2445	4,240.00	4,452.00	4,675.20	4,908.80	5,154.40	5,412.00
2446	4,346.40	4,564.00	4,792.00	5,031.20	5,283.20	5,547.20
2447	4,455.20	4,677.60	4,911.20	5,156.80	5,415.20	5,685.60
2448	4,566.40	4,794.40	5,034.40	5,286.40	5,550.40	5,828.00
2449	4,680.80	4,914.40	5,160.00	5,418.40	5,688.80	5,973.60
2450	4,797.60	5,037.60	5,288.80	5,553.60	5,831.20	6,123.20

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	4,917.60	5,163.20	5,421.60	5,692.80	5,976.80	6,276.00
2452	5,040.00	5,292.00	5,556.80	5,834.40	6,126.40	6,432.80
2453	5,166.40	5,424.80	5,696.00	5,980.80	6,280.00	6,593.60
2454	5,295.20	5,560.00	5,838.40	6,130.40	6,436.80	6,758.40
2455	5,428.00	5,699.20	5,984.00	6,283.20	6,597.60	6,927.20
2456	5,563.20	5,841.60	6,133.60	6,440.80	6,762.40	7,100.80
2457	5,702.40	5,988.00	6,287.20	6,601.60	6,931.20	7,278.40
2458	5,844.80	6,137.60	6,444.00	6,766.40	7,104.80	7,460.00
2459	5,991.20	6,291.20	6,605.60	6,936.00	7,282.40	7,646.40
2460	6,140.80	6,448.00	6,770.40	7,108.80	7,464.80	7,837.60
2461	6,294.40	6,609.60	6,940.00	7,286.40	7,651.20	8,033.60
2462	6,452.00	6,774.40	7,113.60	7,468.80	7,842.40	8,234.40
2463	6,613.60	6,944.00	7,291.20	7,655.20	8,038.40	8,440.00
2464	6,778.40	7,117.60	7,473.60	7,847.20	8,239.20	8,651.20
2465	6,948.00	7,295.20	7,660.00	8,043.20	8,445.60	8,867.20
2466	7,121.60	7,477.60	7,852.00	8,244.00	8,656.80	9,089.60

EXHIBIT 5C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN – 7/1/25

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,834.27	5,076.94	5,330.00	5,596.94	5,877.74	6,170.67
2420	4,955.60	5,203.47	5,463.47	5,737.34	6,023.34	6,324.94
2421	5,080.40	5,333.47	5,600.40	5,881.20	6,174.14	6,482.67
2422	5,206.94	5,466.94	5,740.80	6,026.80	6,328.40	6,645.60
2423	5,336.94	5,603.87	5,884.67	6,177.60	6,486.14	6,812.00
2424	5,470.40	5,744.27	6,030.27	6,331.87	6,649.07	6,981.87
2425	5,607.34	5,888.14	6,181.07	6,491.34	6,815.47	7,155.20
2426	5,747.74	6,035.47	6,337.07	6,652.54	6,985.34	7,335.47
2427	5,891.60	6,186.27	6,494.80	6,818.94	7,160.40	7,517.47
2428	6,038.94	6,340.54	6,657.74	6,990.54	7,338.94	7,706.40
2429	6,189.74	6,498.27	6,824.14	7,163.87	7,522.67	7,898.80
2430	6,344.00	6,661.20	6,994.00	7,344.14	7,711.60	8,096.40
2431	6,501.74	6,827.60	7,169.07	7,527.87	7,904.00	8,299.20
2432	6,664.67	6,997.47	7,347.60	7,715.07	8,101.60	8,505.47
2433	6,831.07	7,172.54	7,531.34	7,907.47	8,304.40	8,718.67
2434	7,002.67	7,352.80	7,720.27	8,105.07	8,510.67	8,937.07

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	7,177.74	7,536.54	7,912.67	8,307.87	8,723.87	9,160.67
2436	7,356.27	7,723.74	8,110.27	8,515.87	8,942.27	9,389.47
2437	7,540.00	7,917.87	8,313.07	8,729.07	9,165.87	9,623.47
2438	7,728.94	8,115.47	8,521.07	8,947.47	9,394.67	9,864.40
2439	7,923.07	8,318.27	8,734.27	9,171.07	9,628.67	10,110.54
2440	8,120.67	8,526.27	8,952.67	9,399.87	9,869.60	10,363.60
2441	8,323.47	8,739.47	9,176.27	9,635.60	10,117.47	10,623.60
2442	8,531.47	8,957.87	9,405.07	9,876.54	10,370.54	10,888.80
2443	8,744.67	9,181.47	9,640.80	10,122.67	10,628.80	11,160.94
2444	8,963.07	9,412.00	9,881.74	10,375.74	10,894.00	11,440.00
2445	9,186.67	9,646.00	10,129.60	10,635.74	11,167.87	11,726.00
2446	9,417.20	9,888.67	10,382.67	10,900.94	11,446.94	12,018.94
2447	9,652.94	10,134.80	10,640.94	11,173.07	11,732.94	12,318.80
2448	9,893.87	10,387.87	10,907.87	11,453.87	12,025.87	12,627.34
2449	10,141.74	10,647.87	11,180.00	11,739.87	12,325.74	12,942.80
2450	10,394.80	10,914.80	11,459.07	12,032.80	12,634.27	13,266.94

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	10,654.80	11,186.94	11,746.80	12,334.40	12,949.74	13,598.00
2452	10,920.00	11,466.00	12,039.74	12,641.20	13,273.87	13,937.74
2453	11,193.87	11,753.74	12,341.34	12,958.40	13,606.67	14,286.14
2454	11,472.94	12,046.67	12,649.87	13,282.54	13,946.40	14,643.20
2455	11,760.67	12,348.27	12,965.34	13,613.60	14,294.80	15,008.94
2456	12,053.60	12,656.80	13,289.47	13,955.07	14,651.87	15,385.07
2457	12,355.20	12,974.00	13,622.27	14,303.47	15,017.60	15,769.87
2458	12,663.74	13,298.14	13,962.00	14,660.54	15,393.74	16,163.34
2459	12,980.94	13,630.94	14,312.14	15,028.00	15,778.54	16,567.20
2460	13,305.07	13,970.67	14,669.20	15,402.40	16,173.74	16,981.47
2461	13,637.87	14,320.80	15,036.67	15,787.20	16,577.60	17,406.14
2462	13,979.34	14,677.87	15,412.80	16,182.40	16,991.87	17,841.20
2463	14,329.47	15,045.34	15,797.60	16,586.27	17,416.54	18,286.67
2464	14,686.54	15,421.47	16,192.80	17,002.27	17,851.60	18,744.27
2465	15,054.00	15,806.27	16,596.67	17,426.94	18,298.80	19,212.27
2466	15,430.14	16,201.47	17,012.67	17,862.00	18,756.40	19,694.14

EXHIBIT 6A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	28.73	30.17	31.68	33.26	34.93	36.67
2420	29.45	30.93	32.47	34.10	35.80	37.59
2421	30.19	31.70	33.28	34.95	36.69	38.53
2422	30.94	32.49	34.12	35.82	37.61	39.49
2423	31.72	33.30	34.97	36.72	38.55	40.48
2424	32.51	34.14	35.84	37.63	39.52	41.49
2425	33.32	34.99	36.74	38.57	40.50	42.53
2426	34.16	35.86	37.66	39.54	41.52	43.59
2427	35.01	36.76	38.60	40.53	42.55	44.68
2428	35.88	37.68	39.56	41.54	43.62	45.80
2429	36.78	38.62	40.55	42.58	44.71	46.94
2430	37.70	39.59	41.57	43.64	45.83	48.12
2431	38.64	40.58	42.60	44.73	46.97	49.32
2432	39.61	41.59	43.67	45.85	48.14	50.55
2433	40.60	42.63	44.76	47.00	49.35	51.82
2434	41.61	43.70	45.88	48.17	50.58	53.11

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	42.65	44.79	47.03	49.38	51.85	54.44
2436	43.72	45.91	48.20	50.61	53.14	55.80
2437	44.81	47.05	49.41	51.88	54.47	57.19
2438	45.93	48.23	50.64	53.17	55.83	58.62
2439	47.08	49.44	51.91	54.50	57.23	60.09
2440	48.26	50.67	53.21	55.87	58.66	61.59
2441	49.47	51.94	54.54	57.26	60.12	63.13
2442	50.70	53.24	55.90	58.69	61.63	64.71
2443	51.97	54.57	57.30	60.16	63.17	66.33
2444	53.27	55.93	58.73	61.66	64.75	67.98
2445	54.60	57.33	60.20	63.21	66.37	69.68
2446	55.97	58.76	61.70	64.79	68.03	71.43
2447	57.36	60.23	63.24	66.41	69.73	73.21
2448	58.80	61.74	64.82	68.07	71.47	75.04
2449	60.27	63.28	66.45	69.77	73.26	76.92
2450	61.77	64.86	68.11	71.51	75.09	78.84

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	63.32	66.48	69.81	73.30	76.96	80.81
2452	64.90	68.15	71.55	75.13	78.89	82.83
2453	66.52	69.85	73.34	77.01	80.86	84.90
2454	68.19	71.60	75.18	78.93	82.88	87.02
2455	69.89	73.39	77.06	80.91	84.95	89.20
2456	71.64	75.22	78.98	82.93	87.08	91.43
2457	73.43	77.10	80.96	85.00	89.25	93.72
2458	75.27	79.03	82.98	87.13	91.48	96.06
2459	77.15	81.00	85.05	89.31	93.77	98.46
2460	79.08	83.03	87.18	91.54	96.12	100.92
2461	81.05	85.10	89.36	93.83	98.52	103.44
2462	83.08	87.23	91.59	96.17	100.98	106.03
2463	85.16	89.41	93.88	98.58	103.51	108.68
2464	87.28	91.65	96.23	101.04	106.09	111.40
2465	89.47	93.94	98.64	103.57	108.75	114.18
2466	91.70	96.29	101.10	106.16	111.46	117.04

EXHIBIT 6B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	2,298.40	2,413.60	2,534.40	2,660.80	2,794.40	2,933.60
2420	2,356.00	2,474.40	2,597.60	2,728.00	2,864.00	3,007.20
2421	2,415.20	2,536.00	2,662.40	2,796.00	2,935.20	3,082.40
2422	2,475.20	2,599.20	2,729.60	2,865.60	3,008.80	3,159.20
2423	2,537.60	2,664.00	2,797.60	2,937.60	3,084.00	3,238.40
2424	2,600.80	2,731.20	2,867.20	3,010.40	3,161.60	3,319.20
2425	2,665.60	2,799.20	2,939.20	3,085.60	3,240.00	3,402.40
2426	2,732.80	2,868.80	3,012.80	3,163.20	3,321.60	3,487.20
2427	2,800.80	2,940.80	3,088.00	3,242.40	3,404.00	3,574.40
2428	2,870.40	3,014.40	3,164.80	3,323.20	3,489.60	3,664.00
2429	2,942.40	3,089.60	3,244.00	3,406.40	3,576.80	3,755.20
2430	3,016.00	3,167.20	3,325.60	3,491.20	3,666.40	3,849.60
2431	3,091.20	3,246.40	3,408.00	3,578.40	3,757.60	3,945.60
2432	3,168.80	3,327.20	3,493.60	3,668.00	3,851.20	4,044.00
2433	3,248.00	3,410.40	3,580.80	3,760.00	3,948.00	4,145.60
2434	3,328.80	3,496.00	3,670.40	3,853.60	4,046.40	4,248.80

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	3,412.00	3,583.20	3,762.40	3,950.40	4,148.00	4,355.20
2436	3,497.60	3,672.80	3,856.00	4,048.80	4,251.20	4,464.00
2437	3,584.80	3,764.00	3,952.80	4,150.40	4,357.60	4,575.20
2438	3,674.40	3,858.40	4,051.20	4,253.60	4,466.40	4,689.60
2439	3,766.40	3,955.20	4,152.80	4,360.00	4,578.40	4,807.20
2440	3,860.80	4,053.60	4,256.80	4,469.60	4,692.80	4,927.20
2441	3,957.60	4,155.20	4,363.20	4,580.80	4,809.60	5,050.40
2442	4,056.00	4,259.20	4,472.00	4,695.20	4,930.40	5,176.80
2443	4,157.60	4,365.60	4,584.00	4,812.80	5,053.60	5,306.40
2444	4,261.60	4,474.40	4,698.40	4,932.80	5,180.00	5,438.40
2445	4,368.00	4,586.40	4,816.00	5,056.80	5,309.60	5,574.40
2446	4,477.60	4,700.80	4,936.00	5,183.20	5,442.40	5,714.40
2447	4,588.80	4,818.40	5,059.20	5,312.80	5,578.40	5,856.80
2448	4,704.00	4,939.20	5,185.60	5,445.60	5,717.60	6,003.20
2449	4,821.60	5,062.40	5,316.00	5,581.60	5,860.80	6,153.60
2450	4,941.60	5,188.80	5,448.80	5,720.80	6,007.20	6,307.20

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	5,065.60	5,318.40	5,584.80	5,864.00	6,156.80	6,464.80
2452	5,192.00	5,452.00	5,724.00	6,010.40	6,311.20	6,626.40
2453	5,321.60	5,588.00	5,867.20	6,160.80	6,468.80	6,792.00
2454	5,455.20	5,728.00	6,014.40	6,314.40	6,630.40	6,961.60
2455	5,591.20	5,871.20	6,164.80	6,472.80	6,796.00	7,136.00
2456	5,731.20	6,017.60	6,318.40	6,634.40	6,966.40	7,314.40
2457	5,874.40	6,168.00	6,476.80	6,800.00	7,140.00	7,497.60
2458	6,021.60	6,322.40	6,638.40	6,970.40	7,318.40	7,684.80
2459	6,172.00	6,480.00	6,804.00	7,144.80	7,501.60	7,876.80
2460	6,326.40	6,642.40	6,974.40	7,323.20	7,689.60	8,073.60
2461	6,484.00	6,808.00	7,148.80	7,506.40	7,881.60	8,275.20
2462	6,646.40	6,978.40	7,327.20	7,693.60	8,078.40	8,482.40
2463	6,812.80	7,152.80	7,510.40	7,886.40	8,280.80	8,694.40
2464	6,982.40	7,332.00	7,698.40	8,083.20	8,487.20	8,912.00
2465	7,157.60	7,515.20	7,891.20	8,285.60	8,700.00	9,134.40
2466	7,336.00	7,703.20	8,088.00	8,492.80	8,916.80	9,363.20

EXHIBIT 6C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,979.87	5,229.47	5,491.20	5,765.07	6,054.54	6,356.14
2420	5,104.67	5,361.20	5,628.14	5,910.67	6,205.34	6,515.60
2421	5,232.94	5,494.67	5,768.54	6,058.00	6,359.60	6,678.54
2422	5,362.94	5,631.60	5,914.14	6,208.80	6,519.07	6,844.94
2423	5,498.14	5,772.00	6,061.47	6,364.80	6,682.00	7,016.54
2424	5,635.07	5,917.60	6,212.27	6,522.54	6,850.14	7,191.60
2425	5,775.47	6,064.94	6,368.27	6,685.47	7,020.00	7,371.87
2426	5,921.07	6,215.74	6,527.74	6,853.60	7,196.80	7,555.60
2427	6,068.40	6,371.74	6,690.67	7,025.20	7,375.34	7,744.54
2428	6,219.20	6,531.20	6,857.07	7,200.27	7,560.80	7,938.67
2429	6,375.20	6,694.14	7,028.67	7,380.54	7,749.74	8,136.27
2430	6,534.67	6,862.27	7,205.47	7,564.27	7,943.87	8,340.80
2431	6,697.60	7,033.87	7,384.00	7,753.20	8,141.47	8,548.80
2432	6,865.74	7,208.94	7,569.47	7,947.34	8,344.27	8,762.00
2433	7,037.34	7,389.20	7,758.40	8,146.67	8,554.00	8,982.14
2434	7,212.40	7,574.67	7,952.54	8,349.47	8,767.20	9,205.74

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	7,392.67	7,763.60	8,151.87	8,559.20	8,987.34	9,436.27
2436	7,578.14	7,957.74	8,354.67	8,772.40	9,210.94	9,672.00
2437	7,767.07	8,155.34	8,564.40	8,992.54	9,441.47	9,912.94
2438	7,961.20	8,359.87	8,777.60	9,216.14	9,677.20	10,160.80
2439	8,160.54	8,569.60	8,997.74	9,446.67	9,919.87	10,415.60
2440	8,365.07	8,782.80	9,223.07	9,684.14	10,167.74	10,675.60
2441	8,574.80	9,002.94	9,453.60	9,925.07	10,420.80	10,942.54
2442	8,788.00	9,228.27	9,689.34	10,172.94	10,682.54	11,216.40
2443	9,008.14	9,458.80	9,932.00	10,427.74	10,949.47	11,497.20
2444	9,233.47	9,694.54	10,179.87	10,687.74	11,223.34	11,783.20
2445	9,464.00	9,937.20	10,434.67	10,956.40	11,504.14	12,077.87
2446	9,701.47	10,185.07	10,694.67	11,230.27	11,791.87	12,381.20
2447	9,942.40	10,439.87	10,961.60	11,511.07	12,086.54	12,689.74
2448	10,192.00	10,701.60	11,235.47	11,798.80	12,388.14	13,006.94
2449	10,446.80	10,968.54	11,518.00	12,093.47	12,698.40	13,332.80
2450	10,706.80	11,242.40	11,805.74	12,395.07	13,015.60	13,665.60

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	10,975.47	11,523.20	12,100.40	12,705.34	13,339.74	14,007.07
2452	11,249.34	11,812.67	12,402.00	13,022.54	13,674.27	14,357.20
2453	11,530.14	12,107.34	12,712.27	13,348.40	14,015.74	14,716.00
2454	11,819.60	12,410.67	13,031.20	13,681.20	14,365.87	15,083.47
2455	12,114.27	12,720.94	13,357.07	14,024.40	14,724.67	15,461.34
2456	12,417.60	13,038.14	13,689.87	14,374.54	15,093.87	15,847.87
2457	12,727.87	13,364.00	14,033.07	14,733.34	15,470.00	16,244.80
2458	13,046.80	13,698.54	14,383.20	15,102.54	15,856.54	16,650.40
2459	13,372.67	14,040.00	14,742.00	15,480.40	16,253.47	17,066.40
2460	13,707.20	14,391.87	15,111.20	15,866.94	16,660.80	17,492.80
2461	14,048.67	14,750.67	15,489.07	16,263.87	17,076.80	17,929.60
2462	14,400.54	15,119.87	15,875.60	16,669.47	17,503.20	18,378.54
2463	14,761.07	15,497.74	16,272.54	17,087.20	17,941.74	18,837.87
2464	15,128.54	15,886.00	16,679.87	17,513.60	18,388.94	19,309.34
2465	15,508.14	16,282.94	17,097.60	17,952.14	18,850.00	19,791.20
2466	15,894.67	16,690.27	17,524.00	18,401.07	19,319.74	20,286.94

EXHIBIT 7A: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective June 20, 2023

Range Number	Title
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1425	Chief Information Officer
1425	Director of Finance
1425	Director of Human Resources
1425	Director of Parks, Recreation and Neighborhoods
1427	Director of Community and Economic Development
1427	Director of Public Works
1430	Director of Utilities
1430	Director of Engineering Services
1431	Deputy City Manager
1435	City Attorney
1439	City Manager

EXHIBIT 7B: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/18/24

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective June 18, 2024

Range Number	Title
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Chief Information Officer
1426	Directory of Finance
1426	Director of Human Resources
1426	Director of Parks, Recreation and Neighborhoods
1429	Director of Community and Economic Development
1429	Director of Public Works
1432	Director of Utilities
1432	Director of Engineering Services
1433	Deputy City Manager
1435	City Attorney
1441	City Manager

EXHIBIT 8A: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		46.13	57.67	3,690.40	4,613.60	7,995.87	9,996.14
1406		47.29	59.11	3,783.20	4,728.80	8,196.94	10,245.74
1407		48.47	60.59	3,877.60	4,847.20	8,401.47	10,502.27
1408		49.68	62.1	3,974.40	4,968.00	8,611.20	10,764.00
1409		50.92	63.65	4,073.60	5,092.00	8,826.14	11,032.67
1410		52.2	65.24	4,176.00	5,219.20	9,048.00	11,308.27
1411		53.5	66.88	4,280.00	5,350.40	9,273.34	11,592.54
1412		54.84	68.55	4,387.20	5,484.00	9,505.60	11,882.00
1413		56.21	70.26	4,496.80	5,620.80	9,743.07	12,178.40
1414		57.62	72.02	4,609.60	5,761.60	9,987.47	12,483.47
1415	City Clerk	59.06	73.82	4,724.80	5,905.60	10,237.07	12,795.47
1416		60.53	75.66	4,842.40	6,052.80	10,491.87	13,114.40
1417		62.04	77.55	4,963.20	6,204.00	10,753.60	13,442.00
1418		63.6	79.49	5,088.00	6,359.20	11,024.00	13,778.27
1419		65.19	81.48	5,215.20	6,518.40	11,299.60	14,123.20
1420		66.81	83.52	5,344.80	6,681.60	11,580.40	14,476.80
1421	City Auditor	68.49	85.61	5,479.20	6,848.80	11,871.60	14,839.07
1422	Director of Utility Planning and Projects	70.2	87.75	5,616.00	7,020.00	12,168.00	15,210.00
1423		71.95	89.94	5,756.00	7,195.20	12,471.34	15,589.60
1424		73.75	92.19	5,900.00	7,375.20	12,783.34	15,979.60
1425	Chief Information Officer	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Administrative Services	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Finance	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Human Resources	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Parks, Recreation & Neighborhoods	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1426		77.48	96.85	6,198.40	7,748.00	13,429.87	16,787.34
1427	Director of Community and Economic Development	79.42	99.28	6,353.60	7,942.40	13,766.14	17,208.54
1427	Director of Public Works	79.42	99.28	6,353.60	7,942.40	13,766.14	17,208.54
1428		81.41	101.76	6,512.80	8,140.80	14,111.07	17,638.40
1429		83.44	104.3	6,675.20	8,344.00	14,462.94	18,078.67
1430	Director of Engineering Services	85.53	106.91	6,842.40	8,552.80	14,825.20	18,531.07
1430	Director of Utilities	85.53	106.91	6,842.40	8,552.80	14,825.20	18,531.07
1431	Deputy City Manager	87.67	109.58	7,013.60	8,766.40	15,196.14	18,993.87
1432		89.86	112.32	7,188.80	8,985.60	15,575.74	19,468.80
1433		92.1	115.13	7,368.00	9,210.40	15,964.00	19,955.87
1434		94.41	118.01	7,552.80	9,440.80	16,364.40	20,455.07
1435	City Attorney	96.77	120.96	7,741.60	9,676.80	16,773.47	20,966.40
1436		99.18	123.98	7,934.40	9,918.40	17,191.20	21,489.87
1437		101.66	127.08	8,132.80	10,166.40	17,621.07	22,027.20
1438		104.21	130.26	8,336.80	10,420.80	18,063.07	22,578.40
1439	City Manager	106.81	133.51	8,544.80	10,680.80	18,513.74	23,141.74
1440		109.48	136.85	8,758.40	10,948.00	18,976.54	23,720.67
1441		112.22	140.27	8,977.60	11,221.60	19,451.47	24,313.47

EXHIBIT 8B: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 6/18/24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		47.52	59.40	3,801.60	4,752.00	8,236.80	10,296.00
1406		48.71	60.89	3,896.80	4,871.20	8,443.07	10,554.27
1407		49.93	62.41	3,994.40	4,992.80	8,654.54	10,817.74
1408		51.18	63.97	4,094.40	5,117.60	8,871.20	11,088.14
1409		52.46	65.57	4,196.80	5,245.60	9,093.07	11,365.47
1410		53.77	67.21	4,301.60	5,376.80	9,320.14	11,649.74
1411		55.11	68.89	4,408.80	5,511.20	9,552.40	11,940.94
1412		56.49	70.61	4,519.20	5,648.80	9,791.60	12,239.07
1413		57.90	72.38	4,632.00	5,790.40	10,036.00	12,545.87
1414		59.35	74.19	4,748.00	5,935.20	10,287.34	12,859.60
1415	City Clerk	60.83	76.04	4,866.40	6,083.20	10,543.87	13,180.27
1416		62.36	77.94	4,988.80	6,235.20	10,809.07	13,509.60
1417		63.91	79.89	5,112.80	6,391.20	11,077.74	13,847.60
1418		65.51	81.89	5,240.80	6,551.20	11,355.07	14,194.27
1419		67.15	83.94	5,372.00	6,715.20	11,639.34	14,549.60
1420		68.83	86.03	5,506.40	6,882.40	11,930.54	14,911.87
1421	City Auditor	70.55	88.18	5,644.00	7,054.40	12,228.67	15,284.54
1422	Director of Utility Planning and Projects	72.31	90.39	5,784.80	7,231.20	12,533.74	15,667.60
1423		74.12	92.65	5,929.60	7,412.00	12,847.47	16,059.34
1424		75.97	94.96	6,077.60	7,596.80	13,168.14	16,459.74
1425	Director of Administrative Services	77.87	97.34	6,229.60	7,787.20	13,497.47	16,872.27
1426	Chief Information Officer	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Finance	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Human Resources	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Parks, Recreation & Neighborhoods	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1427		81.81	102.27	6,544.80	8,181.60	14,180.40	17,726.80
1428		83.86	104.82	6,708.80	8,385.60	14,535.74	18,168.80
1429	Director of Community and Economic Development	85.96	107.44	6,876.80	8,595.20	14,899.74	18,622.94
1429	Director of Public Works	85.96	107.44	6,876.80	8,595.20	14,899.74	18,622.94
1430		88.10	110.13	7,048.00	8,810.40	15,270.67	19,089.20
1431		90.31	112.88	7,224.80	9,030.40	15,653.74	19,565.87
1432	Director of Engineering Services	92.56	115.70	7,404.80	9,256.00	16,043.74	20,054.67
1432	Director of Utilities	92.56	115.70	7,404.80	9,256.00	16,043.74	20,054.67
1433	Deputy City Manager	94.88	118.60	7,590.40	9,488.00	16,445.87	20,557.34
1434		97.25	121.56	7,780.00	9,724.80	16,856.67	21,070.40
1435	City Attorney	99.68	124.60	7,974.40	9,968.00	17,277.87	21,597.34
1436		102.17	127.72	8,173.60	10,217.60	17,709.47	22,138.14
1437		104.73	130.91	8,378.40	10,472.80	18,153.20	22,691.07
1438		107.35	134.18	8,588.00	10,734.40	18,607.34	23,257.87
1439		110.03	137.54	8,802.40	11,003.20	19,071.87	23,840.27
1440		112.78	140.97	9,022.40	11,277.60	19,548.54	24,434.80
1441	City Manager	115.60	144.50	9,248.00	11,560.00	20,037.34	25,046.67

EXHIBIT 8C: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 7/1/25

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		48.95	63.64	3,916.00	5,091.20	8,484.67	11,030.94
1406		50.18	65.23	4,014.40	5,218.40	8,697.87	11,306.54
1407		51.43	66.86	4,114.40	5,348.80	8,914.54	11,589.07
1408		52.72	68.53	4,217.60	5,482.40	9,138.14	11,878.54
1409		54.04	70.25	4,323.20	5,620.00	9,366.94	12,176.67
1410		55.39	72.00	4,431.20	5,760.00	9,600.94	12,480.00
1411		56.77	73.80	4,541.60	5,904.00	9,840.14	12,792.00
1412		58.19	75.65	4,655.20	6,052.00	10,086.27	13,112.67
1413		59.65	77.54	4,772.00	6,203.20	10,339.34	13,440.27
1414		61.14	79.48	4,891.20	6,358.40	10,597.60	13,776.54
1415	City Clerk	62.67	81.46	5,013.60	6,516.80	10,862.80	14,119.74
1416		64.23	83.50	5,138.40	6,680.00	11,133.20	14,473.34
1417		65.84	85.59	5,267.20	6,847.20	11,412.27	14,835.60
1418		67.48	87.73	5,398.40	7,018.40	11,696.54	15,206.54
1419		69.17	89.92	5,533.60	7,193.60	11,989.47	15,586.14
1420		70.90	92.17	5,672.00	7,373.60	12,289.34	15,976.14
1421	City Auditor	72.67	94.47	5,813.60	7,557.60	12,596.14	16,374.80
1422	Director of Utility Planning and Projects	74.49	96.83	5,959.20	7,746.40	12,911.60	16,783.87
1423		76.35	99.25	6,108.00	7,940.00	13,234.00	17,203.34
1424		78.26	101.74	6,260.80	8,139.20	13,565.07	17,634.94
1425	Director of Administrative Services	80.22	104.28	6,417.60	8,342.40	13,904.80	18,075.20
1426	Chief Information Officer	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Finance	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Human Resources	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Parks, Recreation & Neighborhoods	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1427		84.28	109.56	6,742.40	8,764.80	14,608.54	18,990.40
1428		86.38	112.30	6,910.40	8,984.00	14,972.54	19,465.34
1429	Director of Community and Economic Development	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1429	Director of Public Works	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1430		90.76	117.98	7,260.80	9,438.40	15,731.74	20,449.87
1431		93.02	120.93	7,441.60	9,674.40	16,123.47	20,961.20
1432	Director of Engineering Services	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1432	Director of Utilities	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1433	Deputy City Manager	97.73	127.05	7,818.40	10,164.00	16,939.87	22,022.00
1434		100.18	130.23	8,014.40	10,418.40	17,364.54	22,573.20
1435	City Attorney	102.68	133.48	8,214.40	10,678.40	17,797.87	23,136.54
1436		105.25	136.82	8,420.00	10,945.60	18,243.34	23,715.47
1437		107.88	140.24	8,630.40	11,219.20	18,699.20	24,308.27
1438		110.58	143.75	8,846.40	11,500.00	19,167.20	24,916.67
1439		113.34	147.34	9,067.20	11,787.20	19,645.60	25,538.94
1440		116.17	151.02	9,293.60	12,081.60	20,136.14	26,176.80
1441	City Manager	119.08	154.80	9,526.40	12,384.00	20,640.54	26,832.00

EXHIBIT 8D: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 6/30/26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		48.95	63.64	3,916.00	5,091.20	8,484.67	11,030.94
1406		50.18	65.23	4,014.40	5,218.40	8,697.87	11,306.54
1407		51.43	66.86	4,114.40	5,348.80	8,914.54	11,589.07
1408		52.72	68.53	4,217.60	5,482.40	9,138.14	11,878.54
1409		54.04	70.25	4,323.20	5,620.00	9,366.94	12,176.67
1410		55.39	72.00	4,431.20	5,760.00	9,600.94	12,480.00
1411		56.77	73.80	4,541.60	5,904.00	9,840.14	12,792.00
1412		58.19	75.65	4,655.20	6,052.00	10,086.27	13,112.67
1413		59.65	77.54	4,772.00	6,203.20	10,339.34	13,440.27
1414		61.14	79.48	4,891.20	6,358.40	10,597.60	13,776.54
1415	City Clerk	62.67	81.46	5,013.60	6,516.80	10,862.80	14,119.74
1416		64.23	83.50	5,138.40	6,680.00	11,133.20	14,473.34
1417		65.84	85.59	5,267.20	6,847.20	11,412.27	14,835.60
1418		67.48	87.73	5,398.40	7,018.40	11,696.54	15,206.54
1419		69.17	89.92	5,533.60	7,193.60	11,989.47	15,586.14
1420		70.90	92.17	5,672.00	7,373.60	12,289.34	15,976.14
1421	City Auditor	72.67	94.47	5,813.60	7,557.60	12,596.14	16,374.80
1422	Director of Utility Planning and Projects	74.49	96.83	5,959.20	7,746.40	12,911.60	16,783.87
1423		76.35	99.25	6,108.00	7,940.00	13,234.00	17,203.34
1424		78.26	101.74	6,260.80	8,139.20	13,565.07	17,634.94
1425	Director of Administrative Services	80.22	104.28	6,417.60	8,342.40	13,904.80	18,075.20
1426	Chief Information Officer	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Finance	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Human Resources	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Parks, Recreation & Neighborhoods	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1427		84.28	109.56	6,742.40	8,764.80	14,608.54	18,990.40
1428		86.38	112.30	6,910.40	8,984.00	14,972.54	19,465.34
1429	Director of Community and Economic Development	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1429	Director of Public Works	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1430		90.76	117.98	7,260.80	9,438.40	15,731.74	20,449.87
1431		93.02	120.93	7,441.60	9,674.40	16,123.47	20,961.20
1432	Director of Engineering Services	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1432	Director of Utilities	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1433	Deputy City Manager	97.73	127.05	7,818.40	10,164.00	16,939.87	22,022.00
1434		100.18	130.23	8,014.40	10,418.40	17,364.54	22,573.20
1435	City Attorney	102.68	133.48	8,214.40	10,678.40	17,797.87	23,136.54
1436		105.25	136.82	8,420.00	10,945.60	18,243.34	23,715.47
1437		107.88	140.24	8,630.40	11,219.20	18,699.20	24,308.27
1438		110.58	143.75	8,846.40	11,500.00	19,167.20	24,916.67
1439		113.34	147.34	9,067.20	11,787.20	19,645.60	25,538.94
1440		116.17	151.02	9,293.60	12,081.60	20,136.14	26,176.80
1441	City Manager	119.08	154.80	9,526.40	12,384.00	20,640.54	26,832.00

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 21, 2022

UNREP BATTALION CHIEFS 80 HOURS

Range Number	Hourly								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1812	52.31	53.63	54.96	56.34	57.75	59.19	60.67	62.19	63.74
1813	53.62	54.96	56.34	57.75	59.19	60.67	62.19	63.74	65.33
1814	54.96	56.34	57.75	59.19	60.67	62.19	63.74	65.33	66.97
1815	46.30	57.75	59.19	60.67	62.19	63.74	65.33	66.97	68.64
1816	57.75	59.19	60.67	62.19	63.74	65.33	66.97	68.64	70.36
1817	59.19	60.67	62.19	63.74	65.33	66.97	68.64	70.36	72.11
1818	60.67	62.19	63.74	65.33	66.97	68.64	70.36	72.11	73.92
1819	62.19	63.74	65.33	66.97	68.64	70.36	72.11	73.92	75.77
1820	63.74	65.33	66.97	68.64	70.36	72.11	73.92	75.77	77.66
1821	65.33	66.97	68.64	70.36	72.11	73.92	75.77	77.66	79.60
1822	66.97	68.64	70.36	72.11	73.92	75.77	77.66	79.60	81.59
1823	68.64	70.36	72.11	73.92	75.77	77.66	79.60	81.59	83.63
1824	70.36	72.11	73.92	75.77	77.66	79.60	81.59	83.63	85.72

Range Number	Bi-Weekly								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1812	4,184.80	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20
1813	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40
1814	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60
1815	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20
1816	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80
1817	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80
1818	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,788.80	5,913.60
1819	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.50
1820	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80
1821	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00
1822	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20
1823	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40
1824	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40	6,857.60

Range Number	Monthly								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1812	9,097.76	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66
1813	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19
1814	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42
1815	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87
1816	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01
1817	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37
1818	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17
1819	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,858.17	13,177.92
1820	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63
1821	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03
1822	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13
1823	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13	14,544.93
1824	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,644.03	14,190.13	14,544.93	14,908.42

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 21, 2022

UNREP BATTALION CHIEFS 112 HOURS

Range Number	Hourly								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
812	37.36	38.30	39.26	40.24	41.25	42.28	43.34	44.42	45.53
813	38.30	39.26	40.24	41.25	42.28	43.34	44.42	45.53	46.68
814	39.26	40.24	41.25	42.28	43.34	44.42	45.53	46.66	47.84
815	40.24	41.25	42.28	43.34	44.42	45.53	46.66	47.84	49.03
816	41.25	42.28	43.34	44.42	45.53	46.66	47.84	49.03	50.26
817	42.28	43.34	44.42	45.53	46.66	47.84	49.03	50.26	51.51
818	43.34	44.42	45.53	46.66	47.84	49.03	50.26	51.51	52.80
819	44.42	45.53	46.66	47.84	49.03	50.26	51.51	52.80	54.12
820	45.53	46.66	47.84	49.03	50.26	51.51	52.80	54.12	55.47
821	46.66	47.84	49.03	50.26	51.51	52.80	54.12	55.47	56.86
822	47.84	49.03	50.26	51.51	52.80	54.12	55.47	56.86	58.28
823	49.03	50.26	51.51	52.80	54.12	55.47	56.86	58.28	59.74
824	50.26	51.51	52.80	54.12	55.47	56.86	58.28	59.74	61.23

Range Number	Bi-Weekly								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
812	4,184.80	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20
813	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40
814	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60
815	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20
816	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80
817	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80
818	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,788.80	5,913.60
819	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.50
820	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80
821	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00
822	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20
823	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40
824	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40	6,857.60

Range Number	Monthly								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
812	9,097.76	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66
813	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19
814	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42
815	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87
816	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01
817	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37
818	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17
819	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,858.17	13,177.92
820	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63
821	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03
822	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13
823	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13	14,544.93
824	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13	14,544.93	14,908.42

EXHIBIT 9B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 20, 2023

UNREP BATTALION CHIEFS 80 HOURS

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	52.31	54.96	57.75	60.67	63.74	65.33
1813	53.62	56.34	59.19	62.19	65.33	68.60
1814	54.96	57.75	60.67	63.74	66.97	70.31
1815	56.34	59.19	62.19	65.33	68.64	72.07
1816	57.75	60.67	63.74	66.97	70.36	72.87
1817	59.19	62.19	65.33	68.64	72.11	75.72
1818	60.67	63.74	66.97	70.36	73.92	77.61
1819	62.19	65.33	68.64	72.11	75.77	79.55
1820	63.74	66.97	70.36	73.92	77.66	81.54
1821	65.33	68.64	72.11	75.77	79.60	83.58
1822	66.97	70.36	73.92	77.66	81.59	85.67
1823	68.64	72.11	75.77	79.60	83.63	87.81
1824	70.36	73.92	77.66	81.59	85.72	90.01

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,184.80	4,396.80	4,620.00	4,853.60	5,099.20	5,226.40
2420	4,289.60	4,507.20	4,735.20	4,975.20	5,226.40	5,488.00
2421	4,396.80	4,620.00	4,853.60	5,099.20	5,357.60	5,624.80
2422	4,507.20	4,735.20	4,975.20	5,226.40	5,491.20	5,765.60
2423	4,620.00	4,853.60	5,099.20	5,357.60	5,628.80	5,909.60
2424	4,735.20	4,975.20	5,226.40	5,491.20	5,768.80	6,057.60
2425	4,853.60	5,099.20	5,357.60	5,628.80	5,913.60	6,208.80
2426	4,975.20	5,226.40	5,491.20	5,768.80	6,061.60	6,367.00
2427	5,099.20	5,357.60	5,628.80	5,913.60	6,212.80	6,523.20
2428	5,226.40	5,491.20	5,768.80	6,061.60	6,368.00	6,686.40
2429	5,357.60	5,628.80	5,913.60	6,212.80	6,527.20	6,853.60
2430	5,491.20	5,768.80	6,061.60	6,368.00	6,690.40	7,024.80
2431	5,628.80	5,913.60	6,212.80	6,527.20	6,857.60	7,200.80

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	9,067.07	9,526.40	10,010.00	10,516.14	11,048.27	11,323.87
2420	9,294.14	9,765.60	10,259.60	10,779.60	11,323.87	11,890.67
2421	9,526.40	10,010.00	10,516.14	11,048.27	11,608.14	12,187.07
2422	9,765.60	10,259.60	10,779.60	11,323.87	11,897.60	12,492.14
2423	10,010.00	10,516.14	11,048.27	11,608.14	12,195.74	12,804.14
2424	10,259.60	10,779.60	11,323.87	11,897.60	12,499.07	13,124.80
2425	10,516.14	11,048.27	11,608.14	12,195.74	12,812.80	13,452.40
2426	10,779.60	11,323.87	11,897.60	12,499.07	13,133.47	13,788.67
2427	11,048.27	11,608.14	12,195.74	12,812.80	13,461.07	14,133.60
2428	11,323.87	11,897.60	12,499.07	13,133.47	13,797.34	14,487.20
2429	11,608.14	12,195.74	12,812.80	13,461.07	14,142.27	14,849.47
2430	11,897.60	12,499.07	13,133.47	13,797.34	14,495.87	15,220.40
2431	12,195.74	12,812.80	13,461.07	14,142.27	14,858.14	15,601.74

EXHIBIT 10B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 20, 2023

UNREP BATTALION CHIEFS 112 HOURS

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	37.36	39.26	41.25	43.34	45.53	46.66
1813	38.30	40.24	42.28	44.42	46.66	49.00
1814	39.26	41.25	43.34	45.53	47.84	50.22
1815	40.24	42.28	44.42	46.66	49.03	51.48
1816	41.25	43.34	45.53	47.84	50.26	52.76
1817	42.28	44.42	46.66	49.03	51.51	54.09
1818	43.34	45.53	47.84	50.26	52.80	55.44
1819	44.42	46.66	49.03	51.51	54.12	56.82
1820	45.53	47.84	50.26	52.80	55.47	58.24
1821	46.66	49.03	51.51	54.12	56.86	59.7
1822	47.84	50.26	52.80	55.47	58.28	61.19
1823	49.03	51.51	54.12	56.86	59.74	62.72
1824	50.26	52.80	55.47	58.28	61.23	64.29

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,184.80	4,396.80	4,620.00	4,853.60	5,099.20	5,226.40
2420	4,289.60	4,507.20	4,735.20	4,975.20	5,226.40	5,488.00
2421	4,396.80	4,620.00	4,853.60	5,099.20	5,357.60	5,624.80
2422	4,507.20	4,735.20	4,975.20	5,226.40	5,491.20	5,765.60
2423	4,620.00	4,853.60	5,099.20	5,357.60	5,628.80	5,909.60
2424	4,735.20	4,975.20	5,226.40	5,491.20	5,768.80	6,057.60
2425	4,853.60	5,099.20	5,357.60	5,628.80	5,913.60	6,208.80
2426	4,975.20	5,226.40	5,491.20	5,768.80	6,061.60	6,367.00
2427	5,099.20	5,357.60	5,628.80	5,913.60	6,212.80	6,523.20
2428	5,226.40	5,491.20	5,768.80	6,061.60	6,368.00	6,686.40
2429	5,357.60	5,628.80	5,913.60	6,212.80	6,527.20	6,853.60
2430	5,491.20	5,768.80	6,061.60	6,368.00	6,690.40	7,024.80
2431	5,628.80	5,913.60	6,212.80	6,527.20	6,857.60	7,200.80

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	9,067.07	9,526.40	10,010.00	10,516.14	11,048.27	11,323.87
2420	9,294.14	9,765.60	10,259.60	10,779.60	11,323.87	11,890.67
2421	9,526.40	10,010.00	10,516.14	11,048.27	11,608.14	12,187.07
2422	9,765.60	10,259.60	10,779.60	11,323.87	11,897.60	12,492.14
2423	10,010.00	10,516.14	11,048.27	11,608.14	12,195.74	12,804.14
2424	10,259.60	10,779.60	11,323.87	11,897.60	12,499.07	13,124.80
2425	10,516.14	11,048.27	11,608.14	12,195.74	12,812.80	13,452.40
2426	10,779.60	11,323.87	11,897.60	12,499.07	13,133.47	13,788.67
2427	11,048.27	11,608.14	12,195.74	12,812.80	13,461.07	14,133.60
2428	11,323.87	11,897.60	12,499.07	13,133.47	13,797.34	14,487.20
2429	11,608.14	12,195.74	12,812.80	13,461.07	14,142.27	14,849.47
2430	11,897.60	12,499.07	13,133.47	13,797.34	14,495.87	15,220.40
2431	12,195.74	12,812.80	13,461.07	14,142.27	14,858.14	15,601.74

EXHIBIT 11A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS - EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JUNE 21, 2022

	HOURLY								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
515	55.41	56.80	58.22	59.68	61.17	62.70	64.26	65.87	67.52
516	56.80	58.22	59.68	61.17	62.70	64.26	65.87	67.52	69.20
517	58.22	59.68	61.17	62.70	64.26	65.87	67.52	69.20	70.93
518	59.68	61.17	62.70	64.26	65.87	67.52	69.20	70.93	72.71
519	61.17	62.70	64.26	65.87	67.52	69.20	70.93	72.71	74.53
520	62.70	64.26	65.87	67.52	69.20	70.93	72.71	74.53	76.39
521	64.26	65.87	67.52	69.20	70.93	72.71	74.53	76.39	78.30
522	65.87	67.52	69.20	70.93	72.71	74.53	76.39	78.30	80.26
523	67.52	69.20	70.93	72.71	74.53	76.39	78.30	80.26	82.26
524	69.20	70.93	72.71	74.53	76.39	78.30	80.26	82.26	84.32
525	70.93	72.71	74.53	76.39	78.60	80.26	82.26	84.32	86.43
526	72.71	74.53	76.39	78.30	80.26	82.26	84.32	86.43	88.59
527	74.53	76.39	78.30	80.26	82.26	84.32	86.43	88.59	90.80
528	76.39	78.30	80.26	82.26	84.32	86.43	88.59	90.80	93.07

	BI-WEEKLY								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
515	4,432.80	4,544.00	4,657.60	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60
516	4,544.00	4,657.60	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00
517	4,657.60	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40
518	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40	5,816.80
519	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40
520	5,016.00	5,140.80	5,269.00	5,401.60	5,536.00	5,674.40	5,816.80	5,962.00	6,111.20
521	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00
522	5,268.60	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80
523	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80
524	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60
525	5,674.40	58.16.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40
526	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40	7,087.20
527	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40	7,087.20	7,264.00
528	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40	7,087.20	7,264.00	7,445.60

	MONTHLY								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
515	9,636.91	9,878.66	10,125.62	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08
516	9,878.66	10,125.62	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26
517	10,125.62	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15
518	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72
519	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26
520	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75
521	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94
522	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82
523	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66
524	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93
525	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91
526	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91	15,407.57
527	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91	15,407.57	15,791.94
528	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91	15,407.57	15,791.94	16,186.73

EXHIBIT 11B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS – EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JUNE 20, 2023

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	55.41	58.22	61.17	64.26	67.52	70.89
516	56.80	59.68	62.70	65.87	69.20	72.66
517	58.22	61.17	64.26	67.52	70.93	74.48
518	59.68	62.70	65.87	69.20	72.71	76.34
519	61.17	64.26	67.52	70.93	74.53	78.25
520	62.70	65.87	69.20	72.71	76.39	80.21
521	64.26	67.52	70.93	74.53	78.30	82.21
522	65.87	69.20	72.71	76.39	80.26	84.27
523	67.52	70.93	74.53	78.30	82.26	86.37
524	69.20	72.71	76.39	80.26	84.32	88.53
525	70.93	74.53	78.30	82.26	86.43	90.75
526	72.71	76.39	80.26	84.32	88.59	93.02
527	74.53	78.30	82.26	86.43	90.80	95.34
528	76.39	80.26	84.32	88.59	93.07	97.72

BI-WEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	4,432.80	4,657.60	4,893.60	5,140.80	5,401.60	5,671.20
516	4,432.80	4,774.40	5,016.00	5,269.60	5,536.00	5,812.80
517	4,657.60	4,893.60	5,140.80	5,401.60	5,674.40	5,958.40
518	4,774.40	5,016.00	5,269.60	5,536.00	5,816.80	6,107.20
519	4,893.60	5,140.80	5,401.60	5,674.40	5,962.40	6,260.00
520	5,016.00	5,269.60	5,536.00	5,816.80	6,111.20	6,416.80
521	5,140.80	5,401.60	5,674.40	5,962.40	6,264.00	6,576.80
522	5,269.60	5,536.00	5,816.80	6,111.20	6,420.80	6,741.60
523	5,401.60	5,674.40	5,962.40	6,264.00	6,580.80	6,909.60
524	5,536.00	5,816.80	6,111.20	6,420.80	6,745.60	7,082.40
525	5,674.40	5,962.40	6,264.00	6,580.80	6,914.40	7,260.00
526	5,816.80	6,111.20	6,420.80	6,745.60	7,087.20	7,441.60
527	5,962.40	6,264.00	6,580.80	6,914.40	7,264.00	7,627.20
528	6,111.20	6,420.80	6,745.60	7,087.20	7,445.60	7,817.60

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	9,604.40	10,091.47	10,602.80	11,138.40	11,703.47	12,287.60
516	9,845.34	10,344.54	10,868.00	11,417.47	11,994.67	12,594.40
517	10,091.47	10,602.80	11,138.40	11,703.47	12,294.54	12,909.87
518	10,344.54	10,868.00	11,417.47	11,994.67	12,603.07	13,232.27
519	10,602.80	11,138.40	11,703.47	12,294.54	12,918.54	13,563.34
520	10,868.00	11,417.47	11,994.67	12,603.07	13,240.94	13,903.07
521	11,138.40	11,703.47	12,294.54	12,918.54	13,572.00	14,249.74
522	11,417.47	11,994.67	12,603.07	13,240.94	13,911.74	14,606.80
523	11,703.47	12,294.54	12,918.54	13,572.00	14,258.40	14,970.80
524	11,994.67	12,603.07	13,240.94	13,911.74	14,615.47	15,345.20
525	12,294.54	12,918.54	13,572.00	14,258.40	14,981.20	15,730.00
526	12,603.07	13,240.94	13,911.74	14,615.47	15,355.60	16,123.47
527	12,918.54	13,572.00	14,258.40	14,981.20	15,738.67	16,525.60
528	13,240.94	13,911.74	14,615.47	15,355.60	16,132.14	16,938.14

EXHIBIT 12A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
UNREPRESENTED FIRE CHIEF
EFFECTIVE: JUNE 21, 2022

Range Number	Unrepresented Fire Chief Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		46.13	57.67	3,690.40	4,613.60	8,022.93	10,029.97
1706		47.29	59.11	3,783.20	4,728.80	8,224.68	10,280.41
1707		48.47	60.59	3,877.60	4,847.20	8,429.90	10,537.81
1708		49.68	62.10	3,974.40	4,968.00	8,640.35	10,800.43
1709		50.92	63.60	4,073.60	5,092.00	8,856.01	11,070.01
1710		52.20	65.24	4,176.00	5,219.20	9,078.62	11,346.54
1711		53.50	66.88	4,280.00	5,350.40	9,304.72	11,631.77
1712		54.84	68.55	4,387.20	5,484.00	9,537.77	11,922.22
1713		56.21	70.26	4,496.80	5,620.80	9,776.04	12,219.62
1714		57.62	72.02	4,609.60	5,761.60	10,021.27	12,525.72
1715		59.06	73.82	4,724.80	5,905.60	10,271.72	12,838.77
1716		60.53	75.66	4,842.40	6,052.80	10,527.38	13,158.79
1717		62.04	77.55	4,963.20	6,204.00	10,790.00	13,487.50
1718		63.60	79.49	5,088.00	6,359.20	11,061.31	13,824.90
1719		65.19	81.48	5,215.20	6,518.40	11,337.84	14,171.00
1720		66.81	83.52	5,344.80	6,681.60	11,619.60	14,525.80
1721		68.49	85.61	5,479.20	6,848.80	11,911.78	14,889.29
1722		70.20	87.75	5,616.00	7,020.00	12,209.18	15,261.48
1723		71.95	89.94	5,756.00	7,195.20	12,513.54	15,642.36
1724		73.75	92.19	5,900.00	7,375.20	12,826.60	16,033.68
1725		75.59	94.49	6,047.20	7,559.20	13,146.61	16,433.70
1726		77.48	96.85	6,198.40	7,748.00	13,475.32	16,844.15
1727		79.42	99.28	6,353.60	7,942.40	13,812.73	17,266.78
1728		81.41	101.76	6,512.80	8,140.80	14,158.83	17,698.10
1729	Fire Chief	83.44	104.30	6,675.20	8,344.00	14,511.88	18,139.86
1730		85.53	106.91	6,842.40	8,552.80	14,875.38	18,593.79
1731		87.67	109.58	7,013.60	8,766.40	15,247.57	19,058.15
1732		89.86	112.32	7,188.80	8,985.60	15,628.45	19,534.69
1733		92.10	115.13	7,368.00	9,210.40	16,018.03	20,023.41
1734		94.41	118.01	7,552.80	9,440.80	16,419.79	20,524.30
1735		96.77	120.96	7,741.60	9,676.80	16,830.24	21,037.36
1736		99.18	123.98	7,934.40	9,918.40	17,249.39	21,562.60
1737		101.66	127.08	8,132.80	10,166.40	17,680.71	22,101.75
1738		104.21	130.26	8,336.80	10,420.80	18,124.20	22,654.82
1739		106.81	133.51	8,544.80	10,680.80	18,576.40	23,220.06
1740		109.48	136.85	8,758.40	10,948.00	19,040.76	23,800.95
1741		112.22	140.27	8,977.60	11,221.60	19,517.30	24,395.76

EXHIBIT 12B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
UNREPRESENTED FIRE CHIEF
EFFECTIVE: JUNE 20, 2023

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		46.13	59.97	3,690.40	4,797.60	7,995.87	10,394.80
1706		47.29	61.47	3,783.20	4,917.60	8,196.94	10,654.80
1707		48.47	63.01	3,877.60	5,040.80	8,401.47	10,921.74
1708		49.68	64.90	3,974.40	5,167.20	8,611.20	11,195.60
1709		50.92	66.20	4,073.60	5,296.00	8,826.14	11,474.67
1710		52.20	67.85	4,176.00	5,428.00	9,048.00	11,760.67
1711		53.50	69.55	4,280.00	5,564.00	9,273.34	12,055.34
1712		54.84	71.29	4,387.20	5,703.20	9,505.60	12,356.94
1713		56.21	73.07	4,496.80	5,845.60	9,743.07	12,665.47
1714		57.62	74.90	4,609.60	5,992.00	9,987.47	12,982.67
1715		59.06	76.77	4,724.80	6,141.60	10,237.07	13,306.80
1716		60.53	78.69	4,842.40	6,295.20	10,491.87	13,639.60
1717		62.04	80.66	4,963.20	6,452.80	10,753.60	13,981.07
1718		63.60	82.67	5,088.00	6,613.60	11,024.00	14,329.47
1719		65.19	84.74	5,215.20	6,779.20	11,299.60	14,688.27
1720		66.81	86.86	5,344.80	6,948.80	11,580.40	15,055.74
1721		68.49	89.03	5,479.20	7,122.40	11,871.60	15,431.87
1722		70.20	91.25	5,616.00	7,300.00	12,168.00	15,816.67
1723		71.95	93.54	5,756.00	7,483.20	12,471.34	16,213.60
1724		73.75	95.87	5,900.00	7,669.60	12,783.34	16,617.47
1725		75.59	98.27	6,047.20	7,861.60	13,102.27	17,033.47
1726		77.48	100.73	6,198.40	8,058.40	13,429.87	17,459.87
1727		79.42	103.25	6,353.60	8,260.00	13,766.14	17,896.67
1728		81.41	105.83	6,512.80	8,466.40	14,111.07	18,343.87
1729	Fire Chief	83.44	108.47	6,675.20	8,677.60	14,462.94	18,801.47
1730		85.53	111.18	6,842.40	8,894.40	14,825.20	19,271.20
1731		87.67	113.96	7,013.60	9,116.80	15,196.14	19,753.07
1732		89.86	116.81	7,188.80	9,344.80	15,575.74	20,247.07
1733		92.10	119.73	7,368.00	9,578.40	15,964.00	20,753.20
1734		94.41	122.73	7,552.80	9,818.40	16,364.40	21,273.20
1735		96.77	125.79	7,741.60	10,063.20	16,773.47	21,803.60
1736		99.18	128.94	7,934.40	10,315.20	17,191.20	22,349.60
1737		101.66	132.16	8,132.80	10,572.80	17,621.07	22,907.74
1738		104.21	135.47	8,336.80	10,837.60	18,063.07	23,481.47
1739		106.81	138.85	8,544.80	11,108.00	18,513.74	24,067.34
1740		109.48	142.32	8,758.40	11,385.60	18,976.54	24,668.80
1741		112.22	145.88	8,977.60	11,670.40	19,451.47	25,285.87

EXHIBIT 13: CLASS RANGE TABLE FOR UNREPRESENTED FIRE MANAGEMENT EFFECTIVE 9/7/21

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective September 7, 2021

Range Number	Title
524	Fire Deputy Chief
819	Fire Battalion Chief (112 hrs)
1819	Fire Battalion Chief (80 hrs)

EXHIBIT 14: CLASS RANGE TABLE FOR UNREPRESENTED FIRE CHIEF EFFECTIVE 7/12/16

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective July 12, 2016

Range Number	Title
1729	Fire Chief

EXHIBIT 15: CLASS RANGE TABLE FOR UNREPRESENTED POLICE MANAGEMENT EFFECTIVE 6/26/18

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES
Effective June 26, 2018

Range Number	Title
1627	Police Captain
1632	Assistant Chief of Police

EXHIBIT 16A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/23/20

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: June 23, 2020

Unrepresented Police Captain

Monthly=2.174

Range Number	HOURLY Step A	Step B	Step C	Step D	Step E
1601	34.81	36.57	38.39	40.31	42.33
1602	35.70	37.48	38.35	41.32	43.39
1603	36.59	38.42	40.34	42.35	44.47
1604	37.50	39.38	41.35	43.41	45.58
1605	38.44	40.36	42.38	44.50	46.72
1606	39.40	41.37	43.44	45.61	47.89
1607	40.39	42.40	44.52	46.75	49.09
1608	41.40	43.46	45.64	47.92	50.31
1609	42.43	44.55	46.78	49.12	51.57
1610	43.49	45.66	47.95	50.34	52.86
1611	44.58	46.81	49.15	51.60	54.18
1612	45.69	47.98	50.37	52.89	55.54
1613	46.83	49.18	51.63	54.22	56.93
1614	48.00	50.40	52.92	55.57	58.35
1615	49.20	51.66	54.25	56.96	59.81
1616	50.43	52.96	55.60	58.38	61.30
1617	51.70	54.28	56.99	59.84	62.84
1618	52.99	55.64	58.42	61.34	64.41
1619	54.31	57.03	59.88	62.87	66.02
1620	55.67	58.45	61.38	64.44	67.67
1621	57.06	59.91	62.91	66.06	69.36
1622	58.49	61.41	64.48	67.71	71.09
1623	59.95	62.95	66.09	69.40	72.87
1624	61.45	64.52	67.75	71.13	74.69
1625	62.98	66.13	69.44	72.91	76.56
1626	64.56	67.79	71.18	74.73	78.47
1627	66.17	69.48	72.96	76.60	80.43
1628	67.83	71.22	74.78	78.52	82.44

Range Number	BI-WEEKLY Step A	Step B	Step C	Step D	Step E
1601	2,785.12	2,925.60	3,071.20	3,224.80	3,386.40
1602	2,856.00	2,998.40	3,148.00	3,305.60	3,471.20
1603	2,927.20	3,073.60	3,227.20	3,388.00	3,557.60
1604	3,000.00	3,150.40	3,308.00	3,472.80	3,646.40
1605	3,075.20	3,228.80	3,390.40	3,560.00	3,737.60
1606	3,152.00	3,309.60	3,475.20	3,648.80	3,831.20
1607	3,231.20	3,392.00	3,561.60	3,740.00	3,927.20
1608	3,312.00	3,476.80	3,651.20	3,833.60	4,024.80
1609	3,394.40	3,564.00	3,742.40	3,929.60	4,128.60
1610	3,479.20	3,652.80	3,836.00	4,027.20	4,228.80
1611	3,566.40	3,744.80	3,932.00	4,128.00	4,334.40
1612	3,655.20	3,838.40	4,029.60	4,231.20	4,443.20
1613	3,746.40	3,934.40	4,130.40	4,337.60	4,554.40
1614	3,840.00	4,032.00	4,233.60	4,445.00	4,668.00
1615	3,936.00	4,132.80	4,340.00	4,556.80	4,784.80
1616	4,034.40	4,236.80	4,448.00	4,670.40	4,904.00
1617	4,136.00	4,342.40	4,559.20	4,787.20	5,027.20
1618	4,239.20	4,451.20	4,673.60	4,907.20	5,152.80
1619	4,344.80	4,562.40	4,790.40	5,029.60	5,281.60
1620	4,453.60	4,676.00	4,910.40	5,155.20	5,413.60
1621	4,564.80	4,792.80	5,032.80	5,284.80	5,548.80
1622	4,679.20	4,912.80	5,158.40	5,416.80	5,687.20
1623	4,796.00	5,036.00	5,287.20	5,552.00	5,829.60
1624	4,916.00	5,161.60	5,420.00	5,690.40	5,975.20
1625	5,038.40	5,290.40	5,555.20	5,832.80	6,124.80
1626	5,164.80	5,423.20	5,694.40	5,978.40	6,277.60
1627	5,293.60	5,558.40	5,836.80	6,128.00	6,434.40
1628	5,426.40	5,697.60	5,982.40	6,281.60	6,595.20

Range Number	MONTHLY Step A	Step B	Step C	Step D	Step E
1601	6,054.85	6,360.25	6,676.79	7,010.72	7,362.03
1602	6,208.94	6,518.52	6,843.75	7,186.37	7,546.39
1603	6,363.73	6,682.01	7,015.93	7,365.51	7,734.22
1604	6,522.00	6,848.97	7,191.59	7,549.87	7,927.27
1605	6,685.48	7,019.41	7,370.73	7,739.44	8,125.54
1606	6,852.45	7,195.07	7,555.08	7,932.49	8,329.03
1607	7,024.63	7,374.21	7,742.92	8,130.75	8,537.73
1608	7,200.29	7,558.56	7,937.71	8,334.25	8,749.92
1609	7,379.43	7,748.14	8,135.98	8,542.95	8,969.05
1610	7,563.78	7,941.19	8,339.46	8,755.13	9,193.41
1611	7,753.35	8,141.20	8,548.17	8,974.27	9,422.99
1612	7,946.40	9,244.68	8,760.35	9,198.63	9,659.52
1613	8,144.67	8,553.39	8,979.49	9,429.94	9,901.27
1614	8,348.16	8,765.57	9,203.85	9,664.73	10,148.23
1615	8,556.86	8,984.71	9,435.16	9,906.48	10,402.16
1616	8,770.79	9,210.80	9,669.95	10,153.45	10,661.30
1617	8,991.66	9,440.38	9,911.70	10,407.37	10,929.13
1618	9,216.02	9,676.91	10,160.41	10,668.25	11,202.19
1619	9,445.60	9,918.66	10,414.33	10,934.35	11,482.20
1620	9,682.13	10,165.62	10,675.21	11,207.40	11,769.17
1621	9,923.88	10,419.55	10,941.31	11,489.16	12,063.09
1622	10,172.58	10,680.43	11,214.36	11,776.12	12,363.97
1623	10,426.50	10,948.26	11,494.37	12,070.05	12,673.55
1624	10,687.38	11,221.32	11,783.08	12,370.93	12,990.08
1625	10,953.48	11,501.00	12,077.00	12,680.51	13,315.32
1626	11,228.28	11,790.04	12,379.63	12,997.04	13,647.50
1627	11,508.29	12,083.96	12,689.20	13,322.27	13,988.39
1628	11,796.99	12,386.58	13,005.74	13,656.20	14,337.96

EXHIBIT 16B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/22/21

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: June 22, 2021

Unrepresented Police Captain

Monthly 2.174

Range Number	HOURLY Step A	Step B	Step C	Step D	Step E
1601	35.85	37.66	39.54	41.52	43.59
1602	36.76	38.60	40.53	42.56	44.68
1603	37.68	39.56	41.54	43.62	45.80
1604	38.62	40.55	42.58	44.71	46.94
1605	39.59	41.57	43.64	45.83	48.12
1606	40.58	42.61	44.74	46.97	49.32
1607	41.59	43.67	45.85	48.15	50.55
1608	42.63	44.76	47.00	49.35	51.82
1609	43.70	45.88	48.18	50.58	53.11
1610	44.79	47.03	49.38	51.85	54.44
1611	45.91	48.20	50.61	53.14	55.80
1612	47.06	49.41	51.88	54.47	57.20
1613	48.23	50.64	53.18	55.83	58.63
1614	49.44	51.91	54.51	57.23	60.09
1615	50.67	53.21	55.87	58.66	61.59
1616	51.94	54.54	57.26	60.13	63.13
1617	53.24	55.90	58.70	61.63	64.71
1618	54.57	57.30	60.16	63.17	66.33
1619	55.93	58.73	61.67	64.75	67.99
1620	57.33	60.20	63.21	66.37	69.69
1621	58.77	61.70	64.79	68.03	71.43
1622	60.23	63.25	66.41	69.73	73.21
1623	61.74	64.83	68.07	71.47	75.04
1624	63.28	66.45	69.77	73.26	76.92
1625	64.87	68.11	71.51	75.09	78.84
1626	66.49	69.81	73.30	76.97	80.81
1627	68.15	71.56	75.13	78.89	82.84
1628	69.85	73.35	77.01	80.83	84.91

Range Number	BI-WEEKLY Step A	Step B	Step C	Step D	Step E
1601	2,868.34	3,012.80	3,163.20	3,321.60	3,487.20
1602	2,940.80	3,088.00	3,242.40	3,404.80	3,574.40
1603	3,014.40	3,164.80	3,323.20	3,489.60	3,664.00
1604	3,089.60	3,244.00	3,406.40	3,576.80	3,755.20
1605	3,167.20	3,325.60	3,491.20	3,666.40	3,849.60
1606	3,246.40	3,408.80	3,579.20	3,757.60	3,945.60
1607	3,327.20	3,493.60	3,668.00	3,852.00	4,044.00
1608	3,410.40	3,580.80	3,760.00	3,948.00	4,145.60
1609	3,496.00	3,670.40	3,854.40	4,046.40	4,248.80
1610	3,583.20	3,762.40	3,950.40	4,148.00	4,355.20
1611	3,672.80	3,856.00	4,048.80	4,251.20	4,464.00
1612	3,764.80	3,952.80	4,150.40	4,357.60	4,576.00
1613	3,858.40	4,051.20	4,254.40	4,466.40	4,690.40
1614	3,955.20	4,152.80	4,360.80	4,578.40	4,807.20
1615	4,053.60	4,256.80	4,469.60	4,692.80	4,927.20
1616	4,155.20	4,363.20	4,590.80	4,810.40	5,050.40
1617	4,259.20	4,472.00	4,696.00	4,930.40	5,176.80
1618	4,365.60	4,584.00	4,812.80	5,053.60	5,306.40
1619	4,474.40	4,698.40	4,933.60	5,180.00	5,439.20
1620	4,586.40	4,816.00	5,056.80	5,309.60	5,575.20
1621	4,701.00	4,936.00	5,183.20	5,442.40	5,714.40
1622	4,818.40	5,060.00	5,312.80	5,578.40	5,856.80
1623	4,939.20	5,186.40	5,445.60	5,717.60	6,033.20
1624	5,062.40	5,316.00	5,581.60	5,860.80	6,153.60
1625	5,189.60	5,448.80	5,720.80	6,007.20	6,307.20
1626	5,319.20	5,584.80	5,864.00	6,157.60	6,464.80
1627	5,452.00	5,724.80	6,010.40	6,311.20	6,627.20
1628	5,588.00	5,868.00	6,160.80	6,468.80	6,792.80

Range Number	MONTHLY Step A	Step B	Step C	Step D	Step E
1601	6,235.78	6,549.83	6,876.80	7,221.16	7,581.17
1602	6,393.30	6,713.31	7,048.98	7,402.04	7,770.75
1603	6,553.31	6,880.28	7,224.64	7,586.39	7,965.54
1604	6,716.79	7,052.46	7,405.51	7,775.96	8,163.80
1605	6,885.49	7,229.85	7,589.87	7,970.75	8,369.03
1606	7,057.67	7,410.73	7,781.18	8,169.02	8,577.73
1607	7,233.33	7,595.09	7,974.23	8,374.25	8,791.66
1608	7,414.21	7,784.66	8,174.24	8,582.95	9,012.53
1609	7,600.00	7,979.45	9,279.47	8,796.87	9,236.89
1610	7,789.88	8,179.46	8,588.17	9,017.75	9,468.20
1611	7,984.00	8,382.94	8,802.09	9,242.11	9,704.74
1612	8,184.68	8,593.39	9,022.97	9,473.42	9,948.22
1613	8,388.16	8,807.32	9,249.07	9,709.95	10,196.93
1614	8,598.60	9,028.19	9,480.38	9,953.44	10,450.85
1615	8,812.53	9,254.28	9,716.91	10,202.15	10,711.73
1616	9,033.40	9,485.60	9,958.66	10,457.81	10,979.57
1617	9,259.50	9,722.13	10,209.10	10,718.69	11,254.36
1618	9,490.81	9,965.62	10,463.03	10,986.53	11,536.11
1619	9,727.35	10,214.32	10,725.65	11,261.32	11,824.82
1620	9,970.83	10,469.98	10,993.48	11,543.07	12,120.48
1621	10,221.28	10,730.86	11,268.28	11,831.78	12,423.11
1622	10,475.20	11,000.44	11,550.03	12,127.44	12,732.68
1623	10,737.82	11,275.23	11,838.73	12,430.06	13,050.96
1624	11,005.66	11,556.98	12,134.40	12,741.38	13,377.93
1625	11,282.19	11,845.69	12,437.02	13,059.65	13,711.85
1626	11,563.94	12,141.36	12,748.34	13,386.62	14,054.48
1627	11,852.65	12,445.72	13,066.61	13,720.55	14,407.53
1628	12,148.31	12,757.03	13,393.58	14,063.17	14,767.55

EXHIBIT 16C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 22/23
EFFECTIVE: June 21, 2022

Unrepresented Police Captain

Monthly=2.174

Range Number	HOURLY Step A	Step B	Step C	Step D	Step E
1601	36.93	38.78	40.72	42.76	44.89
1602	37.86	39.75	41.74	43.82	46.02
1603	38.80	40.74	42.78	44.92	47.17
1604	39.77	41.76	43.85	46.04	48.35
1605	40.77	42.81	44.95	47.19	49.55
1606	41.79	43.88	46.07	48.37	50.79
1607	42.83	44.97	47.22	49.58	52.06
1608	43.90	46.10	48.40	50.82	53.36
1609	45.00	47.25	49.61	52.09	54.70
1610	46.13	48.43	50.85	53.40	56.06
1611	47.28	49.64	52.12	54.73	57.47
1612	48.46	50.88	53.43	56.10	58.90
1613	49.67	52.16	54.76	57.50	60.38
1614	50.91	53.46	56.13	58.94	61.88
1615	52.19	54.80	57.53	60.41	63.43
1616	53.49	56.16	58.97	61.92	54.02
1617	54.83	57.57	60.45	63.47	66.64
1618	56.20	59.01	61.96	65.06	68.31
1619	57.60	60.48	61.51	66.68	70.02
1620	59.04	62.00	65.09	68.35	71.77
1621	60.52	63.54	66.72	70.06	73.56
1622	62.03	65.13	68.39	71.81	75.40
1623	63.58	66.76	70.10	73.60	77.28
1624	65.17	68.43	71.85	75.44	79.22
1625	66.80	70.14	73.65	77.33	81.20
1626	68.47	71.89	75.49	79.26	83.23
1627	70.18	73.69	77.38	81.40	85.31
1628	71.94	75.53	79.31	83.28	87.44

Range Number	BI-WEEKLY Step A	Step B	Step C	Step D	Step E
1601	3,954.04	3,102.40	3,257.60	3,420.80	3,591.20
1602	3,028.80	3,180.00	3,339.20	3,505.60	3,681.60
1603	3,404.00	3,259.20	3,422.40	3,593.60	3,773.60
1604	3,181.60	3,340.80	3,508.00	3,683.20	3,868.00
1605	3,261.60	3,424.80	3,596.00	3,775.20	3,964.00
1606	3,343.20	3,510.40	3,685.60	3,869.60	4,063.20
1607	3,426.40	3,597.60	3,777.60	3,966.40	4,164.80
1608	5,212.00	3,688.00	3,872.00	4,065.60	4,268.80
1609	3,600.00	3,780.00	3,968.80	4,167.20	4,376.00
1610	3,690.40	3,874.40	4,068.00	4,272.00	4,484.80
1611	3,782.40	3,971.20	4,169.60	4,378.40	4,597.60
1612	3,876.80	4,070.40	4,274.40	4,488.00	4,712.00
1613	3,973.60	4,172.80	4,380.80	4,600.00	4,830.40
1614	4,072.80	4,276.80	4,490.40	4,715.20	4,950.40
1615	4,175.20	4,384.00	4,602.40	4,832.80	5,074.40
1616	4,279.20	4,492.80	4,717.60	4,953.60	5,201.60
1617	4,386.40	4,605.60	4,836.00	5,077.60	5,331.20
1618	4,496.00	4,720.80	4,956.80	5,204.80	5,464.80
1619	4,608.00	4,838.40	5,080.80	5,334.40	5,601.60
1620	4,723.20	4,960.00	5,207.20	5,468.00	5,741.60
1621	4,841.60	5,083.20	5,337.60	5,604.80	5,884.80
1622	4,962.40	5,210.40	5,471.20	5,744.80	6,032.00
1623	5,086.40	5,340.80	5,608.00	5,888.00	6,182.40
1624	5,213.60	5,474.40	5,748.00	6,035.20	6,337.60
1625	5,344.00	5,611.20	5,892.00	6,186.40	6,496.00
1626	5,477.60	5,751.20	6,039.20	6,340.80	6,658.40
1627	5,614.40	5,895.20	6,190.40	6,499.20	6,824.80
1628	5,755.20	6,042.40	6,344.80	6,662.40	6,995.20

Range Number	MONTHLY Step A	Step B	Step C	Step D	Step E
1601	6,422.08	6,744.62	7,082.02	7,436.82	7,807.27
1602	6,584.61	6,913.32	7,259.42	7,621.17	8,003.80
1603	6,748.10	7,085.50	7,440.30	7,812.49	8,203.81
1604	6,916.80	7,262.90	7,626.39	8,007.28	8,409.03
1605	7,090.72	7,445.52	7,817.70	8,207.28	8,617.74
1606	7,268.12	7,631.61	8,012.49	8,412.51	8,833.40
1607	7,448.99	7,821.18	8,212.50	8,622.95	9,054.28
1608	7,635.09	8,017.71	8,417.73	8,838.61	9,280.37
1609	7,826.40	8,217.72	8,628.17	9,059.49	9,513.42
1610	8,022.93	8,422.95	8,843.83	9,287.33	9,749.96
1611	8,222.94	8,633.39	9,064.71	9,518.64	9,995.18
1612	8,428.16	8,849.05	9,292.55	9,756.91	10,243.89
1613	8,638.61	9,071.67	9,523.86	10,000.40	10,501.29
1614	8,854.27	9,297.76	9,762.13	10,250.84	10,762.17
1615	9,076.88	9,530.82	10,005.62	10,506.51	11,031.75
1616	9,302.98	9,767.35	10,256.06	10,769.13	11,308.28
1617	9,536.03	10,012.57	10,513.46	11,038.70	11,590.03
1618	9,774.30	10,263.00	10,776.08	11,315.24	11,880.48
1619	10,017.79	10,518.68	11,045.66	11,596.99	12,177.88
1620	10,268.24	10,783.04	11,320.45	11,887.42	12,482.24
1621	10,525.64	11,050.88	11,603.94	12,184.84	12,793.56
1622	10,788.26	11,327.41	11,894.39	12,489.20	13,113.57
1623	11,057.83	11,610.90	12,191.79	12,800.51	13,440.54
1624	11,334.37	11,901.35	12,496.15	13,120.52	13,777.94
1625	11,617.86	12,198.75	12,809.21	13,449.23	14,122.30
1626	11,908.30	12,503.11	13,129.22	13,784.90	14,475.36
1627	12,205.71	12,816.16	13,457.93	14,129.26	14,837.12
1628	12,511.80	13,136.18	13,793.60	14,484.06	15,207.56

EXHIBIT 17A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/23/20

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 23, 2020

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		41.07	51.34	3,285.29	4,107.20	7,142.22	8,929.05
1506		42.10	52.62	3,368.00	4,209.60	7,322.03	9,151.67
1507		43.15	53.94	3,452.00	4,315.20	7,504.65	9,381.24
1508		44.23	55.28	3,538.40	4,422.40	7,692.48	9,614.30
1509		45.33	56.67	3,626.40	4,533.60	7,883.79	9,856.05
1510		46.47	58.08	3,717.60	4,646.40	8,082.06	10,101.27
1511		47.63	59.54	3,810.40	4,763.20	8,283.81	10,355.20
1512		48.82	61.02	3,905.60	4,881.60	8,490.77	10,612.60
1513		50.04	62.55	4,003.20	5,004.00	8,702.96	10,878.70
1514		51.29	64.11	4,103.20	5,128.80	8,920.36	11,150.01
1515		52.57	65.72	4,205.60	5,257.60	9,142.97	11,430.02
1516		53.89	67.36	4,311.20	5,388.80	9,372.55	11,715.25
1517		55.23	69.04	4,418.40	5,523.20	9,605.60	12,007.44
1518		56.62	70.77	4,529.60	5,661.60	9,847.35	12,308.32
1519		58.03	72.54	4,642.40	5,803.20	10,092.58	12,616.16
1520		59.48	74.35	4,758.40	5,948.00	10,344.76	12,930.95
1521		60.97	76.21	4,877.60	6,096.80	10,603.90	13,254.44
1522		62.49	78.11	4,999.20	6,248.80	10,868.26	13,584.89
1523		64.05	80.07	5,124.00	6,405.60	11,139.58	13,925.77
1524		65.66	82.07	5,252.80	6,565.60	11,419.59	14,273.61
1525		67.30	84.12	5,384.00	6,729.60	11,704.82	14,630.15
1526		68.98	86.22	5,518.40	6,897.60	11,997.00	14,995.38
1527		70.70	88.38	5,656.00	7,070.40	12,296.14	15,371.05
1528		72.47	90.59	5,797.60	7,247.20	12,603.98	15,755.41
1529		74.28	92.85	5,942.40	7,428.00	12,918.78	16,148.47
1530		76.14	95.17	6,091.20	7,613.60	13,242.27	16,551.97
1531	Chief of Police	78.04	97.55	6,243.20	7,804.00	13,572.72	16,965.90
1532		79.99	99.99	6,399.20	7,999.20	13,911.86	17,390.26
1533		81.99	102.49	6,559.20	8,199.20	14,259.70	17,825.06
1534		84.04	105.05	6,723.20	8,404.00	14,616.24	18,270.30
1535		86.14	107.68	6,891.20	8,614.40	14,981.47	18,727.71
1536		88.30	110.37	7,064.00	8,829.60	15,357.14	19,195.55
1537		90.50	113.13	7,240.00	9,050.40	15,739.76	19,675.57
1538		92.77	115.96	7,421.60	9,276.80	16,134.56	20,167.76
1539		95.09	118.86	7,607.20	9,508.80	16,538.05	20,672.13
1540		97.46	121.83	7,796.80	9,746.40	16,950.24	21,188.67
1541		99.90	124.87	7,992.00	9,989.60	17,374.61	21,717.39

EXHIBIT 17B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/22/21

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 22, 2021

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		42.30	52.88	3,384.17	4,230.40	7,357.18	9,196.89
1506		43.36	54.20	3,468.80	4,336.00	7,541.17	9,426.46
1507		44.45	55.56	3,556.00	4,444.80	7,730.74	9,663.00
1508		45.56	56.95	3,644.80	4,556.00	7,923.80	9,904.74
1509		46.70	58.37	3,736.00	4,669.60	8,122.06	10,151.71
1510		47.87	59.83	3,829.60	4,786.40	8,325.55	10,405.63
1511		49.06	61.33	3,924.80	4,906.40	8,532.52	10,666.51
1512		50.29	62.86	4,023.20	5,028.80	8,746.44	10,932.61
1513		51.55	64.43	4,124.00	5,154.40	8,965.58	11,205.67
1514		52.83	66.04	4,226.40	5,283.20	9,188.19	11,485.68
1515		54.16	67.69	4,332.00	5,415.20	9,419.51	11,772.64
1516		55.51	69.39	4,440.80	5,551.20	9,654.30	12,068.31
1517		56.90	71.12	4,552.00	5,689.60	9,896.05	12,369.19
1518		58.32	72.90	4,665.60	5,832.00	10,143.01	12,678.77
1519		59.78	74.72	4,782.40	5,977.60	10,396.94	12,995.30
1520		61.27	76.59	4,901.60	6,127.20	10,656.08	13,320.53
1521		62.80	78.50	5,024.00	6,280.00	10,922.18	13,562.72
1522		64.37	80.46	5,149.60	6,436.80	11,195.23	13,993.60
1523		65.98	84.48	5,278.40	6,598.40	11,475.24	14,344.92
1524		67.63	84.54	5,410.40	6,763.20	11,762.21	14,703.20
1525		69.32	86.65	5,545.60	6,932.00	12,056.13	15,070.17
1526		71.05	88.82	5,684.00	7,105.60	12,357.02	15,447.57
1527		72.83	91.04	5,826.40	7,283.20	12,666.59	15,833.68
1528		74.65	93.31	5,970.00	7,464.80	12,983.13	16,228.48
1529		76.52	95.65	6,121.60	7,652.00	13,308.36	16,635.45
1530		78.43	98.04	6,274.40	7,843.20	13,640.55	17,051.12
1531	Chief of Police	80.39	100.49	6,431.20	8,039.20	13,981.43	17,477.22
1532		82.40	103.00	6,592.00	8,240.00	14,331.01	17,913.76
1533		84.46	105.57	6,756.80	8,445.60	14,689.28	18,360.73
1534		86.57	108.21	6,925.60	8,656.80	15,056.25	18,819.88
1535		88.74	110.92	7,099.20	8,873.60	15,433.66	19,291.21
1536		90.95	113.69	7,276.00	9,095.20	15,818.02	19,772.96
1537		93.23	116.53	7,458.40	9,322.40	16,214.56	20,266.90
1538		95.56	119.45	7,644.80	9,556.00	16,619.80	20,774.74
1539		97.95	122.43	7,836.00	9,794.40	17,035.46	21,293.03
1540		100.40	125.49	8,032.00	10,039.20	17,461.57	21,825.22
1541		102.91	128.63	8,232.80	10,290.40	17,898.11	22,371.33

EXHIBIT 17C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 22/23
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 21, 2022

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		43.57	54.47	3,485.52	4,357.60	7,577.52	9,473.42
1506		44.66	55.83	3,572.80	4,466.40	7,767.27	9,709.95
1507		45.78	57.22	3,662.40	4,577.60	7,962.06	9,951.70
1508		46.92	58.65	3,753.60	4,692.00	8,160.33	10,200.41
1509		48.10	60.12	3,848.00	4,809.60	8,365.55	10,456.07
1510		49.30	61.62	3,944.00	4,929.60	8,574.26	10,716.95
1511		50.53	63.16	4,042.40	5,052.80	8,788.18	10,984.79
1512		51.79	64.74	4,143.20	5,179.20	9,007.32	11,259.58
1513		53.09	66.36	4,247.20	5,308.80	9,233.41	11,541.33
1514		54.42	68.02	4,353.60	5,441.60	9,464.73	11,930.04
1515		55.78	69.72	4,462.40	5,577.60	9,701.26	12,125.70
1516		57.17	71.46	4,573.60	5,716.80	9,943.01	12,428.32
1517		58.60	73.25	4,688.00	5,860.00	10,191.71	12,739.64
1518		60.07	75.08	4,805.60	6,006.40	10,447.37	13,057.91
1519		61.57	76.96	4,925.60	6,156.80	10,708.25	13,384.88
1520		63.11	78.88	5,048.80	6,310.40	10,976.09	13,718.81
1521		64.68	80.85	5,174.40	6,468.00	11,249.15	14,061.43
1522		66.30	82.87	5,304.00	6,629.60	11,530.90	14,415.75
1523		67.96	84.95	5,436.80	6,796.00	11,819.60	14,774.50
1524		69.66	87.07	5,572.80	6,965.60	12,115.27	15,143.21
1525		71.40	89.25	5,712.00	7,140.00	12,417.89	15,522.36
1526		73.18	91.48	5,854.40	7,318.40	12,727.47	15,910.20
1527		75.01	93.76	6,000.80	7,500.80	13,045.74	16,306.74
1528		76.89	96.11	6,151.20	7,688.80	13,372.71	16,715.45
1529		78.81	98.51	6,304.80	7,880.80	13,706.64	17,132.86
1530		80.78	100.97	6,462.40	8,077.60	14,049.26	17,560.70
1531	Chief of Police	82.80	103.50	6,624.00	8,280.00	14,400.58	18,000.72
1532		84.87	106.08	6,789.60	8,486.40	14,760.59	18,449.43
1533		86.99	108.74	6,959.20	8,699.20	15,129.30	18,912.06
1534		89.16	111.45	7,132.80	8,916.00	15,506.71	19,383.38
1535		91.39	114.24	7,311.20	9,139.20	15,894.55	19,868.62
1536		93.68	117.10	7,494.40	9,368.00	16,292.83	20,366.03
1537		96.02	120.02	7,681.60	9,601.60	16,699.80	20,873.88
1538		98.42	123.02	7,873.60	9,841.60	17,117.21	21,395.64
1539		100.88	126.10	8,070.40	10,088.00	17,545.05	21,931.31
1540		103.40	129.25	8,272.00	10,340.00	17,983.33	22,479.16
1541		105.99	132.48	8,479.20	10,598.40	18,433.78	23,040.92

EXHIBIT 18: CLASS RANGE TABLE FOR UNREPRESENTED POLICE CHIEF EFFECTIVE 6/27/17

CITY OF MODESTO
CLASS RANGE TABLE
SWORN POLICE EXECUTIVE MANAGEMENT
Effective June 27, 2017

Range Number	Title
1532	Chief of Police

EXHIBIT X: UNREPRESENTED MARKET ADJUSTMENTS

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Assistant City Attorney	10.0%	2.5%	7.5%
Budget Manager	5.0%	2.5%	2.5%
Chief Information Officer	5.0%	2.5%	2.5%
City Manager	7.5%	2.5%	5.0%
Deputy City Attorney I	10.0%	2.5%	7.5%
Deputy City Attorney II	10.0%	2.5%	7.5%
Deputy City Attorney III	10.0%	2.5%	7.5%
Deputy City Manager	7.5%	2.5%	5.0%
Director of Community and Economic Development	7.5%	2.5%	5.0%
Director of Engineering Services	7.5%	2.5%	5.0%
Director of Finance	5.0%	2.5%	2.5%
Director of Human Resources	5.0%	2.5%	2.5%
Director of Parks Recreation & Neighborhoods	5.0%	2.5%	2.5%
Director of Public Works	7.5%	2.5%	5.0%
Director of Utilities	7.5%	2.5%	5.0%
Senior Deputy City Attorney	10.0%	2.5%	7.5%

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-289

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR GENERAL CLASSES TO AMEND THE SALARY RANGE BASED ON THE LABOR MARKET STUDY.

WHEREAS, the City of Modesto Class Range Table General Classes Effective June 6, 2023, was adopted by Modesto City Council Resolution No. 2023-268,

WHEREAS, the City Council desires to amend Exhibit "6" of Resolution No. 2023-268, which approved the Class Range Table for Represented General Classes Effective June 6, 2023, and

WHEREAS, the positions will be effective upon Council adoption,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2023-268. Exhibit "6" entitled "City of Modesto Class Range Table General Association Effective June 6, 2023", is hereby amended and replaced with the new **Exhibits A and B attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit "A"** entitled "City of Modesto Class Range Table General Classes **Effective June 20, 2023**"

B. **Exhibit "B"** entitled "City of Modesto Class Range Table General Classes **Effective June 18, 2024**"

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 20, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective June 20, 2023

RANGE	TITLE
104	Custodian I
106	Engineering Intern
107	Administrative Office Assistant I
108	Custodian II
109	**Parking Enforcement Officer**
111	**Account Clerk I** Administrative Office Assistant II Custodian Crewleader Exhibits Coordinator
114	Storeskeeper
115	**Account Clerk II** Administrative Office Assistant III **Equipment Service Technician**
116	Maintenance Worker I
118	Senior Storeskeeper Tree Trimmer I
119	**Electrical and Instrumentation Technician Trainee** Fleet Procurement Technician Plant Mechanic Trainee **Process Control Technician Trainee** Production Technician **Senior Account Clerk** Senior Administrative Office Assistant
120	Assistant Buyer **Electrician Assistant I** Maintenance Worker II **Solid Waste Specialist** Utilities Services Worker I
121	**Account Technician I** **Equipment Operator I** Groundskeeper Water Resource Specialist

RANGE	TITLE
122	Accountant I
	Code Enforcement Officer I - Neighborhood Preservation Unit
	Environmental Compliance Technician
	Tree Trimmer II
123	**Administrative Services Technician I**
	Laboratory Analyst I
	Utilities Plant Operator Trainee
124	**Development Services Technician I**
	Electrician Assistant II
	Engineering Assistant Trainee
	Heavy Equipment Mechanic I
	Recreation Coordinator
	Utilities Services Worker II
	Water Conservation Specialist
125	**Account Technician II**
	Community Development Program Specialist I
	Equipment Operator II
	Parks Maintenance Crewleader
	Parks Maintenance Mechanic
	Parking Services Crewleader
	Solid Waste Enforcement Officer
126	Airport Maintenance Worker
	Code Enforcement Officer II - Neighborhood Preservation Unit
	Fire Equipment Mechanic
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Tree Trimmer Crewleader
127	**Administrative Services Technician II**
	Building Maintenance Technician
	Development Services Technician II
	Electrician Assistant III
	Environmental Compliance Inspector I
	Laboratory Analyst II
	Multimedia Designer
	Utilities Plant Operator I
	Welder/Fabricator

RANGE	TITLE
128	Cross Connection Specialist
	Engineering Assistant I
	Heavy Equipment Mechanic II
	Plant Mechanic I
	Traffic Operations Technician
	Utilities Services Worker III
	Water Meter Technician
129	**Building Inspector I**
	Community Development Program Specialist II
	Head Groundskeeper
	Senior Equipment Operator
	Senior Fire Equipment Mechanic
130	Housing Rehabilitation Specialist II
131	Airport Maintenance Crewleader
	Environmental Compliance Inspector II
	Laboratory Analyst III
	Utilities Plant Operator II
132	**Electrical and Instrumentation Technician**
	Engineering Assistant II
	Heavy Equipment Mechanic Crewleader
	Plant Mechanic II
	Process Control System Technician
	Senior Utilities Services Worker
	Traffic Striping Crewleader
133	**Building Inspector II**
	Building Maintenance Specialist
	Construction Inspector
	Operations Crewleader
134	**Electrician - Traffic and Buildings**
	Environmental Review Specialist
	Senior Environmental Compliance Inspector

RANGE	TITLE
135	**Plans Examiner**
	Senior Utilities Plant Operator
136	**Engineering Project Coordinator**
	Plant Maintenance Planner
	Senior Electrical and Instrumentation Technician
	Senior Plant Mechanic
137	**Senior Building Inspector**
	Senior Construction Inspector
	Survey Party Chief
138	**Electrician Crewleader**

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective June 18, 2024

RANGE	TITLE
104	Custodian I
106	Engineering Intern
107	Administrative Office Assistant I
108	Custodian II
110	**Parking Enforcement Officer**
111	Administrative Office Assistant II Custodian Crewleader Exhibits Coordinator
112	**Account Clerk I**
114	Storeskeeper
115	Administrative Office Assistant III Equipment Service Technician
116	**Account Clerk II** Maintenance Worker I
118	Senior Storeskeeper Tree Trimmer I
119	Electrical and Instrumentation Technician Trainee Fleet Procurement Technician Plant Mechanic Trainee Process Control Technician Trainee Production Technician Senior Administrative Office Assistant
120	Assistant Buyer Maintenance Worker II **Senior Account Clerk** Solid Waste Specialist Utilities Services Worker I
121	Equipment Operator I Groundskeeper Water Resource Specialist

RANGE	TITLE
122	Accountant I
	Account Technician I
	Code Enforcement Officer I - Neighborhood Preservation Unit
	Electrician Assistant I
	Environmental Compliance Technician
	Tree Trimmer II
123	Administrative Services Technician I
	Laboratory Analyst I
	Utilities Plant Operator Trainee
124	Development Services Technician I
	Heavy Equipment Mechanic I
	Recreation Coordinator
	Utilities Services Worker II
	Water Conservation Specialist
125	Community Development Program Specialist I
	Engineering Assistant Trainee
	Equipment Operator II
	Parks Maintenance Crewleader
	Parks Maintenance Mechanic
	Solid Waste Enforcement Officer
126	**Account Technician II**
	Airport Maintenance Worker
	Code Enforcement Officer II - Neighborhood Preservation Unit
	Electrician Assistant II
	Fire Equipment Mechanic
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Parking Services Crewleader
	Tree Trimmer Crewleader
127	Administrative Services Technician II
	Building Maintenance Technician
	Development Services Technician II
	Environmental Compliance Inspector I
	Laboratory Analyst II
	Multimedia Designer
	Utilities Plant Operator I

RANGE	TITLE
	Welder/Fabricator
128	Cross Connection Specialist Heavy Equipment Mechanic II Plant Mechanic I Traffic Operations Technician Utilities Services Worker III Water Meter Technician
129	Building Inspector I Community Development Program Specialist II **Electrician Assistant III** **Engineering Assistant I** Head Groundskeeper Senior Equipment Operator Senior Fire Equipment Mechanic
130	Housing Rehabilitation Specialist II
131	Airport Maintenance Crewleader Environmental Compliance Inspector II Laboratory Analyst III Utilities Plant Operator II
132	Electrical and Instrumentation Technician Heavy Equipment Mechanic Crewleader Plant Mechanic II Process Control Systems Technician Senior Utilities Services Worker Traffic Striping Crewleader
133	Building Inspector II Building Maintenance Specialist Construction Inspector **Engineering Assistant II** Operations Crewleader
134	Environmental Review Specialist Senior Environmental Compliance Inspector
135	Plans Examiner Senior Utilities Plant Operator

RANGE	TITLE
136	**Electrician - Traffic and Buildings**
	Plant Maintenance Planner
	Senior Plant Mechanic
137	**Engineering Project Coordinator**
	Senior Building Inspector
	Senior Construction Inspector
	Senior Electrical and Instrumentation Technician
138	**Survey Party Chief**
140	**Electrician Crewleader**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-290

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE SALARY RANGE BASED ON THE LABOR MARKET STUDY

WHEREAS, the City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 6, 2023, was adopted by Modesto City Council Resolution No. 2023-268,

WHEREAS, the City Council desires to amend Exhibit "6" of Resolution No. 2023-268, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes Effective June 6, 2023, and

WHEREAS, the positions will be effective upon Council adoption,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2023-268. Exhibit "6" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 6, 2023", is hereby amended and replaced with the new **Exhibits A and B attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes **Effective June 20, 2023**"

B. **Exhibit "B"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes **Effective June 18, 2024**"

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 20, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 20, 2023**

RANGE	TITLE
411	Administrative Office Assistant II (Confidential)
	Account Clerk I (Confidential)
415	Administrative Office Assistant III (Confidential)
	Account Clerk II (Confidential)
	Human Resources Assistant
	ICMA Management Fellow
417	Parking Enforcement Officer
	Police Support Specialist II (Confidential)
419	Senior Administrative Office Assistant (Confidential)
	Senior Human Resources Assistant
420	Workers' Compensation Claims Assistant
421	**Account Technician I (Confidential)**
	Legal Secretary I
422	Deputy City Clerk
	Homeless Management Information System (HMIS) Technician
423	Administrative Services Technician I (Confidential)
	Custodian Supervisor
	Executive Assistant
	Human Resources Technician I
	Systems Technician I
	Workers' Compensation Claims Examiner I
424	Buyer
425	**Account Technician II (Confidential)**
426	Employee Benefits Coordinator
	Homeless Management Information System (HMIS) Program Coordinator
	Legal Secretary II
427	Administrative Services Technician II (Confidential)
	Human Resources Technician II
	Office Supervisor Confidential
	Safety Specialist

RANGE	TITLE
	Systems Technician II
428	Senior Legal Secretary
	Technology Solutions Analyst I
	Workers' Compensation Claims Examiner II
429	**Financial Analyst I**
	Risk Analyst I
	Utility Dispatch Supervisor
430	**Administrative Analyst I**
	Animal Control Supervisor
	Assistant Planner
	Central Stores Supervisor
	Senior Buyer
	Senior Legal Secretary
	Senior Systems Technician
431	Assistant City Clerk
	Human Resources Analyst I
	Police Range and Training Center Coordinator
	Senior Systems Technician
432	**Parking Adjudication Program Coordinator**
	Parking Services Supervisor
	Senior Workers' Compensation Claims Examiner
	Software Analyst I
	Systems Engineer I
	Technology Solutions Analyst II
433	Events Coordinator
	Financial Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Risk Analyst II
	Water Resources Analyst
434	**Administrative Analyst II**
	Assistant Surveyor
	Police Civilian Supervisor
	Police Hiring Supervisor
	Recreation Supervisor

RANGE	TITLE
435	Assistant Transportation Planner
	Associate Planner
	Compost Facility Supervisor
	Human Resources Analyst II
	Recycling Program Coordinator
	Solid Waste Enforcement Supervisor
436	Housing Rehabilitation Supervisor
	Operations Supervisor
	Public Safety Information Coordinator
	Software Analyst II
	Systems Engineer II
437	**Assistant Engineer**
	Associate Landscape Architect/ Associate Architect
	Financial Analyst III
	Customer Services Supervisor
	Emergency Medical Services Coordinator - RN
	Senior Crime and Intelligence Analyst
	Senior Events Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
438	**Business Analyst**
	Cultural Services Program Manager
	Management Analyst
439	Associate Transportation Planner
	Electrical Supervisor – Utilities
	Organizational Development Coordinator
	Plant Maintenance Supervisor
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Human Resources Analyst
440	**Economic Development Marketing Specialist**
	Electrical Supervisor
	Environmental Services Supervisor
	Integrated Waste Specialist
	Senior Planner
	Senior Software Analyst
	Senior Systems Engineer

RANGE	TITLE
441	**Associate Land Surveyor**
	Associate Engineer
	Auditor I
	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor
	Public Safety Business Services Analyst
	Senior Financial Analyst
	Senior Landscape Architect/Senior Architect
	Utilities Plant Operations Supervisor
	Utilities Services Supervisor
442	**Administrative Services Officer**
	Auditor II
	Laboratory Supervisor
	Police Civilian Manager
	Safety Officer
	Senior Business Analyst
443	**Centre Plaza Manager**
	Construction Inspection Supervisor
	Customer Services Manager
	Senior Transportation Planner
444	**Associate Civil/Traffic Engineer**
	Environmental Regulatory Compliance Superintendent
	Information Technology Security Officer
	Plant Maintenance Superintendent
	Principal Information Technology Administrator
	Principal Systems Engineer
	Purchasing Manager
	Recreation Program Manager
	Revenue Collections and Compliance Manager
	Wastewater Collections Systems Superintendent
	Water Superintendent
445	**Building Inspection Supervisor**
	Building Safety Program Coordinator
	Community and Media Relations Officer
	Parks Planning and Development Manager
	Public Safety Communications Manager
446	**Airport Manager**
	Deputy Fire Marshall

RANGE	TITLE
	Environmental Regulatory Compliance Manager
	Facilities Manager
	Senior Land Surveyor
	Water Quality Control Superintendent – Chief Plant Operator
447	**Accounting Manager**
448	Forestry Manager
	Principal Planner
	Recreation and Neighborhoods Services Manager
	Transit Manager
449	**Fleet Manager**
	Integrated Waste Program Manager
	Streets Manager
450	**Assistant Chief Building Official**
	Business Center Manager
	Wastewater Collections Systems Manager
	Wastewater Division Manager
	Water Quality Control Plant Manager
	Water Division Manager
451	**Senior Civil/ Traffic Engineer**
452	**Economic Development Manager**
	Information Technology Manager
	Operations Manager
	Planning Manager
453	**Community Development Manager**
	Parks Recreation & Neighborhoods Operations Manager
	Traffic Engineer
	Senior Public Works Manager
455	**Assistant City Engineer**
	Chief Building Official
460	**Engineering Division Manager**
461	**City Engineer**

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 18, 2024**

RANGE	TITLE
411	Administrative Office Assistant II (Confidential)
412	**Account Clerk I (Confidential)**
415	Administrative Office Assistant III (Confidential) Human Resources Assistant ICMA Management Fellow
416	**Account Clerk II (Confidential)**
417	Parking Enforcement Officer
418	**Police Support Specialist II (Confidential)**
419	Senior Administrative Office Assistant (Confidential) Senior Human Resources Assistant
420	Workers' Compensation Claims Assistant
421	Legal Secretary I
422	**Account Technician I (Confidential)** Deputy City Clerk Homeless Management Information System (HMIS) Technician
423	Administrative Services Technician I (Confidential) Custodian Supervisor Executive Assistant Human Resources Technician I Workers' Compensation Claims Examiner I
424	Buyer
425	**Systems Technician I**
426	**Account Technician II (Confidential)** Employee Benefits Coordinator Homeless Management Information System (HMIS) Program Coordinator Legal Secretary II
427	Administrative Services Technician II (Confidential) Human Resources Technician II

RANGE	TITLE
	Office Supervisor Confidential
	Safety Specialist
428	Senior Legal Secretary
	Workers' Compensation Claims Examiner II
429	Financial Analyst I
	Risk Analyst I
	Systems Technician II
	Utility Dispatch Supervisor
430	Administrative Analyst I
	Central Stores Supervisor
	Senior Buyer
	Senior Legal Secretary
	Senior Systems Technician
	Technology Solutions Analyst I
431	**Animal Control Supervisor**
	Assistant City Clerk
	Assistant Planner
	Human Resources Analyst I
	Police Range and Training Center Coordinator
432	Senior Workers' Compensation Claims Examiner
433	Events Coordinator
	Financial Analyst II
	Neighborhood Preservation Supervisor
	Parking Adjudication Program Coordinator
	Parking Services Supervisor
	Risk Analyst II
	Senior Systems Technician
	Software Analyst I
	Systems Engineer I
	Water Resources Analyst
434	Administrative Analyst II
	Junior Engineer
	Police Civilian Supervisor
	Police Hiring Supervisor
	Recreation Supervisor
	Technology Solutions Analyst II

RANGE	TITLE
435	**Assistant Surveyor**
	Assistant Transportation Planner
	Compost Facility Supervisor
	Human Resources Analyst II
	Recycling Program Coordinator
	Solid Waste Enforcement Supervisor
436	**Associate Planner**
	Housing Rehabilitation Supervisor
	Operations Supervisor
	Public Safety Information Coordinator
437	Customer Services Supervisor
	Emergency Medical Services Coordinator - RN
	Financial Analyst III
	Senior Events Coordinator
	Software Analyst II
	Systems Engineer II
	Transit Analyst
	Weed and Seed Program Coordinator
438	**Assistant Engineer**
	Associate Landscape Architect/ Associate Architect
	Business Analyst
	Cultural Services Program Manager
	Management Analyst
	Senior Crime and Intelligence Analyst
439	Associate Transportation Planner
	Electrical Supervisor – Utilities
	Organizational Development Coordinator
	Plant Maintenance Supervisor
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Human Resources Analyst
440	Economic Development Marketing Specialist
	Environmental Services Supervisor
	Integrated Waste Specialist
441	Auditor I
	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor

RANGE	TITLE
	Public Safety Business Services Analyst
	Senior Financial Analyst
	Senior Planner
	Senior Software Analyst
	Senior Systems Engineer
	Utilities Plant Operations Supervisor
	Utilities Services Supervisor
442	Administrative Services Officer
	Associate Land Surveyor
	Associate Engineer
	Auditor II
	Electrical Supervisor
	Laboratory Supervisor
	Police Civilian Manager
	Safety Officer
	Senior Business Analyst
	Senior Landscape Architect/Senior Architect
443	Centre Plaza Manager
	Construction Inspection Supervisor
	Customer Services Manager
	Senior Transportation Planner
444	Environmental Regulatory Compliance Superintendent
	Plant Maintenance Superintendent
	Purchasing Manager
	Recreation Program Manager
	Revenue Collections and Compliance Manager
	Wastewater Collections Systems Superintendent
	Water Superintendent
445	**Associate Civil/Traffic Engineer**
	Building Inspection Supervisor
	Building Safety Program Coordinator
	Community and Media Relations Officer
	Information Technology Security Officer
	Principal Information Technology Administrator
	Principal Systems Engineer
	Public Safety Communications Manager
446	Airport Manager
	Deputy Fire Marshall

RANGE	TITLE
	Environmental Regulatory Compliance Manager
	Facilities Manager
	Parks Planning and Development Manager
	Water Quality Control Superintendent – Chief Plant Operator
447	Accounting Manager
	Senior Land Surveyor
448	Forestry Manager
	Recreation and Neighborhoods Services Manager
	Transit Manager
449	Fleet Manager
	Integrated Waste Program Manager
	Principal Planner
	Streets Manager
450	Assistant Chief Building Official
	Business Center Manager
	Wastewater Collections Systems Manager
	Wastewater Division Manager
	Water Quality Control Plant Manager
	Water Division Manager
452	Operations Manager
	Senior Civil/ Traffic Engineer
453	**Information Technology Manager**
	Parks Recreation & Neighborhoods Operations Manager
	Planning Manager
	Senior Public Works Manager
454	**Economic Development Manager**
	Traffic Engineer
455	Chief Building Official
	Community Development Manager
456	**Assistant City Engineer**
461	**Engineering Division Manager**
462	**City Engineer**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-291

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR PUBLIC SAFETY NON-SWORN CLASSES TO AMEND THE SALARY RANGE BASED ON THE LABOR MARKET STUDY

WHEREAS, the City of Modesto Class Range Table Public Safety Non-Sworn Classes Effective June 6, 2023 was adopted by Modesto City Council Resolution No. 2023-268,

WHEREAS, the City Council desires to amend Exhibit "6" of Resolution No. 2023-268, which approved the Class Range Table for Public Safety Non-sworn Classes Effective June 6, 2023, and

WHEREAS, the positions will be effective upon Council adoption,

SECTION I. AMENDMENT TO RESOLUTION NO. 2023-268. Exhibit "6" entitled "City of Modesto Class Range Table Public Safety Nonsworn Classes Effective June 6, 2023", is hereby amended and replaced with the new **Exhibits A, and B attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit "A"** entitled "City of Modesto Class Range Table Public Safety Nonsworn Classes **Effective June 20, 2023** "
B. **Exhibit "B"** entitled "City of Modesto Class Range Table Public Safety Non-Sworn Classes **Effective June 18, 2024**"

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 20, 2023.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
PUBLIC SAFETY NON-SWORN CLASSES
Effective **June 20, 2023**

RANGE	TITLE
1103	Police Cadet I
1107	Police Cadet II
1114	Police Park Ranger **Police Support Specialist I**
1118	**Police Support Specialist II**
1119	**Police Animal Control Officer I** **Police Community Service Officer I** **Police Evidence and Property Technician I**
1122	**Outreach Specialist** Police Officer Recruit
1123	**Police Animal Control Officer II** **Police Community Service Officer II** **Police Evidence and Property Technician II**
1124	**Police Identification Technician I** **Police Technician**
1126	Senior Outreach Specialist
1127	Fire Prevention Inspector I **Police Crime and Intelligence Analyst I**
1128	**Police Identification Technician II**
1131	Fire Prevention Inspector II **Police Crime and Intelligence Analyst II**
1132	**Police Civilian Investigator**
1135	Senior Fire Prevention Inspector
1150	Police Aircraft Pilot

CITY OF MODESTO
CLASS RANGE TABLE
PUBLIC SAFETY NON-SWORN CLASSES
Effective **June 18, 2024**

RANGE	TITLE
1103	Police Cadet I
1107	Police Cadet II
1114	Police Park Ranger
1115	**Police Support Specialist I**
1119	Police Animal Control Officer I Police Community Service Officer I Police Evidence and Property Technician I **Police Support Specialist II**
1122	Outreach Specialist Police Officer Recruit
1123	Police Animal Control Officer II Police Community Service Officer II Police Evidence and Property Technician II
1124	Police Identification Technician I Police Technician
1126	Senior Outreach Specialist
1127	Fire Prevention Inspector I
1128	**Police Crime and Intelligence Analyst I** Police Identification Technician II
1131	Fire Prevention Inspector II
1132	Police Civilian Investigator **Police Crime and Intelligence Analyst II**
1135	Senior Fire Prevention Inspector
1150	Police Aircraft Pilot

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-292

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT CLASSES TO AMEND THE SALARY RANGE BASED ON THE LABOR MARKET STUDY

WHEREAS, the City of Modesto Class Range Table Executive Management Classes Effective June 6, 2023, was adopted by Modesto City Council Resolution No. 2023-268,

WHEREAS, the City Council desires to amend Exhibit "6" of Resolution No. 2023-268, which approved the Class Range Table for Executive Management Classes Effective June 6, 2023, and

WHEREAS, the positions will be effective upon Council adoption,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2023-268. Exhibit "6" entitled "City of Modesto Class Range Table Executive Management Effective June 6, 2023", is hereby amended and replaced with the new **Exhibits A and B attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit "A"** entitled "City of Modesto Class Range Table Executive Management Classes **Effective June 20, 2023**"

B. **Exhibit "B"** entitled "City of Modesto Class Range Table Executive Management Classes **Effective June 18, 2024**"

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 20, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **June 18, 2024**

RANGE	TITLE
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	**Chief Information Officer** **Director of Finance** **Director of Human Resources** **Director of Parks, Recreation and Neighborhoods**
1429	**Director of Community and Economic Development** **Director of Public Works**
1432	**Director of Utilities** **Director of Engineering Services**
1433	**Deputy City Manager**
1435	City Attorney
1441	**City Manager**

EXHIBIT G

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **June 20, 2023**

RANGE	TITLE
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	**Chief Information Officer** Director of Administrative Services **Director of Finance** **Director of Human Resources** **Director of Parks, Recreation and Neighborhoods**
1427	**Director of Community and Economic Development** **Director of Public Works**
1430	**Director of Utilities** **Director of Engineering Services**
1431	**Deputy City Manager**
1435	City Attorney
1439	**City Manager**

EXHIBIT G

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-293

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE SALARY RANGE BASED ON THE LABOR MARKET STUDY

WHEREAS, the City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes Effective June 6, 2023 was adopted by Modesto City Council Resolution No. 2023-268,

WHEREAS, the City Council desires to amend Exhibit "6" of Resolution No. 2023-268, which approved the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes Effective June 6, 2023, and

WHEREAS, the positions will be effective upon Council adoption,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2023-268. Exhibit "6" entitled "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes Effective June 6, 2023", is hereby amended and replaced with the new **Exhibits A and B attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit "A"** entitled "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes **Effective June 20, 2023**"

B. **Exhibit "B"** entitled "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes **Effective June 18, 2024**"

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 20, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 20, 2023**

RANGE	TITLE
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council Executive Assistant to the City Manager Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2444	Deputy City Attorney I
2448	Deputy City Attorney II Human Resources Manager Risk Manager
2452	**Budget Manager** Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Human Resources Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods Public Relations and Legislative Affairs Manager
2453	**Deputy City Attorney III** Police Administrator
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 18, 2024**

RANGE	TITLE
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council Executive Assistant to the City Manager Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2448	**Deputy City Attorney I** Human Resources Manager Risk Manager
2452	**Deputy City Attorney II** Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Human Resources Deputy Director of Recreation and Neighborhoods Public Relations and Legislative Affairs Manager
2453	Police Administrator **Budget Manager**
2456	**Deputy City Attorney III**
2460	**Senior Deputy City Attorney**
2466	**Assistant City Attorney**

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-294

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL OPERATING BUDGET FOR THE MEMORANDUM OF UNDERSTANDING (MOU) AGREEMENTS AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, the City's miscellaneous employees have assisted the City in balancing the annual budgets during the Great Recession and employees have made significant contributions and sacrifices by accepting changes to the retiree medical benefits; taken furloughs; and have agreed to pay their full share of the California Public Employees Retirement System (CALPERS) cost that resulted in a 5% reduction in pay, and

WHEREAS, the salary of many City job classes have fallen behind the labor market and are no longer competitive with the City's comparable jurisdictions, and the City has had a practice up to 2018 of setting salaries at 90% of the labor market median with a movement to 92.5% of the median in 2019, and

WHEREAS, as we exit the COVID-19 pandemic effects and experience low unemployment rates, the City has experienced recruitment and retention challenges that have impacted City services and made the City determine that it was time to begin the restoration of salaries to both reward its most essential resource – staff talent, and to improve its competitive position in recruiting and retention, and

WHEREAS, the contracts between the City of Modesto and Modesto City Employees Association (MCEA), Modesto Confidential and Management Association (MCMA), and Modesto Police and Fire Non-Sworn Association (MPNSA) expire on June 30, 2023, and

WHEREAS, staff began meeting with the bargaining groups and established new tentative agreements between the City of Modesto and each bargaining group totaling $2,476,837 in the General Fund and $5,142,353 in various Non-General Funds for a total of $7,619,190 in the first year of the agreements, and $19,393,074 in the General Fund and $41,193,036 in various Non-General Funds for a total of $60,586,110 for the four year term of the agreements, and

WHEREAS, below is a breakdown of the impact to each fund of the agreements for all bargaining groups for the first year of the agreements:

Fund Number	Fund Name	Total Increase
0100	General Fund	$ 2,476,837
1133	HUD Administration	$ 86,450
1300	Capital Improvement Support	$ 391,358
1342	Grants - Police	$ 18,079
1390	American Rescue Grants	$ 28,552
1700	Surface Transportation Fund	$ 666,923
3220	Infrastructure Financing Program Administration	$ 45,888
4000	Parking Fund	$ 53,064
4100	Water Fund	$ 1,122,793
4210	Sewer Operations Fund	$ 1,095,202
4310	Airport Operating Fund	$ 47,611
4480	Storm Drainage Fund	$ 59,981
4700	Community Center Operations Fund	$ 34,048
4890	Compost Fund	$ 73,600
4891	Solid Waste Fund	$ 82,778
4892	Green Waste Fund	$ 304,052
5110	Inventory Purchases Fund	$ 26,828
5120	Mail Services ISF	$ 8,235
5230	Information Technology Fund	$ 457,713
5310	Insurance Administration Fund	$ 32,557
5400	Fleet Management Fund	$ 417,163
5520	Employee Benefits Administration Fund	$ 9,556
5800	Building Services Fund	$ 68,892
5810	10th Street Place Building Services	$ 11,030
Grand Total		**$ 7,619,190**

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

that it hereby approves amending the Fiscal Year 2023-24 Annual Operating Budget for the necessary adjustments required to appropriate the funds for the approved Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA), Modesto Confidential and Management Association (MCMA), and Modesto Police and Fire Non-Sworn Association (MPNSA) for the term of July 1, 2023, through June 30, 2027 for each agreement.

BE IT FURTHER RESOLVED that the City Manager is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-295

RESOLUTION APPROVING THE APPOINTMENTS OF ALEXANDRA VON STADE, GALEN CARROLL, KIRSTIE BOYETT, CHRIS GUPTILL, MIKE KELLY, JESSE FRANCO, AARON ANGUIANO, TOM HALLINAN, AND MICHAEL MORADIAN FOR THE MEASURE H OVERSIGHT BOARD BEGINNING ON JUNE 30, 2023, TO SERVE THEIR RESPECTIVE TERMS

WHEREAS, on November 8, 2022, the Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022, by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Measure H is estimated to provide the City with approximately $41.8 million annually in additional sales tax revenue into its General Fund, and

WHEREAS, a critical component of Measure H, which is codified in Modesto Municipal Code section 8-2.1215, was the requirement that Council appoint a nine-member Oversight Board by June 30, 2023, and

WHEREAS, the Measure H Oversight Board has the following responsibilities:

1. Meet at least semi-annually to review all revenues and expenditures of funds from the authorized Measure H sales tax.
2. Review annual audit reports related to the Measure H sales tax.
3. Provide at least one written annual report to the City Council at a public meeting summarizing the Measure H Oversight Board findings.

WHEREAS, the Measure H ordinance defined the makeup of the Measure H Oversight Board to consist of one representative from each of the six councilmember districts as well as three “at-large” Modesto resident representatives, with a strong preference given to members that represent a cross-section of the community as representatives, including, but not limited to the following types of organizations schools,

local trade associations, chambers of commerce, nonprofit organizations, senior citizen groups, non-partisan political organizations, tax-payer associations, and neighborhoods organizations, and

WHEREAS, to be considered as a potential member of the Measure H Oversight Board applicants must be a registered voter and resident of the City of Modesto and must complete an online application for Boards, Commissions & Committees for the Measure H Oversight Board, and

WHEREAS, on May 24, 2023, nine applicants were recommended by the Appointments Committee to be considered for appointment to serve as the nine members of the Measure H Oversight Board as listed below:

- District 1 – Alexandra von Stade
- District 2 – Galen Carroll
- District 3 – Kirstie Boyett
- District 4 – Chris Guptill
- District 5 – Mike Kelly
- District 6 – Jesse Franco
- At-Large – Aaron Anguiano
- At-Large – Tom Hallinan
- At-Large – Michael Moradian

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Alexandra von Stade, Galen Carroll, Kirstie Boyett, Chris Guptill, Mike Kelly, Jesse Franco, Aaron Anguiano, Tom Hallinan, and Michael Moradian to the Measure H Oversight Board beginning on June 30, 2023, to serve their respective terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-296

RESOLUTION APPROVING THE APPOINTMENTS OF JENNIFER BARILLAS AND CAMILLE GARCIA FOR THE CITY OF MODESTO PUBLIC MEMBERS OF THE AUDIT COMMITTEE WITH FOUR-YEAR TERMS WITH TERM EXPIRATIONS OF JUNE 30, 2027

WHEREAS, as part of the November 2022 voters' ballot, the Modesto voters approved "Measure G" which included amendments to the City Charter, and

WHEREAS, one of the amendments included adding the Standing Audit Committee into the City Charter Section IX under Section 902.2 and under this Charter amendment the Committee is now comprised of the Mayor, two (2) members of the City Council and the addition of two (2) members of the public to the Committee for a total of five Committee members, and

WHEREAS, the Appointments Committee reviewed the seven applications received for this Committee and selected Jennifer Barillas and Camille Garcia at the May 24, 2023 Committee meeting to move forward as the recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Jennifer Barillas and Camille Garcia for the City of Modesto Public Members of the Audit Committee with four-year terms with term expirations of June 30, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this Resolution to the appointed members of the Audit Committee and 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-297

RESOLUTION APPROVING THE RENEWAL OF THE EIGHT (8) COMMERCIAL CANANBIS RETAIL PERMITS FOR DISPENSARIES IN THE CITY FOR A FURTHER TWO-YEAR PERIOD ENDING JUNE 30, 2025

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses; and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at a maximum of ten (10) permits; and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee; and

WHEREAS, City Council via Resolution 2018-566 issued commercial cannabis permits to the following dispensary businesses:

- CR & D, Inc. 439 Maze Blvd.
- Authentic 209 426 McHenry Ave.
- Cookies 1944 W. Orangeburg Ave.
- People's Remedy - McHenry 2308 McHenry Ave.
- People's Remedy- Planet 8ths 500 E. Glenn Ave.
- Doctor's Choice 2039 Yosemite Ave.
- Phenos Cooperative 1234 McHenry Ave.
- Medallion Wellness 1313 McHenry Ave.

; and

WHEREAS, Modesto Municipal Code 10-3.704(f)(5) states that cannabis permits are valid for two years from the date of City Council approval, and that therefore the above-listed permits were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council by Resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries which were set to expire on December 19, 2022, unless renewed; and

WHEREAS, on April 13, 2021, by Resolution No. 2021-132, Council established the Cannabis Permit Review Committee (Committee) and delegated the authority to approve non-dispensary and non-delivery cannabis businesses to that Committee; and

WHEREAS, on March 1, 2022, by Resolution No. 2022-109, the Council expanded the role of the Committee to advise the Council on all cannabis-related issues and renamed the Committee, the Cannabis Program and Permit Review Committee; and

WHEREAS, the City had conducted annual inspections and an audit of seven dispensaries currently in operation, and determined that all seven dispensaries were operating in accordance with State law and the Modesto Municipal Code; and

WHEREAS, Doctor's Choice requested relocation of the business from 2039 Yosemite Ave. to 121 Phoenix Ave. on November 8, 2021; and

WHEREAS, the relocation request was heard at a properly noticed public hearing of the Cannabis Program and Permit Review Committee on October 13, 2022 with the committee recommending to forward to Council for approval of the relocation and the granting of a residential proximity waiver; and

WHEREAS, the relocation of Doctor's Choice was considered by the Council of the City of Modesto on October 25th, 2022 and approved via resolution 2022-433; and

WHEREAS, City Council by Resolution 2022-442 approved the extension of the eight (8) commercial cannabis retail permits for dispensaries in the City from December 19, 2022 to June 30, 2023 and adjusted the two -year renewal period from a calendar year to a fiscal year which runs from July to June; and

WHEREAS, City Staff prepared and issued renewal application packages to the dispensaries on April 17, 2023 requesting updated signed conditions of approval and community benefit contribution agreements, proof of a valid State license, updated lease agreement, proof of community benefit fulfillment, employee list, general liability policy, proof of a zero (0) balance due to the City for cannabis permit fees, excise, and sales tax, and an ownership confirmation form; and

WHEREAS, all renewal packages were reviewed by City Staff for completeness and it was determined that all dispensaries were in compliance with permit renewal submittal requirements; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on June 12, 2023 where a motion was made to forward the renewals to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Modesto Municipal Code Section 10-3.704(f), a renewal of eight (8) commercial cannabis retail permits for dispensaries in the city is approved for a further two-year period ending June 30, 2025.

BE IT FURTHER RESOLVED by the Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval to individual Commercial Cannabis Dispensary Permit Renewals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Alana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-298

RESOLUTION APPROVING A CHANGE IN OWNERSHIP POLICY FOR COMMERCIAL CANNABIS PERMITS WITHIN THE CITY OF MODESTO

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses; and

WHEREAS, the Ordinance establishes certain standards and criteria that apply to all potential commercial cannabis businesses; and

WHEREAS, on April 13, 2021 the City Council by Resolution No. 2021-132 established the Cannabis Permit Review Committee for the purpose of reviewing and approving commercial non-retail and non-delivery cannabis businesses; and

WHEREAS, on March 1, 2022, the Council by Resolution No. 2022-109 expanded the role of the Cannabis Permit Review Committee to advise the Council on all cannabis-related matters and renamed the Committee to the Cannabis Program and Permit Review Committee; and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at a maximum of ten (10) permits; and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis permit renewals, with input from the City Council Ad Hoc Cannabis Committee; and

WHEREAS, City Council via Resolution 2018-566 issued commercial cannabis permits to eight (8) commercial cannabis retail businesses within the City; and

WHEREAS, City Council issued commercial cannabis permits to seven (7) non-retail commercial cannabis businesses with the exception of the permit for Valley Firehouse which was issued by the Cannabis Program and Permit Review committee; and

WHEREAS, pursuant to Modesto Municipal Code, 10-3.704(d), permits issued in accordance with the City's Cannabis Ordinance are not transferable to another individual without City approval; and

WHEREAS, an ownership confirmation form was created by City Staff for the purpose of documenting any changes in ownership that may have occurred during a permit period. Policies and procedures for the approval of changes in ownership as well as the documents that the City will request are attached to the previously mentioned form. The level of approval, based on the nature of the transaction, are as follows:

- A new owner acquires 51% of the business: City Council approval for dispensaries and Committee approval for non-dispensaries.
- An original owner relinquishes their entire ownership interest, and a new owner or owners are brought on board: City Council approval for dispensaries and Committee approval for non-dispensaries.
- All other changes will require City Manager Approval.
- An original owner(s) must retain a minimum of 20% ownership interest in the businesses to continue operating under their current commercial cannabis permit following City approval of the change, otherwise the business must cease operation and reapply for a commercial cannabis permit under the new business structure; and

WHEREAS, the proposed change in ownership policy allows for City Staff to request documentation from the business that includes proof of filing with the Secretary of State, bylaws, executed operating agreements, partnership agreements, corporate meeting minutes, successful completion of background check for new owners as required by Modesto City Code section 10-3.704(3)(2), and signed declarations by the relinquishing party acknowledging the change; and

WHEREAS, this change in ownership policy was presented to the Cannabis Program and Permit Review Committee on June 12, 2023 where a motion was made to forward the change in ownership policy to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a change in ownership policy for commercial cannabis permits within the City of Modesto is 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, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Alma Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-299

RESOLUTION APPROVING A CHANGE IN OWNERSHIP FOR JONESA, LLC.

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses; and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at a maximum of ten (10) permits; and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee; and

WHEREAS, City Council via Resolution 2018-566 issued commercial cannabis permits to the following dispensary businesses:

- CR & D, Inc. 439 Maze Blvd.
- Authentic 209 426 McHenry Ave.
- Cookies 1944 W. Orangeburg Ave.
- People's Remedy - McHenry 2308 McHenry Ave.
- People's Remedy- Planet 8ths 500 E. Glenn Ave.
- Doctor's Choice 2039 Yosemite Ave.
- Phenos Cooperative 1234 McHenry Ave.
- Medallion Wellness 1313 McHenry Ave.

; and

WHEREAS, Modesto Municipal Code 10-3.704(f)(5) states that cannabis permits are valid for two years from the date of City Council approval, and that therefore the above-listed permits were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council via resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries which were set to expire on December 19, 2022, unless renewed; and

WHEREAS, the City had conducted annual inspections and an audit of seven dispensaries currently in operation, and determined that all seven dispensaries are operating in accordance with State law and the Modesto Municipal Code; and

WHEREAS, Doctor's Choice requested relocation of the business from 2039 Yosemite Ave. to 121 Phoenix Ave. on November 8, 2021; and

WHEREAS, the relocation request was heard at a properly noticed public hearing of the Cannabis Program and Permit Review Committee on October 13, 2022 with the committee recommending to forward to Council for approval of the relocation and the granting of a residential proximity waiver; and

WHEREAS, the relocation of Doctor's Choice was considered by the Council of the City of Modesto on October 25th, 2022 and approved via resolution 2022-433; and

WHEREAS, City Council by Resolution 2022-442 approved the extension of the eight (8) commercial cannabis retail permits for dispensaries in the City from December 19, 2022 to June 30, 2023 and adjusted the two -year renewal period from a calendar year to a fiscal year which runs from July to June; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on June 12, 2023 where a motion was made to forward the renewals to Council for approval; and

WHEREAS, on June 27, 2023, the Council of the City of Modesto approved the renewal of eight (8) commercial cannabis retail permits for dispensaries in the City for a further two-year period ending June 30, 2025, via resolution 2023-299; and

WHEREAS, pursuant to Modesto Municipal Code, 10-3.704(d), permits issued in accordance with the City's Cannabis Ordinance are not transferable to another individual without City approval; and

WHEREAS, an ownership confirmation form was created by City Staff and provided to the commercial cannabis retail dispensaries for the purpose of documenting any changes in ownership that may have occurred. Policies and procedures for the approval of changes in ownership as well as the documents that the City will request are attached to the previously mentioned form. The level of approval, based on the nature of the transaction, are as follows:

- A new owner acquires 51% of the business: City Council approval for dispensaries and Committee approval for non-dispensaries.
- An original owner relinquishes their entire ownership interest, and a new owner or owners are brought on board: City Council approval for dispensaries and Committee approval for non-dispensaries.
- All other changes will require City Manager Approval; and

WHEREAS, Jonesa, LLC returned a signed ownership confirmation form informing the City that a change in ownership had occurred resulting in a new owner acquiring greater than 50% of the business; and

WHEREAS,, the City requested and received documentation from the business that included proof of filing with the Secretary of State, bylaws, executed operating agreements, partnership agreements, corporate meeting minutes, successful completion of background check for new owners as required by Modesto City Code section 10-3.704(3)(2), and signed declarations by the relinquishing party acknowledging the change; and

WHEREAS, this change in ownership was presented to the Cannabis Program and Permit Review Committee on June 12, 2023 where a motion was made to forward the change in ownership for Jonesa, LLC to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Modesto Municipal Code Section 10-3.704(d), a change in ownership for Jonesa, LLC is 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, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-300

RESOLUTION APPROVING A CHANGE IN OWNERSHIP FOR CV WELLNESS, LLC

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis uses; and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council via Resolution 2017-525 established the total number of commercial cannabis permits issued by the City for cannabis dispensaries at a maximum of ten (10) permits; and

WHEREAS, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis dispensary renewal permits, with input from the City Council Ad Hoc Cannabis Committee; and

WHEREAS, City Council via Resolution 2018-566 issued commercial cannabis permits to the following dispensary businesses:

- CR & D, Inc. 439 Maze Blvd.
- Authentic 209 426 McHenry Ave.
- Cookies 1944 W. Orangeburg Ave.
- People's Remedy - McHenry 2308 McHenry Ave.
- People's Remedy- Planet 8ths 500 E. Glenn Ave.
- Doctor's Choice 2039 Yosemite Ave.
- Phenos Cooperative 1234 McHenry Ave.
- Medallion Wellness 1313 McHenry Ave.

; and

WHEREAS, Modesto Municipal Code 10-3.704(f)(5) states that cannabis permits are valid for two years from the date of City Council approval, and that therefore the above-listed permits were set to expire on December 19, 2020, unless renewed; and

WHEREAS, City Council via resolution 2020-485 through 2020-489 approved the permit renewals for the above listed dispensaries which were set to expire on December 19, 2022, unless renewed; and

WHEREAS, the City had conducted annual inspections and an audit of seven dispensaries currently in operation, and determined that all seven dispensaries are operating in accordance with State law and the Modesto Municipal Code; and

WHEREAS, Doctor's Choice requested relocation of the business from 2039 Yosemite Ave. to 121 Phoenix Ave. on November 8, 2021; and

WHEREAS, the relocation request was heard at a properly noticed public hearing of the Cannabis Program and Permit Review Committee on October 13, 2022 with the committee recommending to forward to Council for approval of the relocation and the granting of a residential proximity waiver; and

WHEREAS, the relocation of Doctor's Choice was considered by the Council of the City of Modesto on October 25th, 2022 and approved via resolution 2022-433; and

WHEREAS, City Council by resolution 2022-442 approved the extension of the eight (8) commercial cannabis retail permits for dispensaries in the City from December 19, 2022 to June 30, 2023 and adjusted the two -year renewal period from a calendar year to a fiscal year which runs from July to June; and

WHEREAS, the renewal of the commercial cannabis retail permits was presented to the Cannabis Program and Permit Review Committee on June 12, 2023 where a motion was made to forward the renewals to Council for approval; and

WHEREAS, on June 27, 2023, the Council of the City of Modesto approved the renewal of eight (8) commercial cannabis retail permits for dispensaries in the City for a further two-year period ending June 30, 2025, via resolution 2023-300; and

WHEREAS, pursuant to Modesto Municipal Code, 10-3.704(d), permits issued in accordance with the City's Cannabis Ordinance are not transferable to another individual without City approval; and

WHEREAS, an ownership confirmation form was created by City Staff and provided to the commercial cannabis retail dispensaries for the purpose of documenting any changes in ownership that may have occurred. Policies and procedures for the approval of changes in ownership as well as the documents that the City will request are attached to the previously mentioned form. The level of approval, based on the nature of the transaction, are as follows:

- A new owner acquires 51% of the business: City Council approval for dispensaries and Committee approval for non-dispensaries.
- An original owner relinquishes their entire ownership interest, and a new owner or owners are brought on board: City Council approval for dispensaries and Committee approval for non-dispensaries.
- All other changes will require City Manager Approval; and

WHEREAS,, the City requested and received documentation from the business that included proof of filing with the Secretary of State, bylaws, executed operating agreements, partnership agreements, corporate meeting minutes, successful completion of background check for new owners as required by Modesto City Code section 10-3.704(3)(2), and signed declarations by the relinquishing party acknowledging the change; and

WHEREAS, this change in ownership was presented to the Cannabis Program and Permit Review Committee on June 12, 2023 where a motion was made to forward the change in ownership for CV Wellness, LLC to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Modesto Municipal Code Section 10-3.704(d), a change in ownership for CV Wellness, LLC is 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, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-301

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. BENJAMIN JIMENEZ, A SINGLE MAN, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 1008 PANAMA DRIVE (APN: 030-015-030), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO THE SIGN THE WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT

WHEREAS, Benjamin Jimenez, owns a residential property located at 1008 Panama Drive which is located outside of Modesto City Limits and inside the City's Sphere of Influence; and

WHEREAS, the property located at 1008 Panama Drive, is not connected to City's sewer system, and is requesting a sewer connection due to a failing septic system; and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002; and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval; and

WHEREAS the property located at 1008 Panama Drive is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection; and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property; and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system; and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system; and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement between the City of Modesto and Mr. Benjamin Jimenez, a single man, to connect to the City of Modesto's existing sewer system for the property located at 1008 Panama Drive (APN: 030-015-030) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter and execute the Outside Service Agreement for sewer service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-302

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE ORGANIZED RETAIL THEFT PREVENTION GRANT PROGRAM TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS FOR UP TO $6.125 MILLION IN GRANT FUNDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, AS AGENT TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT APPLICATION

WHEREAS, in 2022, the State Budget Act, Senate Bill 154 Chapter 43, Statues of 2022 established the Organized Retail Theft Prevention Grant Program through the Board of State and Community Corrections; and

WHEREAS, eligible applicants are cities that are impacted by Organized Retail theft, Motor Vehicle theft, Cargo theft; and

WHEREAS, Modesto qualifies under the Organized Retail Theft and Motor Vehicle theft criterion of the grant; and

WHEREAS, the Police Department, in coordination with the Stanislaus County Sheriff's Department, Stanislaus County District Attorney's Office and various retailers within the City of Modesto seek approval to apply for the Organized Retail Theft Grant Program; and

WHEREAS, the Police department is in the initial stages of identifying partner retailers for this effort and have begun discussions with those identified has critical to the success of the program that will be put in place locally; and

WHEREAS, if awarded funding by the Board of State and Community Corrections, City staff will return to Council to accept the terms of the grant and the plan for how the terms will be met.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of a grant application for the Organized Retail Theft Program to the Board of State and Community Corrections for up to $6.125 million in grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as an agent to execute and submit all documents which may be necessary for the completion of the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Vana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-303

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, DAVIS, CA, FOR ENGINEERING SERVICES FOR THE PUMP STATION AT JENNINGS WQCP PROJECT IN THE AMOUNT OF $463,797, PLUS $46,380 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $510,177 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Jennings Water Quality Control Plant (WQCP) is comprised of secondary and tertiary wastewater treatment facilities for domestic wastewater; and

WHEREAS, the treatment plant also collects wastewater from local canneries via the Cannery Segregation Line (Can-Seg Line); and

WHEREAS, cannery process water from the Can-Seg Line is pre-treated at the City's Sutter WQCP and then mixed with secondary treated water in order to reach an acceptable State mandated water quality level for irrigation of local fields adjacent to the treatment plant; and

WHEREAS, currently, a temporary pump station is diverting some water from the Turlock Irrigation District (TID) canal into Can-Seg pumping No.2; and

WHEREAS, TID has indicated the availability of more water than the existing temporary pump station can handle and is working with Operations and Maintenance Staff on an agreement between the parties such that the City will be able to utilize the water for Jennings plant operations; and

WHEREAS, a new permanent pump station and two concrete dams will be required in order to divert the water from the existing TID canals into Storage Pond No.1 at Jennings WQCP; and

WHEREAS, to increase efficiencies, the City has requested the use of a consultant to provide engineering services for the Pump Station at Jennings WQCP Project; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost, in the amount of $463,797, plus $46,380 in additional services (if needed), for a total amount not to exceed $510,177 for the Pump Station at Jennings Water Quality Control Plant Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-304

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $3,005,177 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE PUMP STATION AT JENNINGS WATER QUALITY CONTROL PLANT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $3,005,177, in order to fund the Pump Station at Jennings Water Quality Control Plant Project; and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $3,005,177.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Adora Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-305

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE FURNISHING OF CATHODIC PROTECTION TESTING AND REPORTING SERVICES TO CORRPRO COMPANIES, INC., HAYWARD, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $240,000 FOR THE FIRST YEAR, AND A TOTAL AMOUNT NOT TO EXCEED $896,192 OVER FIVE (5) YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Water Quality Control Facility (WQCF) on Jennings Road has miles of steel pipe underground that will corrode, based on soil conditions, including the tertiary treatment plant discharge pipe and recycled water conveyance lines that travel under the San Joaquin River to the Delta-Mendota Canal; and

WHEREAS, the cathodic systems keep the pipe from corroding but need to be inspected annually and repaired as needed to maintain cathodic protection. City staff does not have the necessary experience, equipment, or certifications to perform the work in-house; and

WHEREAS, annual testing, reporting and repairs are required for meeting the National Association of Corrosion Engineers (NACE) criteria for corrosion control; and

WHEREAS, due to the NACE criteria for corrosion control and the reported deficiencies, staff recommends a five-year annual agreement for annual inspection, reporting and repair services. If there were a failure due to corrosion, the City would be at risk of violating National Pollutant Discharge Elimination System (NPDES) permit R5-2022-0034, as well as Permit No. 19099 from the Central Valley Flood Protection Board; and

WHEREAS, on March 14, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two (2) bidders chose to respond, there were no local bids received. Based on providing the lowest responsive and responsible bid, City staff recommended to award the Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA for a two-year agreement with three (3) one-year extension options, for an annual estimated amount of $240,000 for the first year, and a total amount not to exceed $896,192 over five (5) years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of bid for Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA conforms to the Modesto Municipal code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement for the furnishing of Cathodic Protection Testing and Reporting Services to Corrpro Companies, Inc., Hayward, CA, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $240,000 for the first year, and a total amount not to exceed $896,192 over five (5) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-306

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) FOR A MUTUAL PAY AGREEMENT FOR THE FAR-FIELD DILUTION AND CONSTITUENTS OF EMERGING CONCERN STUDIES BETWEEN THE CITY OF MODESTO, THE CITY OF TURLOCK AND THE DEL PUERTO WATER DISTRICT TO COMPLY WITH STATE PERMIT REQUIREMENTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns and operates the City's Water Quality Control Facility (WQCF), which permitted by the California Regional Water Quality Control Board, Central Valley Region (Regional Board) to discharge treated effluent ("recycled water") to the San Joaquin River (SJR) and to the Delta-Mendota Canal (DMC). These WQCF recycled water discharges are regulated under two separate National Discharge Elimination System (NPDES) permits; and

WHEREAS, the City of Turlock owns and operates their City's Regional Water Quality Control Facility (RWQCF). The RWQCF is permitted by the Regional Board to discharge to the SJR and DMC under the recycled water program NDPES permits; and

WHEREAS, since the completion of the North Valley Regional Recycled Water Project (NVRRWP), the WQCF's and RWQCF's main recycled water receiving body is the Delta-Mendota Canal for beneficial agricultural and wetlands beneficial reuse for the Del Puerto Water District. Both Modesto and Turlock's recycled water discharges to the DMC are regulated under a joint permit; Waste Discharge Requirements for the City of Turlock Regional Water Quality Control Facility and the City of Modesto Water Quality Control Facility, Stanislaus County, Order R5-2022-0034, NPDES CA0085316 (Regional Permit), adopted June 10, 2022, and effective August 1, 2022; and

WHEREAS, Order R5-2022-0034 contains new Special Provisions related to requirements for conducting a far-field dilution study and a constituents of emerging concern (CEC) study. The Far-Field Dilution study will determine if and to what extent the recycled water from the wastewater treatment plant facilities is affecting the water quality of the DMC. The CEC study is a requirement to test for potential contaminants that are not currently regulated and/or routinely monitored; and

WHEREAS, the City of Modesto, City of Turlock, and Del Puerto have agreed to jointly hire a consultant to perform a Far-Field Dilution study and CEC study; and

WHEREAS, the agencies have agreed that the City of Modesto will serve as the lead for purposes of the development of the scope of work for the Consultant Agreement for the Studies and Turlock and Del Puerto are "partner agencies"; and

WHEREAS, the agencies wish to enter into this MOU to clearly identify the roles and responsibilities of each party as they relate to the professional services to be provided by the selected Consultant, including payment of all costs incurred; and

WHEREAS, the Agencies shall be responsible for their share of all costs incurred for the Far-Field Dilution and CEC Studies under this MOU with each cost-sharing obligation equally divided amongst the three agencies and will be broken down to a third each. The estimated shared total cost of studies is approximately $700,000; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. It has been determined that Modesto will solicit proposals from qualified Consultants for services to complete the Studies; and

WHEREAS, once the formal bidding process has been completed, staff will return to Committee and Council to seek approval to enter into a Consultant Agreement for the completion of the Studies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District to comply with State Permit requirements and authorizing the City Manager, or his designee, to execute the Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-307

RESOLUTION ACCEPTING THE JENNINGS EMERGENCY BYPASS AS COMPLETE AND AUTHORIZING ALL PAYMENTS TOTALING $62,973 TO RAIN FOR RENT, STOCKTON, CA, AND AUTHORIZING ALL PAYMENTS TOTALING $9,847 TO AMERICORE INC., HILMAR, CA, FOR A TOTAL COST NOT TO EXCEED $72,820, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on Monday, February 6, 2023, the staff at Jennings Wastewater Operations and Maintenance uncovered a substantial leak in a crucial wastewater pipeline. This pipeline's primary function is to carry wastewater from the fine screens to a diversion box, which is strategically positioned before the aeration basins within the treatment plant; and

WHEREAS, it was observed the leak was primarily attributable to extensive corrosion that had affected the entire pipeline. The pipeline in question plays a pivotal role in the biological treatment process, a critical aspect of the facility's operations. To understand the severity of the damage, the team had to halt plant operations temporarily. Such plant shutdowns are infrequent because the interruption can cause the biological process to falter as the supply of waste - essentially food for the bacteria used in treatment - ceases; and

WHEREAS, in the week beginning February 6th, Utilities Engineering reached out to three contractors who are presently involved in contractual agreements with the City. The objective of this communication was to evaluate the contractors' availability for taking on the repair work, and to request cost proposals for the job; and

WHEREAS, these contractors received the scope of work via email on Friday, February 10, 2023, and were given a deadline until Wednesday, February 15, 2023, to submit their respective cost proposals; and

WHEREAS, the summary of the cost proposals received was as follows:

- Ranger Pipelines - Initially quoted at $385,000, but later withdrew their bid
- Mozingo Construction - Quoted at $144,000
- Rolfe Construction - Quoted at $251,200; and

WHEREAS, following a careful review of these bids, the Wastewater Maintenance staff proposed a mixed approach to the repairs. They suggested purchasing necessary parts, enlisting a contractor to perform the pipeline fusing, and planned to execute the bypass construction in-house; and

WHEREAS, Modesto Municipal Code, 8-3.102. allows the City Manager to approve and authorize contracts for projects that are of urgent necessity for the preservation of life, health and property and for staff to report to Council on the emergency repair. On Friday, February 10, 2023, the City Manager was informed of the Jennings pipeline corrosion issue and staff requested the need to declare an emergency to expedite purchase orders to construct a temporary bypass and the re-routing of wastewater flows; and

WHEREAS, staff recommends the repairs for acceptance as the contractors have complied with all contract requirements for the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Jennings Emergency Bypass as complete and authorizing all payments totaling $62,973 to Rain for Rent, Stockton, CA, and authorizing all payments totaling $9,847 to Americore Inc., Hilmar, CA, for a total cost not to exceed $72,820.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-308

RESOLUTION ACCEPTING THE WELL 71 SURFACE IMPROVEMENTS PROJECT AS COMPLETE, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,511,017 TO CONCO WEST, INC., OF MANTECA, CA AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, City water supply Well 226, located at the northwest corner of Conant and Brenner Avenues, was taken offline in 2006 due to elevated arsenic and nitrate concentrations. Well 226 was originally drilled in 1954 and is strategically located near the Highway Village neighborhood; and

WHEREAS, on November 24, 2009, by Resolution No. 2009-554, Council approved an agreement with B&C for Design Services for Well Remediation at Well 226. It was proposed that a new, deeper well be drilled on the existing site and be built to current well construction standards; and

WHEREAS, in 2011, plans and specifications for removal and replacement of Well 226 were prepared, but the project was deferred due to lack of funding. The agreement with B&C was subsequently closed; and

WHEREAS, the existing electrical building roof was also replaced to address existing leaks that occur during the rainy seasons; and

WHEREAS, on June 28, 2016, by Resolution No. 2016-270, Council approved the specifications for destruction of certain water wells and awarded a contract to Howk Systems of Modesto, CA. Well 226 was destroyed as a part of this work; and

WHEREAS, on February 7, 2017, by Resolution No. 2017-42, Council approved an agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project; and

WHEREAS, on October 2, 2018, by Resolution No. 2018-431, Council approved a resolution rejecting all bids for the Replacement Well 226 Subsurface Project with the intention to re-advertise the project at a future date; and

WHEREAS, during the final design of Well 226, staff was informed by the Department of Water Resources that new well numbers would be required for replacement wells. As a result, the project became Well 71 (Replacing Well 226); and

WHEREAS, on January 22, 2019, by Resolution No. 2019-26, Council approved the plans and specifications for the Well 71 (Replacing Well 226) Project, accepted the bid and awarded a construction contract to Road Runner Drilling & Pump Company, Inc., of Woodland, CA, for the subsurface improvements of Well 71. Construction of the subsurface improvements was completed on July 19, 2019; and

WHEREAS, on August 5, 2020, by Resolution No. 2020-324, Council accepted the Well 71 (Replacing Well 226) Project as complete; and

WHEREAS, the project was re-advertised for bids on September 15, 2020, and bids were publicly opened on November 3, 22020 pursuant to City Charter Section 1307; and

WHEREAS, Conco West, Inc., of Manteca, CA., was the lowest responsible bidder at 16.84% below the engineer's estimate; and

WHEREAS, on January 12, 2021, by Resolution No. 2021-014, Council awarded a contract to Conco West, Inc., of Manteca, CA., for the construction of the Well 71 Surface Improvements project for the amount of $2,376,000; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of March 15, 2021 All contract work was completed on April 4, 2022; and

WHEREAS, the total project costs were $3,043,348 which included design, construction, and construction administration costs. The total project amount originally budgeted was $3,559,536 which included $2,661,120 for the construction contract and contingency with Conco West, Inc., of Manteca, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) $190,080 for construction contracts of this dollar value. However, by Resolution 2021-418, staff requested an increase in the Director's Authority for the Construction Contingency to twelve (12%) to $285,120; and

WHEREAS, there were three change orders resulting in an overall increase of $135,017; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Well 71 Surface Improvements project as complete, releasing securities, releasing payments totaling $2,511,017 to Conco West, Inc., of Manteca, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-309

RESOLUTION APPROVING THE FISCAL YEAR 2023-24 DIAGRAM AND ANNUAL ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on April 11, 2023, by Resolution No. 2023-161, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Engineer's Annual Report; and

WHEREAS, the amount of the assessment for Fiscal Year 2023-24 will not increase over the amount imposed for Fiscal Year 2022-23, it will remain at $19,474; and

WHEREAS, a public hearing was held on June 27, 2023; and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all the laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year

2023-24, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2023-24 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is attached hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Assessment District Diagram

Landscape Maintenance Assessment District No. 1
(Dry Creek Meadows Subdivisions No. 1 - 6)

250 125 0 250 Feet

N W E S

Date: 1/9/2023

MODESTO CALIFORNIA

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MODESTO CITY COUNCIL
RESOLUTION NO. 2023-310

RESOLUTION APPROVING THE FISCAL YEAR 2023-24 DIAGRAM AND ANNUAL ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 AND 2

WHEREAS, on April 11, 2023, by Resolution No. 2023-162, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Engineer's Annual Report; and

WHEREAS, the increase in the annual assessment is less than or equal to the annual inflator previously approved by the property owners within the District; and

WHEREAS, the annual assessment is to adjust annually according to the BCI for the San Francisco Bay Area as reported in the Engineering News Record the second week of March; and

WHEREAS, the annual adjustment for fiscal year 2023-24 is 2.39%; and

WHEREAS, a public hearing was held on June 27, 2023; and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which

was passed by the voters in November 1996; and

WHEREAS, City of Modesto has further determined the charges are in compliance with all the laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2023-24, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2023-24 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is attached hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

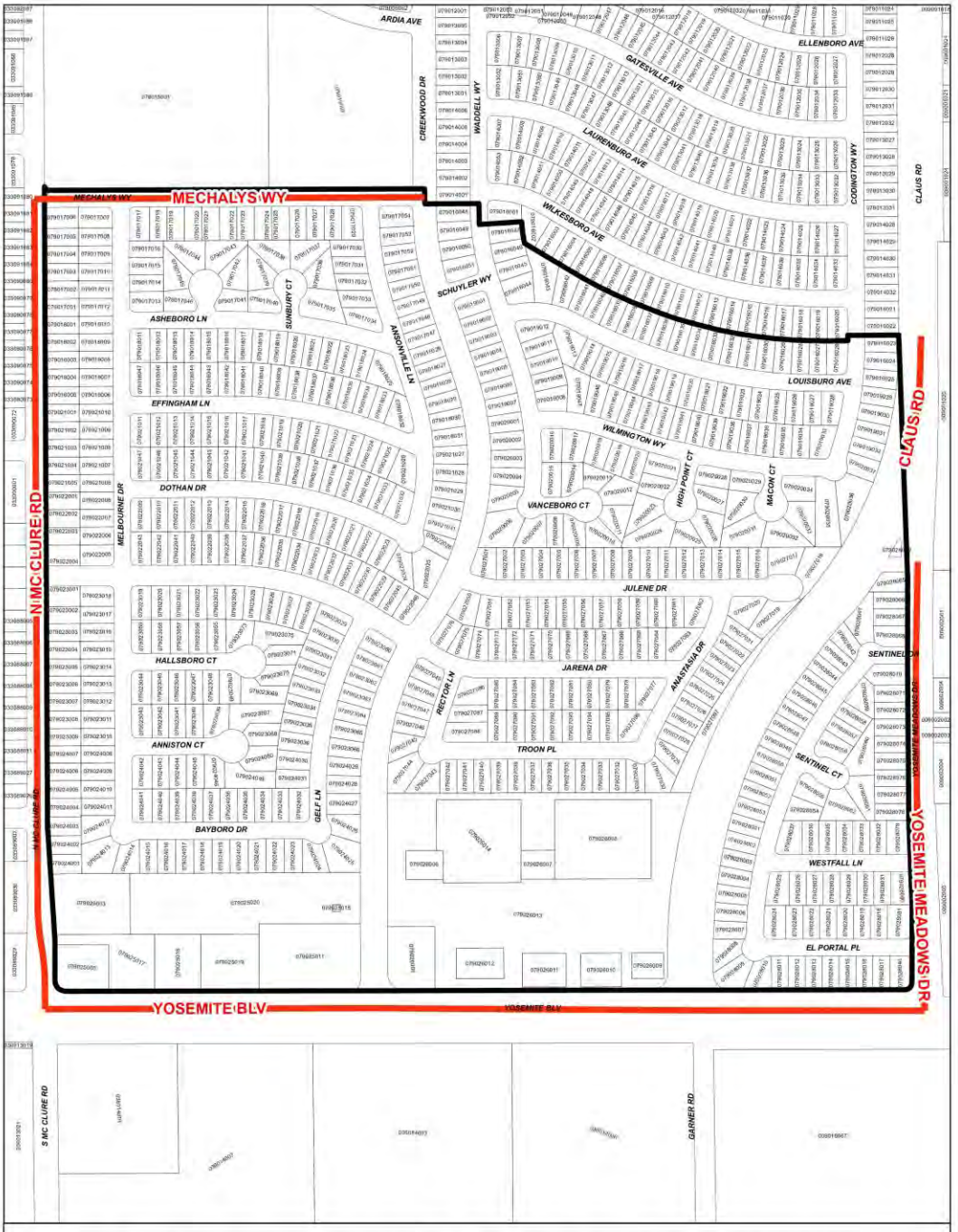
AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Landscape Maintenance Assessment District No. 2
(Dry Creek Meadows Subdivisions No. 7 - 10)
(Creekwood Meadows Subdivision)
(Yosemite Meadows Units No. 1 & 2)

250 125 0 250 Feet

Date: 1/9/2023

MODESTO CALIFORNIA

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MODESTO CITY COUNCIL
RESOLUTION NO. 2023-311

RESOLUTION APPROVING THE FISCAL YEAR 2023-24 DIAGRAM AND ANNUAL ASSESSMENT, AND ORDING THE LEVY AND COLLECTION OF CHARGES WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS on April 11, 2023, by Resolution No. 2023-163, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium street lights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as Landscape and Lighting Act of 1972; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Engineer's Annual Report; and

WHEREAS a public hearing was held on June 27, 2023; and

WHEREAS, the annual adjustment for Fiscal Year 2023-24 is the same as Fiscal Year 2022-23, it will remain at $30,262.44; and

WHEREAS, each year the annual assessment uses a standard formula to calculate its fees: estimated operation and maintenance costs for the current year minus the fund balance from previous year and estimated property tax revenue for current year plus number of benefitting parcels in the district and $1.50 per parcel administrative charge; and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined

the charges are in compliance with all the laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2023-24, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2023-24 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is attached hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

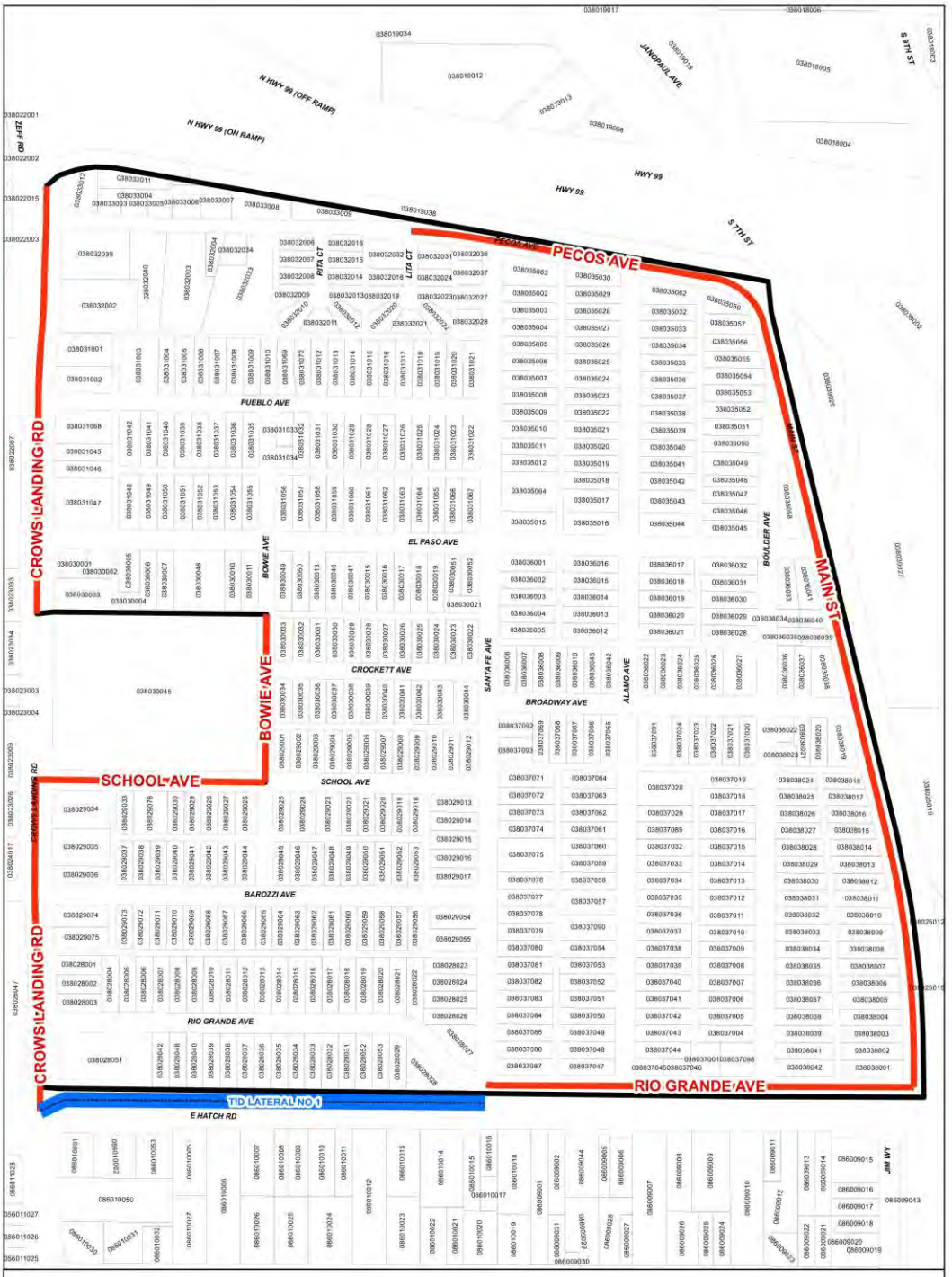
AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Shackelford Landscape and Lighting District

250 125 0 250 Feet

Date: 1/9/2023

MODESTO CALIFORNIA

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MODESTO CITY COUNCIL
RESOLUTION NO. 2023-312

RESOLUTION APPROVING THE ANNUAL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE SOLID WASTE HAULERS, FOR AN INCREASE OF $4.76 PER MONTH FOR RESIDENTIAL SERVICES WITH WEEKLY GREEN/ORGANICS CONTAINER COLLECTION, AN INCREASE OF $1.52 PER CUBIC YARD FOR COMMERCIAL SERVICES, AND AN INCREASE OF $36.82 PER PULL FOR INDUSTRIAL SERVICES, TO BECOME EFFECTIVE AUGUST 1, 2023, AND RESCINDING RESOLUTION NO. 2022-276 FOR THE JULY 1, 2022 ANNUAL RATE ADJUSTMENT

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2024-290

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of solid waste in Modesto, and instead performs a comprehensive review of cost information submitted by the contract solid waste haulers; and

WHEREAS, Section 2 (f) of the City's Service Agreements with its solid waste collectors requires that rates will be reviewed annually by the City and, if deemed necessary by the City Council, maximum rate adjustments shall be made to become effective on July 1 of each year; and

WHEREAS, for FY 22/23 rate review, haulers submitted their audited financials; however, City staff found the computer modeling formula outdated and were unable to validate the numbers. Staff is proposing to hire a consultant to analyze the current rate setting methodology and test it for validity; and

WHEREAS, in lieu of using the existing computer modeling formula, the Green Waste Diversion Program Fees and the Base Rate were increased by 5.1%, in accordance with the Bureau of Labor Statistics Consumer Price Index - West Region (CPI) adjustment ending in March 2023; and

WHEREAS, on June 14, 2022, by Resolution No. 2022-276, Council approved a three-container collection program, with a 96-gallon organics container, a 96-gallon recycling container, and a 96-gallon garbage container. The garbage container is serviced weekly, and the recycling and organics containers are serviced bi-weekly. The bi-weekly organics container collection was approved as a one-year pilot program; and

WHEREAS, during the first few months of implementation, City staff received an influx of requests for the organics container to resume weekly collection due to overfilled containers, odor issues, and pest issues; and

WHEREAS, R3 Consulting Group, Inc. calculated the costs associated with switching from bi-weekly to weekly organics collection and determined it would be $2.99. This fee was determined in 2021 using financial data from FY 19/20, thus staff brought the fee current by applying the 5.1% CPI; the adjusted recommended rate is $3.14; and

WHEREAS, the waste allocation for FY 20/21 was 52.95 % residential, 26.16% commercial, and 20.89% industrial; and

WHEREAS, the changes in waste allocation reflect the actual amount of waste from each sector, and residential and commercial allocations decreased, and industrial allocation increased as compared to FY 21/22, and these percentage allocations were then utilized in applying fees accordingly; and

WHEREAS, the Geer Road Landfill fees were adjusted for the future post-closure costs for the life of the landfill and for payment to the settlement agreement between the City of Modesto and Stanislaus County; and

WHEREAS, the Geer Road Landfill Residential rate will be increased to $0.81 per household per month; Commercial rate increased to $0.95 per cubic yard per month;

and Industrial rate increased to $29.77 per pull; and

WHEREAS, the agreements between City of Modesto and Gilton Solid Waste and Bertolotti Disposal Services requires the haulers to pay a franchise fee to the City at the rate of 9.9% and 10.3%, respectively; and

WHEREAS, in an effort to keep rates low for Modesto residents and businesses, the City Council has decided to waive the application of the franchise fee to any pass through fees collected, but not retained, by the haulers, which will result in a deduction of $0.74 from the residential base rates, $1.46 from the commercial base rate and $5.66 from the drop box rates; and

WHEREAS, the current maximum rate for residential service is $51.25, and a $4.76 increase is recommended for a new maximum residential rate of $56.01 to be effective August 1, 2023; and

WHEREAS, the current maximum rate for commercial service is $64.04 for one-cubic yard picked up once weekly per month, and a $1.52 increase is recommended for a new maximum commercial rate of $65.56 to be effective August 1, 2023; and

WHEREAS, the current maximum rate for drop boxes and roll-off compactor service is $439.24 for one-cubic yard picked up, and a $36.82 increase is recommended for a new maximum commercial rate of $476.06 to be effective August 1, 2023; and

WHEREAS, the actual disposal charge for drop boxes is negotiated directly between the garbage collection company and the customer; and

WHEREAS, the current AB 939 Green Waste Diversion fee is $17.10 and is increased by 5.1% CPI. The new fee is $17. 97 to be effective August 1, 2023; and

WHEREAS, it was found and determined by the Council of the City of Modesto

that the existing schedules of rates and charges for solid waste service in the City of Modesto should be revised as recommended above; and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial, and industrial solid waste services will increase revenue to the Solid Waste fund by $628.091, the General fund by $2,069, the Geer Road Landfill fund by $285.627, and the Green Waste fund by $121,006.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Solid Waste Services provided by the Solid Waste haulers, as attached hereto as Attachment A, dated August 1, 2023, and incorporated herein by reference. Said Maximum Charges for Solid Wastse Service shall include all other services as stipulated in the Service Agreements and shall become effective August 1, 2023 and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2022-276 for the July 1, 2022 annual rate adjustment is hereby rescinded effective August 1, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Dana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR SOLID WASTE SERVICE – AUGUST 1, 2023

RESIDENTIAL CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container each for garbage and organics picked up weekly
- 1 container for recycling picked up bi-weekly
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

Base Rate	$ 35.72
Fuel Adjustment	$ 0.04
Weekly Organics Collection	$ 3.14
Green Waste	$ 5.27
Geer Road Landfill	$ 0.81
Compost Facility Improvements	$ 1.70
SB 1383 Collection Fee	$ 5.40
Organic Waste Pre-Processing	$ 1.72
City SB 1383 Implementation	$ 1.05
Recycling Fees	$ 0.46
Carpenter Road Landfill	$ 0.70
Maximum Monthly Rate	**$ 56.01**

Additional Garbage Container - $13.00 each per month picked up weekly
Additional Organics Container -8.00 each per month picked up weekly
Additional Recycling Container - $8.00 each per month picked up bi-weekly

*Containers must be placed in a location set forth in Section 5-5.121 of the MMC.

COMMERCIAL AND MULTIFAMILY CONTAINERS - Maximum Monthly Rate

Weekly rental for Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	$ 43.57
*Fuel Rate Adjustment	$ 0.08
Green Waste	$ 10.70
Geer Road Landfill	$ 0.95
Compost Facility Improvements	$ 3.08
Litter Abatement	$ 0.59
Organic Pre-Processing	$ 3.11
City SB 1383 Implementation	$ 1.90
Recycling Fees	$ 0.63
Carpenter Road Landfill	$ 0.95
Maximum Rate 1 Cubic Yard	**$ 65.56**

Bin Maximum Rates						
	Number of Collections Per Week					
Container Size	1	2	3	4	5	6
1 CY	$ 65.56	$ 131.12	$ 196.68	$ 262.24	$ 327.80	$ 393.36
2 CY	$ 131.12	$ 262.24	$ 393.36	$ 524.48	$ 655.60	$ 786.72
3 CY	$ 196.68	$ 393.36	$ 590.04	$ 786.72	$ 983.40	$ 1,180.08
4 CY	$ 262.24	$ 524.48	$ 786.72	$ 1,048.96	$ 1,311.20	$ 1,573.44
5 CY	$ 327.80	$ 655.60	$ 983.40	$ 1,311.20	$ 1,639.00	$ 1,966.80
6 CY	$ 393.36	$ 786.72	$ 1,180.08	$ 1,573.44	$ 1,966.80	$ 2,360.16

Material Type	96 Gallon Cart Maximum Rates				
	Number of Collection Per Week				
	1	2	3	4	5
Recycling/Organics	$25.00	$50.00	$75.00	$100.00	$125.00

***Residential and Commercial Fuel Component Adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel from January 1, 2023 to March 31, 2023. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

DROP BOX CONTAINERS – Maximum Rate Per Pick-Up

Actual disposal charges are paid and negotiated directly between the customer and the solid waste company. The solid waste company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle.

An AB 939 Green Waste Diversion Fee of $17.97 per ton is added to the disposal charges.

Base Rate	$ 396.81
Geer Road Landfill	$ 29.77
Carpenter Road Landfill	$ 29.77
Recycling Fees	$ 19.71
Maximum Rate Per Pick Up	**$476.06**

Rental Fees

$0.85 per day up to 7-day maximum rental
$3.00 per day for boxes kept 7 or more days without servicing
$10.00 per day for boxes kept 21 or more days without servicing

COMPACTORS – Maximum Monthly Rate

Compactor Rates						
Container Size	**NUMBER OF COLLECTIONS PER WEEK**					
	1	2	3	4	5	6
1 CY	$ 196.68	$ 393.36	$ 584.10	$ 786.72	$ 983.40	$ 1,180.08
2 CY	$ 393.36	$ 786.72	$ 1,168.20	$ 1,573.44	$ 1,966.80	$ 2,360.16
3 CY	$ 590.04	$ 1,180.08	$ 1,752.30	$ 2,360.16	$ 2,950.20	$ 3,540.24
4 CY	$ 786.72	$ 1,573.44	$ 2,336.40	$ 3,146.88	$ 3,933.60	$ 4,720.32
6 CY	$ 983.40	$ 1,966.80	$ 2,920.50	$ 3,933.60	$ 4,917.00	$ 5,900.40

Other Compactor Fees

- Hospital Waste Compactors — $265.00 per pick-up
- Washing Compactor — $30.00
- Disposal Charge — Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee — $17.97 per ton

EXTRA PICKUPS

Standard containers or equivalent	$3.50 plus $2.30/container
Detachable containers	$12.00 plus $4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the solid waste company and the customer.

COMMERCIAL CONTAINER ONLY–Replacement and Cleaning Services

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATION: Pursuant to Section 11-6.15(b)(2) of the Modesto Municipal Code, the solid waste company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-313

RESOLUTION APPROVING A QUARTERLY FUEL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE HAULERS, FOR AN ADJUSTMENT OF $0.04 PER MONTH FOR RESIDENTIAL SERVICES, AND AN ADJUSTMENT OF $0.08 PER CUBIC YARD FOR COMMERCIAL SERVICES, TO BECOME EFFECTIVE AUGUST 1, 2023, AND RESCINDING RESOLUTION NO. 2022-277 FOR THE JULY 1, 2022 ANNUAL RATE ADJUSTMENT

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of solid waste in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers; and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler; and

WHEREAS, Section 2 (f) of the City's Service Agreements with its solid waste collectors requires that when the City adjusts the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates; and

WHEREAS, the City analyzes the fuel rates using the methodology approved by the Council which uses the average diesel fuel prices from the Department of Energy/Energy Information Agency (DOE/EIA) for a prior quarter to set the fuel component for a subsequent quarter. The rate is adjusted up or down accordingly; and

WHEREAS, on June 27, 2006, by Resolution No. 2006-410, Council approved making routine quarterly adjustments as needed to the component of the maximum rates attributable to the cost of fuel; and

WHEREAS, the fuel rates analyzed for this rate adjustment were based on the Department of Energy average diesel fuel prices from January 2023 through March 2023; and

WHEREAS, this action is to adjust maximum rates for fuel and therefore does not require environmental review; and

WHEREAS, it was found and determined by the Council of the City of Modesto that the quarterly adjustment to the fuel component of the maximum rates should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the quarterly fuel adjustment from January 2023 through March 2023 to the Maximum Rate Schedule for Solid Waste Services, Attachment A, dated August 1, 2023, for an adjustment of $0.04 per month for residential services and an adjustment of $0.08 per cubic yard per month for commercial services and shall become effective August1, 2023 and shall remain in effect until rescinded.

BE IT FURTHER RESOLVED that Resolution No. 2022-277 for the July 1, 2022 annual rate adjustment is hereby rescinded effective August 1, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diane Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR SOLID WASTE SERVICE – AUGUST 1, 2023

RESIDENTIAL CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container each for garbage and organics picked up weekly
- 1 container for recycling picked up bi-weekly
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

Base Rate	$ 35.72
Fuel Adjustment	$ 0.04
Weekly Organics Collection	$ 3.14
Green Waste	$ 5.27
Geer Road Landfill	$ 0.81
Compost Facility Improvements	$ 1.70
SB 1383 Collection Fee	$ 5.40
Organic Waste Pre-Processing	$ 1.72
City SB 1383 Implementation	$ 1.05
Recycling Fees	$ 0.46
Carpenter Road Landfill	$ 0.70
Maximum Monthly Rate	**$ 56.01**

Additional Garbage Container - $13.00 each per month picked up weekly
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*Containers must be placed in a location set forth in Section 5-5.121 of the MMC.

COMMERCIAL AND MULTIFAMILY CONTAINERS - Maximum Monthly Rate

Weekly rental for Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	$ 43.57
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Green Waste	$ 10.70
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Recycling Fees	$ 0.63
Carpenter Road Landfill	$ 0.95
Maximum Rate 1 Cubic Yard	**$ 65.56**

Bin Maximum Rates						
	Number of Collections Per Week					
Container Size	1	2	3	4	5	6
1 CY	$ 65.56	$ 131.12	$ 196.68	$ 262.24	$ 327.80	$ 393.36
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6 CY	$ 393.36	$ 786.72	$ 1,180.08	$ 1,573.44	$ 1,966.80	$ 2,360.16

Material Type	96 Gallon Cart Maximum Rates				
	Number of Collection Per Week				
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Recycling/Organics	$25.00	$50.00	$75.00	$100.00	$125.00

***Residential and Commercial Fuel Component Adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel from January 1, 2023 to March 31, 2023. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

DROP BOX CONTAINERS – Maximum Rate Per Pick-Up

Actual disposal charges are paid and negotiated directly between the customer and the solid waste company. The solid waste company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle.

An AB 939 Green Waste Diversion Fee of $17.97 per ton is added to the disposal charges.

Base Rate	$ 396.81
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Maximum Rate Per Pick Up	**$476.06**

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COMPACTORS – Maximum Monthly Rate

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Other Compactor Fees

- Hospital Waste Compactors — $265.00 per pick-up
- Washing Compactor — $30.00
- Disposal Charge — Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee — $17.97 per ton

EXTRA PICKUPS

Standard containers or equivalent	$3.50 plus $2.30/container
Detachable containers	$12.00 plus $4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the solid waste company and the customer.

COMMERCIAL CONTAINER ONLY–Replacement and Cleaning Services

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATION: Pursuant to Section 11-6.15(b)(2) of the Modesto Municipal Code, the solid waste company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-314

RESOLUTION APPROVING AN AGREEMENT WITH HF&H CONSULTANTS LLC., TO CONDUCT AN AUDIT AND PERFORMANCE REVIEW FOR THE SOLID WASTE HAULERS, TO ANALYZE THE CURRENT RATE SETTING METHODOLOGYAND TEST IT FOR VALIDITY, AND DEVELOP NEW RATES METHODOLOGY, FOR A TOTAL AMOUNT NOT TO EXCEED $150,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has two contracted exclusive franchise hauler agreements with Bertolotti Disposal and Gilton Solid Waste for residential, commercial, and industrial solid waste services, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler; and

WHEREAS, for Fiscal Year (FY) 22/23 rate review, both solid waste haulers submitted their audited financials; however, City staff found the computer modeling formula outdated and were unable to validate the numbers and data provided; and

WHEREAS, Staff is recommending to hire a consultant to analyze the current rate setting methodology and test it for validity; and

WHEREAS, Consultant will also conduct an in-depth audit reviewing both hauler's financials and develop a methodology to calculate the true cost of solid waste services currently being provided to the community and calculate the true cost of services that need to be provided due to changes in law and regulations; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the Agreement is for Professional Services and, therefore, exempt from the bidding requirement. The approval for the Consulting

services to HF&H Consultants LLC Conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing Professional Services for conducting an audit and performance review for the solid waste haulers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with HF&H Consulting, LLC., to conduct an audit and performance review for the solid waste haulers, to analyze the current rate setting methodology and test it for validity, and develop new rates methodology, for a total amount not to exceed $150,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Alma Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-315

RESOLUTION APPROVING THE WATER ENGINEER'S REPORT PREPARED BY WEST YOST ASSOCIATES AS COMPLETE

WHEREAS, the City of Modesto provides water service to over 74,000 accounts consisting of residential, multi-family, commercial and industrial customers located within the City of Modesto, as well as the communities of Salida, Empire, Grayson, Del Rio and portions of Turlock and unincorporated Stanislaus County, and

WHEREAS, on September 2, 2014, by Resolution No. 2014-336, Council approved an agreement with West Yost Associates (West Yost) to prepare a Water Master Plan (WMP), and

WHEREAS, as part of the WMP, West Yost reviewed and revised the Water Capital Improvement Program's (CIP) anticipated costs and priorities and developed a Water Engineer's Report, and

WHEREAS, the Water Engineer's Report is the basis document for the Water Rate and Fee Study, providing the justification and allocation of costs for the proposed water CIP Projects between existing and future customer classes, and

WHEREAS, the Water Engineer's Report is now complete and has identified approximately $220 million in CIP Projects between Fiscal Years 2024 and 2028.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Water Engineer's Report prepared by West Yost as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: Elena Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-316

RESOLUTION APPROVING THE WATER RATE AND FEE STUDY PREPARED BY BARTLE WELLS ASSOCIATES AS COMPLETE

WHEREAS, the City of Modesto provides water service to over 74,000 accounts consisting of residential, multi-family, commercial and industrial customers located within the City of Modesto, as well as the communities of Salida, Empire, Grayson, Del Rio and portions of Turlock and unincorporated Stanislaus County, and

WHEREAS, on December 8, 2020, Council, by Resolution No. 2020-525, approved an agreement with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees, and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition 218, and

WHEREAS, West Yost Associates (West Yost) analysis in the Water Master Plan and the completed Water Engineer's Report identified approximately $220 million in Water Capital Improve Program (CIP) Projects between Fiscal Years 2024 and 2028, and

WHEREAS, BWA has prepared the Water Rate and Fee Study and incorporated these CIP costs into the comprehensive Water Rate and Fee Study, and

WHEREAS, the Water Rate and Fee Study is now complete and the following key rate and fee impacts have been identified:

- Updating the cost of service, including steep inflationary increases
- Rate design
- Amount of capital improvement spending
    - Reduced capital improvement plan
    - Full capital improvement plan
- Developing drought and non-drought rates
- Setting rates to recover operating costs and capital improvements
- Evaluating revenue recovery from fixed meter charges vs. volume rate
- Funding of capital improvements
    - Analysis of different CIP scenarios

- Use of Reserves
- Rate revenues and connection fees
- Debt financing

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Water Rate and Fee Study prepared by Bartle Wells Associates as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-317

RESOLUTION AUTHORIZING STAFF TO INITIATE A PROPOSITION 218 PROCESS TO ADJUST THE CITY'S WATER RATES TO BE EFFECTIVE OCTOBER 1, 2023 THROUGH FISCAL YEAR 2027-28

WHEREAS, the City of Modesto last conducted an in-depth cost of service rate study in 2016, which was approved and implemented by the City Council by Resolution No. 2016-241, and

WHEREAS, Resolution No. 2016-241 established rates from Fiscal Year (FY) 2016-17 through 2020-21, and

WHEREAS, the last Water Rate change occurred October 1, 2021, and

WHEREAS, on December 8, 2020, Council, by Resolution No. 2020-525, approved an agreement with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees, and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition 218, and

WHEREAS, West Yost Associates (West Yost) analysis in the Water Master Plan and the completed Water Engineer's Report identified approximately $220 million in Water Capital Improve Program (CIP) Projects between Fiscal Years 2024 and 2028, and

WHEREAS, BWA has prepared the Water Rate and Fee Study and incorporated the CIP costs of approximately $220 million identified in the Water Master Plan and completed Engineer's Report into the comprehensive Water Rate and Fee Study, and

WHEREAS, the Water Rate and Fee Study is now complete and the following key rate and fee impacts have been identified:

- Updating the cost of service, including steep inflationary increases
- Rate design

- Amount of capital improvement spending
    - Reduced capital improvement plan
    - Full capital improvement plan
- Developing drought and non-drought rates
- Setting rates to recover operating costs and capital improvements
- Evaluating revenue recovery from fixed meter charges vs. volume rate
- Funding of capital improvements
    - Analysis of different CIP scenarios
    - Use of Reserves
    - Rate revenues and connection fees

Debt financing

WHEREAS, the Water Rate and Fee Study is now complete, and

WHEREAS, in order to maintain the Water Fund's strong credit rating and support the financial health of the Water Fund, Staff will need to initiate a Proposition 218 protest process for water rates, with an anticipated water rate hearing in August of 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Staff to initiate a Proposition 218 process to adjust the City's water rates effective October 1, 2023 through Fiscal Year 2028.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-318

RESOLUTION APPROVING AN UPDATE ON AVAILABLE FUNDING FOR THE UTILITY BILLING ASSISTANCE PROGRAM (UBAP) WITH AN INCREASE TO THE MONTHLY DISCOUNT AMOUNT FROM $35 TO $45

WHEREAS, the Utility Billing Division of the Finance Department offers a Utility Billing Assistance discount of $35 for low-income utility customers who are enrolled in another public assistance program including CARES, CalWorks, CalFresh, General Assistance, MediCal, WIC, SSP, or SSI, and are a responsible party of the City of Modesto utility bill; and

WHEREAS, customers are able to apply online, in our office, or with Central Valley Opportunity Center by completing the application and providing proof of enrollment in one of the above programs; and

WHEREAS, the assistance program is funded by revenues collected for miscellaneous delinquent fees and penalties which are designated for the utility assistance program and water utility-related rebate programs; and

WHEREAS, revenue from rates paid by customers is not used to pay for this program; and

WHEREAS, the cost of utility services continues to rise, an increase to the monthly discount amount from $35 per month to $45 is substantial enough to incentivize more customers to apply and will provide more assistance to qualified low-income customers; and

WHEREAS, an increase in enrollment and the monthly discount is sustainable with current available funding; and

WHEREAS, as utility costs continue to rise, the Finance Department will continue to evaluate the discount amount to determine if available funding allows for future increases; and

WHEREAS, the annual estimated cost for the Utility Billing Assistance Program for fiscal year 2023 is $1,482,180 with remaining available funding of $1,117,820; and

WHEREAS, the annual estimated cost for fiscal year 2024 with an increase in the customers enrolled and in the monthly discount amount from $35 per month to $45 per month is $2,286,900 with remaining available funding of $313,100.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an update on available funding for the Utility Billing Assistance Program (UBAP) with an increase to the monthly discount amount from $35 to $45.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-319

RESOLUTION APPROVING TWO NEW UTILITY BILLING DISCOUNT PROGRAMS FOR CUSTOMERS WHO ENROLL IN AUTO-PAY AND PAPERLESS BILLING FOR THEIR CITY OF MODESTO UTILITY BILL

WHEREAS, the Utility Billing Division provides customers with optional enrollment in convenient features for their utility bill such as Auto-Pay and Paperless Billing; and

WHEREAS, a customer enrolled in Auto-Pay agrees to have the balance of their utility account automatically drafted each month on the due date of their bill with the option to have the funds drafted from a checking account, savings account, or a credit card; and

WHEREAS, when a customer enrolls in Paperless Billing, they agree to receive their utility bill via email rather than having a paper bill mailed to them; and

WHEREAS, utilizing the Auto-Pay and Paperless Billing feature provides benefit both to the City and to the customer; and

WHEREAS, the annual savings to the City on printing and mailing costs for customers enrolled in Paperless Billing is $127,078; and

WHEREAS, based on cost saving benefits both to the customer and to the City, the Utility Billing Division is seeking to increase enrollment in Auto-Pay and Paperless Billing by introducing a one-time discount of $10.00 for all customers who enroll in one of these programs; and

WHEREAS, the discount will be applied within the next two billing periods after enrollment is complete and the customer will be required to agree to keep the Auto-Pay or Paperless Billing feature active for a minimum of six months; and

WHEREAS, the programs would begin on July 1, 2023, and the Utility Billing Division will review the programs after the first six months to determine if any changes should

be applied based on enrollment results; and

WHEREAS, customers already enrolled in Auto-Pay or Paperless Billing would not be eligible for this one-time discount; and

WHEREAS, the discount programs would be funded with miscellaneous late charge and penalty revenues with no revenue from rates used to pay for the discounts; and

WHEREAS, based on current enrollment in each program with a robust estimated increase in enrollment of 10% in the first year, the annual cost for the discount programs would be approximately $30,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves two new Utility Billing discount programs for customers who enroll in Auto-Pay and Paperless Billing for their City of Modesto Utility Bill.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-320

RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION (MPOA) FOR A TERM OF JULY 1, 2023 TO JUNE 30, 2027, AND RELATED SALARY SCHEDULES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Officers Association (MPOA) expires on June 30, 2023, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPOA have reached agreement on language changes for a successor MOU and have memorialized such changes in the Tentative Agreement between the CITY and MPOA ("Tentative Agreement"), attached hereto as Exhibit A, and

WHEREAS, the City Council desires to approve the salary and benefit changes as described in the Tentative Agreement, and

WHEREAS, except as provided in the Tentative Agreement, the remaining provisions of the July 1, 2019, through June 30, 2023 MOU between the CITY and MPOA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MPOA and shall be consistent with the Tentative Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Tentative Agreement, attached hereto as Exhibit A, containing the language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA), which covers a term from July 1, 2023, through June 30, 2027, and related salary schedules, attached hereto as Exhibits B through I.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to take the necessary administrative action to implement the Tentative Agreement, and to prepare and execute the successor MOU to reflect the changed in the Tentative Agreement and consistent with this Resolution. Upon execution of the updated MOU, a copy of the MOU will be 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 27th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto Tentative Agreement for MPOA

June 13, 2023

The parties agree that a total tentative agreement for a successor Memorandum of Understanding (MOU) has been reached on the below items. This total tentative agreement is contingent upon ratification by the bargaining unit and approval by the City Council. All items in the current MOU not identified in this total tentative agreement shall remain the same.

There shall be no retroactivity for any proposed enhancement in this total tentative agreement. The effective date of any proposed enhancement in this total tentative agreement shall be the date identified in the tentative agreement, or the date the City Council approves the enhancement in a successor MOU, whichever is later. Accordingly, to the extent this total tentative agreement identifies a date that is prior to the Council's approval of a successor MOU, those dates shall be revised to the effective date of the successor MOU.

Summary

1) Wages
   a) June 20, 2023, 5% base wage increase[1]
   b) June 18, 2024, 5% base wage increase
   c) July 1, 2025, add Step F and 3% base wage increase
   d) June 30, 2026, 4% base wage increase
2) Education Incentive – Enhancement
   a) BA/BS 2.5% and MA/MS 4% for members in year two of contract
3) Cafeteria Plan – Enhancement
   a) Increase the City contribution per pay period (24 pay periods) as stated below:

	January 1, 2024	January 1, 2025	January 1, 2026	January 1, 2027
Single	$347	$361	$375	$390
Employee + 1	$693	$721	$750	$780
Family	$979	$1,018	$1,059	$1,101
Opt Out	$277	$288	$300	$312

4) Holidays – Enhancement
   a) Adding Juneteenth and Cesar Chavez Day

[1] Numerous hard to fill classifications in other bargaining units received two 2.5% wage adjustments for a total of 5% over the course of their applicable collective bargaining agreements to assist with recruitment challenges for those classifications. The City proposed similar adjustments for this bargaining unit, but this unit preferred that the hard to fill adjustments be embedded within the overall wage adjustments described in this Section instead of being spelled out as a separate adjustment. Accordingly, the hard to fill adjustments for this unit are embedded within the wage increases described below in Section 4. Salary subsections B.1 through B.4.

5) Retiree Health Savings – Enhancement
   a) Additional $10 per month each year of the contract
6) Master Peace Officer – Enhancement
   a) 2.5% per level for 6, 11, 16, 21 years, Max 10%
7) Post Incentive – Enhancement
   a) 6% per Post level, Max 12% in year two of contract
8) Deferred Compensation – Enhancement
   a) Police Management parity with MCMA
9) Bilingual – Enhancement
   a) Increase from 2.75% to 4%
10) Lt. Stipend – Enhancement
   a) Tied to top step of Lieutenant
   b) Expansion of qualifying days of duty
11) FTO – Enhancement
   a) From $40 to $50
12) Equestrian Hours – Enhancement
   a) From 3.4 hours to 4.9 hours
13) Equestrian Shoeing – Enhancement
   a) Up to 8 shoeing per year
14) Wellness – Enhancement
   a) Ability to elect to move two days into a Wellness Leave bank
   b) Must qualify under current requirements
   c) Wellness Bank cap of two years of accrual (four days)
15) Traffic On-Call – New
   a) Parity with Homicide at 12 hours
16) DRE Incentive – New
   a) 2.5% for up to five individuals certification
17) Mobile Field Force Standby – New
   a) 20 hours per team member per incident (8 Officers, 2 Sergeants)
18) Air Support – New
   a) 10% for pilot, 5% for secondary air support
19) Loadbearing Vest – New
20) Language cleanup to vacation cash out to be base pay only
21) Parties agree to other languages changes as discussed.

LANGUAGE

SECTION 1: TERM OF MEMORANDUM

A. This Memorandum shall cover a term commencing at 12:01 a.m. on July 1, 2023~~19~~, and ending at 12:00 a.m. (midnight) on June 30, 2027~~3~~, and covers all matters which MPOA has the right to meet and confer with the CITY during said fiscal years.

B. The CITY and MPOA agree to use the Interest Based Negotiations model for subsequent negotiations.

SECTION 4: SALARY

A. The parties agree that the following base salary ranges and rates shall be applicable on the dates indicated for classifications in this Unit for the period commencing July 1, 2023~~19~~ and ending June 30, 2027~~3~~.

Effective July 1, 2023~~19~~ – June 26, 2027~~3~~

Classification Title	Salary Range
Police Officer Trainee	305~~4~~.0
Police Officer	309~~8~~.0
Police Detective	313~~2~~.0

~~Effective June 27, 2017~~

~~Classification Title~~	~~Salary Range~~
~~Police Officer Trainee~~	~~305.0~~
~~Police Officer~~	~~309.0~~
~~Police Detective~~	~~313.0~~

Classification Title	Salary Range
Police Corporal	603.0
Police Sergeant	611.0
Police Lieutenant	619.0

B. For purposes of this MOU, base salary range shall mean the salary range assigned to a specific classification as provided in Paragraph A, above. Base salary rate shall mean the hourly rate of pay established pursuant to the step placement within the base salary range as provided in this MOU in Exhibit A. Paid time shall be based upon the base salary rate with the computation rounded to the nearest cent.

1. Effective June ~~23~~20, 2023~~0~~, salary ranges shall be adjusted upward by a three percent (3%)[2] as provided in Exhibit A & E (Schedule of Salary

[2] Employees are receiving a 3% increase effective June 20, 2023, pursuant to the prior MOU, if approved by the City Council

Ranges) of this MOU. Effective June 20, 2023, salary ranges shall also be adjusted upward by an additional five (5%) percent as provided in Exhibit A & E (Schedule of Salary Ranges) of this MOU.

2. Effective June 18~~22~~, 2024~~1~~, salary ranges shall be adjusted upward additionally ~~three~~ five (3~~5~~%) percent as provided in Exhibit B & F (Schedule of Salary Ranges) of this MOU.

3. Effective ~~June 21, 2022~~July 1, 2025, salary ranges shall be adjusted upward by three (3%) percent as provided in Exhibit C & G (Schedule of Salary Ranges) of this MOU.

4. Effective June 30, 2026~~20, 2023~~, salary ranges shall be adjusted upward by ~~three~~ four (3~~4~~%) percent as provided in Exhibit D & H (Schedule of Salary Ranges) of this MOU.

Effective June 25, 2019, each employee shall contribute one and one half percent (1.5%) of salary to an agreed upon Base as noted in the Safety Plan in the CalPERS Schedule of Amortization. Salary is defined as base wage and incentive pays.

C. Each salary range shall consist of five (5) steps, A through E. Progression through the steps shall be based upon both length of service and job performance.

1. Step A will normally be paid upon initial employment. The initial salary maybe set at a higher step only upon approval of the Department Director and City Manager. In cases of exceptional performance, employees hired at a step greater than Step A, may be considered for their first step increase after thirteen (13) pay periods.

2. Step B shall be paid upon completion of 13 pay periods with an overall "satisfactory" performance evaluation.

3. Steps C, D, and E shall be paid upon completion of 26 pay periods with an overall "satisfactory" evaluation.

4. Merit step increases within the established salary range, may be granted in addition to those above, upon approval of the City Manager.

5. When a step increase is denied, there shall be another performance evaluation of the employee within thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

6. Due to inferior work, lack of application, or indifferent attitude, an employee's step may be reduced to a lower step upon recommendation

of the supervisor and approval of the department director. Right of appeal is provided under SECTION 34 (DISCIPLINARY APPEALS), given that the Public Safety Officers' Procedural Bill of Rights provides for an appeal. The reasons for the lowering of a step shall be given in writing to the employee.

7. Upon promotion to Corporal, Sergeant, or Lieutenant, a minimum of five percent (5%) increase or Step A, whichever is greater, shall be granted within the new range, provided that the employee does not exceed Step E of the new range. When calculating the minimum of five percent (5%) increase, incentives that will be lost after promotion shall be used to calculate base step placement.

8. All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

D. Effective July 1, 2025, each salary range shall consist of six (6) steps, A through F. Progression through the steps shall be based upon both length of service and job performance.

1. Step A will normally be paid upon initial employment. The initial salary maybe set at a higher step only upon approval of the Department Director and City Manager. In cases of exceptional performance, employees hired at a step greater than Step A, may be considered for their first step increase after thirteen (13) pay periods.

2. Step B shall be paid upon completion of 13 pay periods with an overall "satisfactory" performance evaluation.

4. Steps C, D, E and F shall be paid upon completion of 26 pay periods with an overall "satisfactory" evaluation.

5. Merit step increases within the established salary range, may be granted in addition to those above, upon approval of the City Manager.

6. When a step increase is denied, there shall be another performance evaluation of the employee within thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

7. Due to inferior work, lack of application, or indifferent attitude, an employee's step may be reduced to a lower step upon recommendation of the supervisor and approval of the department director. Right of appeal is provided under SECTION 34 (DISCIPLINARY APPEALS), given that the Public Safety Officers' Procedural Bill of Rights provides for an appeal. The reasons for the lowering of a step shall be given in writing to the employee.

8. Upon promotion to Corporal, Sergeant, or Lieutenant, a minimum of five percent (5%) increase or Step A, whichever is greater, shall be granted within the new range, provided that the employee does not exceed Step F of the new range. When calculating the minimum of five percent (5%) increase, incentives that will be lost after promotion shall be used to calculate base step placement.

~~8.~~9. All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

E. A pay period is defined as the fourteen (14) calendar day period from 12:01 a.m. Tuesday to 12:01 a.m. (Midnight) Monday two weeks thereafter. The first pay period under this MOU shall commence at 12:01 a.m., Tuesday, ~~July 1, 2014~~June 20, 2023.

F. As of September 1, 2016, all employees shall elect to receive their paycheck in the form of a 1) Direct Deposit or 2) a city issued bank card which will have the employee's salary deposited on each official pay day.

G. Deferred Compensation for Police Management

1. The CITY shall provide access to a deferred compensation program authorized by the City Council for the voluntary participation of CITY employees. In addition, the CITY shall match on behalf of a participating employee in a regular position one and one-~~fourths~~ half percent (~~1.25~~1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided the employee is contributing at least ~~two percent~~one and one half percent (1.5~~2~~%).

2. For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY'S contribution shall increase to ~~one~~ two and one half percent (~~1.5~~2.5%); provided, the employee is contributing at least two and one half percent (2.5%) ~~percent~~.

3. Employees will be advised by the Personnel Department of this deferred compensation option upon initial promotion to any management positions. They may initiate enrollment at the time of initial promotion, or any time thereafter, by contacting the Employee Benefits Coordinator and completing the required forms.

SECTION 5: SPECIAL COMPENSATION

A. Field Training

Effective June 20, 2023~~25, 2019~~, a Police Officer or Police Detective temporarily assigned to act as a Field Training Officer (FTO), while training a full-time Community Service Officer (CSO), Reserve Officer, or Police Officer

for whom evaluation and training documentation is required, shall be provided a flat dollar amount of ~~forty~~ fifty dollars ($~~40~~50.00) per day, effective from day one (1) of the assignment.

B. Acting Pay

1. Effective January 6, 2009, when assigned as an Acting Sergeant for more than one-half of the hours in a regular shift, an employee shall receive fifteen dollars ($15.00) per shift as Acting Pay, regardless of the employee's work schedule. Such acting assignments require the approval of the employee's immediate supervisor and the Lieutenant.

2. Effective January 6, 2009, when an assignment as an Acting Sergeant extends beyond twenty-one (21) consecutive days, the Acting Sergeant shall begin receiving five percent (5%) Acting Pay, prospectively, in lieu of the $15.00 per shift. Holidays and regularly scheduled days off shall not interrupt the calculation of consecutive days. Assignments as an Acting Sergeant for more than twenty-one (21) consecutive days shall require completion of a Personnel Action form.

C. Equestrian Overtime Pay

1. Officers assigned to the Equestrian Unit shall be compensated for ~~three~~ four and ~~four~~nine-tenths (~~3.4~~4.9) hours of equestrian care and exercise, paid at time and one-half, for each pay period. Additional equestrian care outside of regularly scheduled duty hours shall be compensated at time and one-half when approved in advance by the Operations Division Commander. Work hours on regularly scheduled duty days may be adjusted by the department to permit equestrian training on duty time.

2. Sergeants assigned to the Equestrian Unit will be compensated for ~~three~~ four and ~~four~~nine-tenths (~~3.4~~4.9) hours of Equestrian care at time and one-half for each two week pay period except when the Operations Division Commander has assigned the Sergeant release time for the conduct of such activity. Lieutenants assigned to the Equestrian Unit will be compensated at four and eight tenths percent (4.8%) for Equestrian care time. Corporals and Sergeants assigned to the Equestrian Unit will be compensated at time and one-half for time outside of regularly scheduled duty hours when approved in advance by the Operations Division Commander.

~~2.~~3. Effective July 1, 2023, employees assigned to the Equestrian Unit will be reimbursed for up to eight (8) horse shoeings annually, for up to one hundred sixty dollars ($160) each shoeing. Employees will be required to submit the appropriate paperwork per the City's reimbursement policies to receive reimbursement.

D. Canine Pay

1. The City and MPOA agree that the average amount of time required for proper kennel care is 28 minutes per day, (or 0.47 of an hour per day). This equates to 6.58 hours per pay period (0.47 of an hour times 14 days per pay period). This is based upon a survey of all Modesto Police Canine Handlers. Kennel care includes, but is not limited to, time spent in feeding, grooming, and cleaning the kennel area and personal vehicle used to transport the canine. Sergeants, Corporals or Lieutenants will not be assigned to handle working canines, but may be assigned to train, direct, supervise or manage canine unit operations. Corporals or Sergeants so assigned will be compensated at time and one-half for hours required for such duties which occur outside of regularly scheduled duty hours.

2. Effective February 22, 2005, the following formula shall be implemented for kennel care:

   a. Officers assigned with a canine shall be paid 2.8 hours per pay period (0.2 of an hour per day times 14 days per pay period) at their regular rate of pay, at time and one-half.

   b. The remaining 3.78 hours per pay period shall be compensated at straight time, and given to the officer as release time. Although it is understood the remaining 3.78 hours per pay period equates to 8.22 hours per month (3.78 hours per pay period times 2.175 pay periods per month), the CITY and MPOA agree the handler will receive 8.5 hours per month as release time. This release time shall be taken off in the same month as earned, and shall not accrue month to month. This time off shall be approved by the officer's immediate supervisor, subject to staffing needs of the department.

3. Kennel care hours in excess of 6.58 hours per pay period, as noted above, may be authorized when approved in advance by the canine Sergeant, the program Lieutenant, or a Captain. All other overtime hours worked including but not limited to, canine demonstrations, formal canine training and police work shall be compensated in accordance with SECTION 6 (OVERTIME) of this MOU. Regularly scheduled work hours on a scheduled duty day may be adjusted by the department to permit canine training that is scheduled for more than six (6) hours on a duty day.

E. Call Back Police Officers and Detectives

1. All employees shall have an obligation to perform call back duty. Call back duty is any work required to be performed outside the regularly scheduled shift, excluding pre or post extension of shift. Pre or post extension of shift is defined as call back to duty within two hours' time of

the beginning or ending of a regular work shift. For call backs occurring within two hours' time of the beginning or end of a regular work shift, no call back minimum shall apply.

2. Compensation for call back duty shall be a four (4) hour minimum at time and one-half if the appearance time occurs with less than forty-eight (48) hours advance notification. If the appearance time occurs with forty-eight (48) hours or more advance notification, a two (2) hour minimum at time and one-half shall apply. The exception shall be, that if the appearance date and time falls on a regular day off, compensation for call back duty shall be a four (4) hour minimum at time and one-half if the appearance time occurs with less than seventy-two (72) hours advance notification.

3. If notification for call back occurs within two hours' time of the beginning of a regular work shift, overtime at time and one-half will be compensated beginning with the time of notification and concluding at the beginning of the shift.

4. If call back occurs within two hours' time of the ending of a regular work shift, overtime at time and one-half will be compensated beginning with the shift ending time and concluding with the completion of the work assignment.

F. Callback Police Management

1. All employees shall have an obligation to perform call back duty for emergency, exceptional or unusual conditions. Compensation for call back duty for Corporals and Sergeants shall be as follows, excluding pre or post extension of shift: a four (4) hour minimum at time and one-half if the appearance time occurs with less than 48 hours advance notification. If the appearance time occurs with 48 hours or more advance notification, a two (2) hour minimum at time and one-half shall apply. The exception shall be that if the appearance date and time falls on a regular day off, compensation for call back duty shall be a four (4) hour minimum at time and one-half if the appearance time occurs with less than 72 hours advance notification.

2. Pre or post extension of shift is defined as call back to duty within two (2) hours' time of the beginning or ending of a regular work shift. For call backs occurring within two (2) hours' time of the beginning or end of a regular work shift, no call back minimum shall apply.

3. If notification for call back occurs within (2) two hours' time of the beginning of a regular work shift, overtime at time and one-half will be compensated beginning with the time of notification and concluding at the beginning of the shift.

If call back occurs within two (2) hours of the ending of a regular work shift, overtime at time and one-half will be compensated beginning with the shift ending time and concluding with the completion of the work assignment.

On-Call Duty

1. Defined:

On-Call Duty will be mandatory for all Detective I and Detective II employees assigned to Investigative Services Division (ISD) and Traffic Safety Unit. Employees ~~Detectives~~ shall perform On-Call Duty in addition to regular duty, by being available during holidays, nights and weekends. On-Call duty for ~~Detectives~~ employees is separate and distinct from Court Overtime stand-by which is covered in the MPOA MOU, Section 7, Court Overtime, and which may require the officer with court duty to be present at work or in court.

2. Assignment:

On-Call Duty will be assigned on a rotational basis and scheduling shall be arranged as much as possible to provide for equitable rotation of the duty. There will be four (4) detectives and one (1) Sergeant from ISD; ~~assigned each week to On-Call Duty~~and one (1) sergeant and two (2) officers from Traffic Safety Unit assigned each week to On-Call Duty.

Generally, the Department will assign:

1. One Homicide Sergeant
~~1.~~2. Two (2) Homicide Unit detectives*.
3. Two detectives from the combined pool of Property Crimes Unit and Special Victims Unit*.
4. One Sergeant from Traffic Safety Unit
~~2.~~5. Two Officers from Traffic Safety Unit

*Exception: The ISD Division Commander will have the discretion to *temporarily* defer from the above outline and adjust (increase) staffing needs or designate which ISD members will be placed on On-Call Duty, when operational needs call for such an adjustment.

78. ~~3.~~ Time Period:

Assignments to On-Call Duty shall normally be for seven (7) consecutive days. On-Call Duty assignment will begin on Tuesday at 0700 hours and run continuously until the following Tuesday at 0700 hours.

78. ~~4.~~ Trading Assignment:

Employees will be allowed to trade their assigned On-Call Duty assignment, only with prior supervisor approval. Generally detectives will be required to trade only with other detectives from their unit (i.e.: Homicide, Property, SVU), unless an exception is made by the ISD Division Commander or Operations Division Commander for Traffic.

Each Detective I and Detective II will be required to complete their annually assigned On-Call duty requirement.

78. ~~5.~~ Response Time:

On-Call Duty requires that employees assigned shall:

1. Provide a telephone number they can be reached.
2. Respond to telephone calls from the department.
3. Be able to respond to the location of assignment within a reasonable period of time, not to exceed sixty (60) minutes. Exceptions to the sixty-minute (60) restriction may be made by the ISD Division Commander.

78. ~~6.~~ Compensation:

An employee performing On-Call Duty for seven consecutive days shall be compensated twelve (12) hours at the employee's straight time rate, whether or not calls for service were received.

7. Mobile Field Force Standby

Employees on the Mobile Field Force will receive twenty (20) hours of Standby Pay per incident, as designated by the Chief of Police. Mobile Field Force Standby shall be limited to two (2) sergeants and eight (8) officers per incident. The department will seek volunteers first and if unsuccessful, MFF members will be subject to mandate. The standby hours will be paid out in the pay period the incident falls within. An incident is defined as a maximum of a seven-day period.

~~7~~8. Vehicles:

Personnel assigned to On-Call Duty will follow the Modesto Police Department Policy regarding Vehicle Use (Policy Number 706).

G. Bilingual Pay

1. Employees who communicate orally in Spanish and/or Southeast Asian languages common to this area, who pass the CITY's proficiency examination and who agree to utilize this skill in the course of their duties, shall be eligible for ~~two and three fourths~~four percent (~~2.75~~4.0%) Bilingual Pay. In the event an employee is multilingual, the maximum

Bilingual Pay received by any employee remains at ~~two and three-fourths~~four percent (~~2.75~~4.0%).

2. Proficiency in oral communications will be determined by an oral examination. Examination boards/panels will be convened as deemed necessary by the CITY. Three (3) people, recognized as being bilingual by the CITY, will sit on the examination panel. To pass the examination, two (2) of the three (3) panel members must agree that the employee is proficient in oral bilingual communication. If an employee passes the examination, Bilingual Pay will begin at the start of the next pay period.

3. Other languages may also qualify for bilingual pay, if a need is determined by the CITY. In this event, the above stated procedures will be utilized.

4. Bilingual Pay is compensation for active utilization of the bilingual skills in the workplace. Employees receiving Bilingual Pay who are out of the workplace for more than six (6) consecutive full pay periods shall cease receiving Bilingual Pay, unless the absent employee is on 4850 time. Employees absent on 4850 time shall cease receiving Bilingual Pay when the absence extends beyond twelve (12) full pay periods. Bilingual Pay shall resume immediately upon the employee's full time return to the workplace.

5. The Police Chief reserves the right to discontinue any employee's Bilingual Pay if the Chief determines that the bilingual services are not being effectively provided.

H. Master Police Officer

1. Effective June 20, 2023 ~~25, 2019~~, members are eligible for Master Officer Pay upon meeting the below requirements.

   a. Members are eligible for two and one half percent (2.5%) with a minimum of ~~Ten~~ Six (~~10~~6) years of experience as a full time sworn Peace Officer AND three (3) years in a special assignment and/or FTO

   b. Members are eligible for an additional two and one half percent (2.5%) for a total of five percent (5.0%) with a minimum of ~~fifteen~~ eleven (11~~5~~) years of service as a sworn Peace Officer AND two (2) years in an additional special assignment (within the officer's total years of service) OR experience as a FTO OR possession of a POST Instructor Certificate for at least one (1) year OR one (1) year of supervisory experience.

c. Members are eligible for an additional two and one half percent (2.5%) for a total of seven and one half percent (7.5%) ~~one percent (1.0%) for a total of six percent (6.0%)~~ with sixteen (16)~~twenty (20)~~ years of service AND must meet requirements above in (a) and (b).

~~c.~~d. Members are eligible for an additional two and one half percent (2.5%) for a total of ten percent (10%) with twenty-one (21) years of service AND must meet requirements above in (a) and (b).

2. Prior experience as a full time sworn Peace Officer at another agency/jurisdiction shall qualify to satisfy this requirement. The Chief of Police has the discretion to qualify other law enforcement career fields with similar job descriptions. This provision shall be construed broadly to assist employees to satisfy this requirement.

    a. Those employees who held status as Senior Officers or Senior Detectives (Fifteen (15) years' experience) as of August 9, 2016 (under the prior M.O.U.) are hereby grandfathered into and shall receive the Master Police Officer or Master Detective pay pursuant to Section G.2.

    b. Employees who are grandfathered into Master Police Officer or Master Detective shall be deemed to have met all of the requirements for that Master Police Officer or Master Detective incentive.

    c. As of August 9, 2016, employees who are not grandfathered into the Master Police Officer/Detective incentive pay shall be eligible to receive or increase Master Police Officer and Master Detective pay upon meeting the requirements as outlined in G.3.

When applicable, it will be the responsibility of each Police Officer or Detective to provide the City with their individual eligibility satisfying the above requirements. Upon receiving this eligibility, the employee will begin receiving the Master Police Officer or Master Detective pay they qualify for. It will be the City's responsibility to verify the employee's eligibility. If an employee does not submit the notification of eligibility once it is received, there will be no retroactivity back to the date of completion of the requirements.

I. POST Certification Pay

1. ~~Upon ratification e~~Employees who possess an Intermediate POST Certificate shall be eligible for five (5%) percent certification pay.

~~1.~~ Effective June 18, 2024, employees who possess an Intermediate POST Certificate shall be eligible for six (6%) percent certification pay

2. Police Officers and Detectives who possess an Advanced POST Certificate shall be eligible for ten percent (10%) certification pay. ~~who possess an Advanced POST Certificate~~

Effective June 18, 2024, Police Officers and Detectives who possess an Advanced POST Certificate shall be eligible for twelve percent (12%) certification pay

3. Police Management who provide evidence that they have received an Advanced POST Certificate shall be eligible for five percent (5.0%) certification pay.

~~3.~~ Effective June 18, 2024, Police Management who provide evidence that they have received an Advanced POST Certificate shall be eligible for six percent (6.0%) certification pay.

4. Employees who provide evidence that they have received a Supervisory POST Certificate shall be eligible for ten percent (10.0%) certification pay.

Effective June 18, 2024, Employees who provide evidence that they have received a Supervisory POST Certificate shall be eligible for twelve percent (12%) certification pay.

5. The maximum POST certificate pay shall be ten percent (10%) until June 18, 2024 when the maximum POST certificate pay shall be twelve percent (12%)~~.~~

J. Educational Incentive Pay~~y Management~~:

1. Employees in the rank of Lieutenant ~~who have completed one full year of service with the CITY, and~~ who possess a Bachelor's Degree from an accredited institution shall be eligible for two and one-half percent (2 ½%) Educational Incentive Pay, subject to criteria established by the CITY.
2. Employees in the rank of Sergeant or Lieutenant ~~who have completed one full year of service with the CITY, and~~ who possess a Master's Degree or Juris Doctor from an accredited institution shall be eligible for one and one-half percent (1.5%) Educational Incentive Pay, subject to criteria established by the CITY.
3. Employees in the rank of Lieutenant possessing both a bachelor's degree and masters, as provided above, shall be eligible for a maximum pay differential of four percent (4%) regardless of the number of degrees obtained.

Effective June 18, 2024, all employees in this bargaining unit who possess the above degrees shall be eligible for the above incentives as listed in J.1 through J.3 and it shall not be limited to Sergeant or Lieutenant.

K. Motorcycle Maintenance

Employees assigned a take home motorcycle shall be eligible for release time of up to four (4) hours per month (equal to 1.84 hours per pay period) for the maintenance of the motorcycle. This release time shall be taken off in the same month as earned and shall not accrue month to month. This release time shall be approved by the officer's immediate supervisor, subject to staffing needs of the department.

L. Collateral Assignment Pay

Effective the pay period including June 30, 2019, Collateral Assignment Pay for Officers, Detectives, and Sergeants assigned to SWAT, CIT, Drug Recognition Expert or K-9 units shall receive a maximum of two and one half percent (2.5%) with the exceptions of FTO Sergeant who shall receive one percent (1%) in addition to one other collateral assignment.~~,~~ Effective June 20, 2023, Air Support Pilot shall receive a ten percent (10%), and Tactical Flight Officer to receive five percent (5%). ~~.~~

Definitions:

1. Canine Handler (assigned to a Canine Unit)
   a. Assignment is routinely and consistently assigned to handle, train and board a canine.
2. CIT
   a. Assignment is routinely and consistently assigned to function as a liaison between special persons, groups or courts and the police/sheriff department
3. SWAT
   a. Assignment is routinely and consistently assigned to enforce laws relating to a group of individuals banded together for unlawful activities.
4. FTO Sergeant
   a. Assignment routinely oversees Field Training Officers
5. Drug Recognition Expert (DRE)
   a. Assignment is routinely and consistently assigned to enforce Driving under the influence (DUI) of alcohol and drugs. DRE will be limited to 5 members[3].
6. Air Support Pilot
   a. Assignment is routinely and consistently assignment as aircraft/helicopter pilots
7. Tactical Flight Officer

[3] City to identify criteria necessary to be deemed one of the five employees eligible to receive this incentive. Incentive to be implemented once this criterion is established.

~~a.~~ a. Assignment is routinely and consistently assigned for time spent as co-pilot or crew on work related missions.

Employees must maintain a meets expectations performance review to maintain collateral assignment.

M. Special Assignments - Sergeant

1. Effective the pay period including July 1, 2018, when a Sergeant is removed from regular patrol duties and assigned by the Chief or his/her designee to a special assignment, the Sergeant will be eligible for special assignment pay as provided below.

ISD Sergeant	5%
MNET/MCU Sergeant	5%
Traffic Sergeant	5%
IA Sergeant	5%
BHU/CRT Sergeant	5%
SDEA Sergeant	5%
SGU Sergeant	5%
FTO Coordinator Sergeant	5%
Admin Sergeant	5%
Recruitment Sergeant	5%
~~FTO Sergeant~~	~~1%~~

2. The parties recognize that the foregoing special assignment pays are made in recognition of additional duties assigned, including availability for call outs (bargaining unit members do not qualify for on call pay).

3. Special Assignments will be for a period of one year. However, the Department may renew an employee's Special Assignment for additional one-year terms so long as the employee receives a satisfactory performance review. No employee shall remain in a special assignment for more than four (4) consecutive years without express written authorization from the Chief of Police or designee.

4. Employees may be assigned to more than one Special Assignment. However, the maximum compensation for special assignments (regardless of number) is five percent (5%).

N. Special assignments – Police Officer

1. There shall be a four (4) consecutive year limit to the assignment of a Police Officer to special assignments. For all assignments made after July 1, 2014, the term of the assignment shall not exceed four (4) consecutive years. Absent of exceptional circumstances, employees who have completed four (4) consecutive years in special assignments

(or five consecutive years if special assignment was made before July 1, 2014), must perform at least twelve (12) months of regular patrol duty before being assigned to another special assignment.

a) Detective I and Officers assigned to a special assignment are subject to a review of their previous annual evaluation prior to the beginning of their last consecutive year. The Detective I or Officer must show consistent rating of "professional" in the previous annual evaluation before approval by the Chief or his/her designee to complete the last consecutive year in the special assignment.

2. In the event an officer has fulfilled the maximum term limit and must vacate a special assignment, but the department has not received any interest from qualified applicants, the incumbent officer may, with approval of the Police Chief, extend the assignment one (1) year. However, if the department receives interest from qualified applicants during the one (1) year extension, the incumbent officer must vacate the special assignment at the end of the one (1) year extension in order to fill the position with an applicant. The one (1) year extension may be repeated if the preceding conditions persist.

3. Detective I are defined as Police Officers assigned to Investigations Division in the following details currently designated as:

    a) Crimes Against Persons
    b) Special Victims Unit
    c) Crimes Against Property

4. Detective I assignments shall serve in a rotational assignment for a maximum of four (4) consecutive years. The employee's performance will be evaluated annually and must maintain a minimum rating of "professional" to remain in the assignment. Detective I's may be assigned responsibility of multiple case management. The Chief of Police or his designee may exercise, notwithstanding paragraph B above, at his discretion to extend this assignment beyond four (4) years.

5. Detective II

~~a)~~ A Detective II may choose to rotate to patrol for up to four (4) years while maintaining his Detective II salary. If at any time while the Detective II works in the patrol assignment, and a Detective II position becomes open/unfilled, the Detective II is entitled to the first right of return to the open Detective II position. A Detective II may have the option of permanently rotating to patrol, and shall maintain the Detective II salary. When a Detective II elects to returns to patrol duties on a permanent or temporary basis, they will forgo Detective compensation (i.e. take home car, on call pay, etc.).

6. Special Assignments

Officers assigned to special assignments shall serve in a rotational assignment for a maximum of four (4) consecutive years. The employee's performance will be evaluated annually and must maintain a minimum rating of "professional" to remain in the assignment. The Chief of Police or his designee may exercise, notwithstanding paragraph B above, at his discretion to extend this assignment beyond four (4) years.

The duration of a special assignment shall be up to four (4) years with overall "Professional" annual performance evaluations in the assignment. The Chief of Police or his designee may exercise, notwithstanding paragraph B above, at his discretion to extend an employee's special assignment beyond four (4) years.

When assigned as a Detective I as provided in SECTION ~~22~~5, Subsection N.1(3)~~B~~, the Police Officer will be eligible for five percent (5%) Detective I assignment pay.

With the exception of Detective I, when an officer is removed from regular patrol duties and assigned by the Chief or his/her designee to a special assignment as provided below, the Police Officer will be eligible for two percent (2%) special assignment pay.

Beginning June 27, 2017, with the exception of Detective I, when an officer is assigned by the Chief or his/her designee to a special assignment as provided below, the Police Officer will be eligible for an additional two percent (2%) special assignment pay (total of 4%).

Beginning June 26, 2018, with the exception of Detective I, when an officer is assigned by the Chief or his/her designee to a special assignment as provided below, the Police Officer will be eligible for an additional one percent (1%) special assignment pay (total of 5%).

Employees who maintain multiple special assignments shall only be entitled to a maximum of five percent (5%) in special assignment compensation.

Special Assignment Definitions:

1. Beat Health/CRT (Housing Authority Officer/ Nuisance Abatement)
   a. Assignment is routinely and consistently assigned to function as a liaison between special persons, groups, schools, non-profits, businesses or faith-based organizations and the police department.
2. CVGIT Officer

a. Assignment is routinely and consistently assigned to enforce laws relating to a group of individuals banded together for unlawful activities.

3. DUI Officer
   a. Assignment is routinely and consistently assigned to enforce Driving Under the Influence (DUI) of alcohol or drug laws.
4. Gang Investigations Officer
   a. Assignment is routinely and consistently assigned to enforce laws relating to a group of individuals banded together for unlawful activities.
5. MNET/MCU Officer
   a. Assignment is routinely and consistently assigned to drug enforcement.
6. School Police Officer
   a. Assignment is routinely and consistently assigned to enforce laws that restrict the activities of juveniles.
7. Recruit Training Officer
   a. Assignment is routinely and consistently assigned to train employees.
8. SDEA/HITDA/CALMET/Drug Task Force Officer
   a. Assignments are routinely and consistently assigned to drug enforcement.
9. SGU Officer
   a. Assignment is routinely and consistently assigned to enforce laws relating to a group of individuals banded together for unlawful activities.
10. STANCATT Officer
    a. Assignment is routinely and consistently assigned to a detective or investigative division or intelligence duties.
11. Traffic Officer
    a. Assignment is routinely and consistently assigned to direct traffic.
12. Warrants Officer
    a. Assignment is routinely and consistently assigned to return a person to the custody of another jurisdiction.

~~O. Retention~~

~~1. Retention bonus has been established for the term of this MOU to address immediate escalating recruitment and retention issues that have resulted in the department's inability to fully staff basic patrol functions and special assignment needs. The inability to retain and recruit has resulted in a significant net loss of fully trained officers due to lateral opportunities at other agencies.~~

~~2. For the term of this contract, the City shall pay each member one thousand dollars ($1,000) as a retention bonus on the second pay period in July of each year.~~

~~a. Employees must be a MPOA member in an active paid status at time of bonus pay date to be eligible.~~

~~P.~~O. All other administrative policies and procedures regarding this section shall be as contained in the Personnel Rules and Personnel Administrative Orders.

SECTION 6: OVERTIME

A. Overtime

1. Except as otherwise provided herein, non-exempt (Hourly) employees shall be compensated at a rate of time and one-half of their regular rate of pay for all time worked outside of their scheduled duty days as defined in SECTION 20 (WORK SCHEDULES), without regard to time actually worked in any day or given period of time.

2. It is the policy of the City of Modesto to discourage overtime except when necessitated by abnormal or unanticipated work load situations. It is the responsibility of Department Directors to arrange for the accomplishment of work load under their jurisdiction within the normal tour of duty of their employees. Each department shall keep complete and accurate records of all overtime earned in every pay period. The CITY has the right to require each employee to work overtime as necessary. To the extent possible and in the sole discretion of the Department Director, preplanned and non-specialized overtime will be distributed equitably among qualified employees within the department.

3. All overtime worked must be reported by the employee to the supervisor the day or shift following the day or shift in which the overtime was worked.

4. Overtime shall be compensated at time and one-half and shall be paid or recorded as compensatory time, at the employee's discretion, except as follows: when working a voluntary overtime assignment where the funding is from a non-City of Modesto source and the funding is restricted as to its use, or where funding is from a City of Modesto non-General Fund restricted source, compensation shall be paid as overtime and shall not be recorded as compensatory time. Such restricted sources of funding shall include, but are not limited to, designated grants, special districts, state/federal transit and airport security, and non-General Fund parking revenue.

5. Lieutenants are designated as "exempt" from the overtime requirements of the FLSA. Corporals and Sergeants are designated as "non-exempt" from the overtime requirements of FLSA. Lieutenants may be asked to perform duties outside regularly scheduled duty hours, without additional compensation as a part of their job requirements. The CITY has the right to require employees covered by this Memorandum to work outside regular duty hours as necessary.

6. All overtime worked by non-exempt employees shall be in accordance with existing Modesto Police Policy Manual – Policy No. 1038, as this Order may be modified from time to time, after meeting and conferring with respect to such modifications, if any. Overtime shall be reported by the employee to the supervisor the day or shift following the day or shift in which the time is worked.

7. A Sergeant temporarily assigned to act as a Lieutenant (in other than a Watch Commander assignment) for five (5) or more regularly scheduled, consecutive workdays shall be credited with five-tenths (0.5) hour compensatory time off per day, credited at straight time, retroactive to the first day of the assignment. Holidays and regularly scheduled days off shall not interrupt the calculation of consecutive workdays. A Sergeant temporarily assigned to act as a Watch Commander for six (6) or more hours in a day, shall be credited with seven-tenths (0.7) hour of overtime. A Lieutenant assigned to act at a higher rank by a Personnel Action Form for twenty (20) or more consecutive workdays, shall be paid five (5%) percent acting pay retroactive to the first day of the assignment.

8. Prior to promotion to Lieutenant, an employee shall be paid for one-half of all accrued compensatory time.

9. Lieutenants shall receive Management Leave (E-Time) of eighty (80) hours annually, to be advanced at the beginning of each calendar year. Lieutenants assigned to the collateral assignments of SWAT, CIT, and Equestrian may cash out Management Leave once annually during the pay period in which December 1 falls up to a maximum of eighty (80) hours. Lieutenants not assigned to one of the above collateral assignment may cash out Management Leave once annually during the pay period in which December 1 falls up to a maximum of sixty (60) hours.

B. Compensatory Time

1. Compensatory time-off may be taken with the mutual consent of the employee and the employee's supervisor or Department Director.

2. Employees hired prior to January 6, 2009 will be paid on a quarterly basis, for all compensatory time over two hundred forty (240) hours. Employees hired on or after January 6, 2009 will be paid on a quarterly basis for all compensatory time over two hundred (200) hours.

   Cash out of hours will be calculated by payroll using the CTO hours from the first pay period ending in the months of March, June, September, and December. Cash out of hours will be paid in the second pay period ending in the months of March, June, September, and December. If employees choose to cash out additional time to be paid in the second pay period of the months listed above, employees will be paid out for both the (i) hours such employees elected to cash out, plus (ii) the hours automatically cashed out in accordance with the preceding paragraph and all cashed out hours will be deducted from the employees' accrued CTO.

3. Employees may request payment of compensatory time to be included as part of a regular paycheck so long as the request is for at least twenty (20) hours and sufficient notice, as determined by the Finance Director, is provided.

4. Employees should have regular working hours when feasible. Daily work schedules may be adjusted by mutual consent of the employee and supervisor or Department Director.

C. <u>Police Lieutenant Stipend</u>

1. Police Lieutenant employees shall not be eligible for overtime for extra hours worked to perform duties of their assigned positions, but are eligible for an hourly stipend under the following specific guidelines and only when expressly authorized by the Chief of Police, Assistant Chief or Division Captain.

   Any work duties performed outside regularly scheduled hours that do not meet the below stipend eligibility requirements as determined by the Chief of Police will not require any additional compensation.

   a. When assigned to cover as a Patrol Watch Commander with the shift need requiring ten or more hours in length, six of which must be during peak hours (as identified below) or to meet the needs of the department as determined by the Chief of Police, Assistant Chief or Division Captain.

i. Consistent with the most recent analysis of patrol calls for service (CFS) and the identified needs of the department, peak hours are identified as Monday – Saturday 0800-2200.
ii. Peak hours will be reassessed yearly with the option to reopen by either party.

This need will most commonly arise when a watch commander is off-duty on a regularly scheduled work day due to vacation, school or other preapproved time off.

b. Below is the established patrol minimum supervisor staffing levels for the 3/12.5 schedule. When minimum staffing levels are met and the need to fill the Watch Commander position exists, the senior sergeant should be assigned the fill the Watch Commander. Under these circumstances no lieutenant call back should occur unless approved by Chief of Police, Assistant Chief or Division Captain.

Time Period	Minimum supervisor staffing (Sergeants AND Lieutenants)
0600-1000	2
0900-0230	3
0230-0600	2

c. Lieutenants electing to receive stipend pay for covering a Watch Commander shift shall not adjust any regular duty time in addition to receiving this pay. It is recognized that the intent of the stipend pay is to allow for lieutenant coverage at the Watch Commander position and should not create a situation where the covering lieutenant's primary duty is left unfilled or the cause of additional supervisor overtime or stipend pay.

d. Lieutenants approved to receive stipend pay as outlined above shall be compensated at Lieutenant top step ~~a rate of $62.50~~ per hour worked covering Watch Commander and other approved assignments.

SECTION 8: UNIFORMS AND UNIFORM ALLOWANCES

A. Uniforms

All employees shall wear uniforms in accordance with the Police Department's Manual of Uniforms and Equipment.

The CITY shall provide required department approved safety equipment to all personnel assigned to special assignments or collateral assignments. Below is a list of assignments. Details of uniforms and mandatory equipment shall be identified in the Police Department's Manual of Uniforms and Equipment.

1. Canine
2. SWAT
3. Motor Officer (Full-time/Auxiliary)

B. Uniform Allowance

Each employee will be paid, a uniform allowance of one hundred one dollars and sixty-seven cents ($101.67) per month. Uniform allowance is paid on a monthly basis on the second pay date of each month.

C. Load Bearing Vest
The City shall reimburse employees, up to six hundred dollars ($600), for the purchase of a load bearing vest upon request Reimbursement is limited to not sooner than five years from the previous reimbursement unless directed to replace the vest by the Division Commander.

SECTION 11: RETIREE HEALTH INSURANCE

Police Officers and Detectives

A. The City will no longer offer retiree medical plans through City's group plans effective July 1, 2014, however, retiree may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost.

B. Central Valley Trust:

MPOA hereby acknowledges and agrees that it's Police Officers and Detectives have made the decision to sign a Joinder Agreement with the Central Valley Medical Trust and that this decision has been made independently of the City. The City of Modesto makes no representations or warranties regarding the Plan or Trust or the ability or willingness of the Plan or Trust to make payments or provide benefits to or on behalf of the Officers and Detectives of the MPOA or their dependents now or in the future.

The City of Modesto makes no representations or warranties regarding the taxation of the contributions to the Plan and/or Trust, the taxation of benefits paid under the terms of the Plan, or the compliance of the Plan and/or Trust with any state or federal tax laws. Participating members and former members shall be solely responsible for any state, federal or other taxes associated with their participation in the Plan and/or Trust.

Applicable officers, members and exclusive representatives shall indemnify, defend and hold harmless the City of Modesto, its employees and agents (collectively, the "Indemnified Parties") from and against any and all claims, liabilities and expenses, including without limitation all costs, taxes, liens, assessments, levies, penalties, claims for benefits, attorneys' fees, fines, damages and judgments, in connection with the participation of the MPOA

and its members and former members in the Plan and/or Trust and in connection with the provision of benefits to members or former members of the MPOA.

C. Eligible Employees hired before January 1, 2011:

1. Retiree Medical Program

   a. Upon establishment and set up of the Central Valley Retiree Medical Trust, the City shall contribute a City contribution of $25 per month retroactively effective July 1, 2014. Beginning January 1, 2015, the defined City contribution shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019.

   b. Beginning January 1, 2024, the defined City contribution shall increase annually through January 1, 2027, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $140 per month by January 2027.

   c. Employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the Central Valley Retiree Medical Trust at the rate of eight (8) hours equals one month of contribution to purchase medical insurance.

2. Funding/Eligibility of Retiree Medical Program/Sick Leave Conversion

   a. For each eight hours converted to retiree medical, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient	Medicare Eligible Recipient
Retiree Only = $500	Retiree Only = $250
Retiree +1 Dep = $1,000	Retiree +1 Dep = $500
Retiree + Family= $1,000	Retiree + Family = $500

Combined contributions for Retirees
1 Non-Medicare + 1 Medicare coverage = $750

   b. Retiree Only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer).

   c. Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic

partner has medical insurance through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent.

d. Upon retirement only, the City shall transfer contributions based on eligibility above into the retiree's individual account with the Central Valley Retiree Medical Trust. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows:

   i. Upon Retirement – initial contributions will be made for the months from loss of coverage with City through either December 31st or June 30th, whichever date is first. Contributions will be deposited no later than 30 days after retirement date.

   ii. Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) & July 31st (for months July - December) until exhaustion of sick leave conversion.

3. To receive the semi-annual contribution, the Retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year. This will not result, however, in a reduction to the number of months the Retiree is eligible for receiving contributions in the future.

4. If Retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the Retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the Retiree's status changes from Retiree Only to Retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the Retiree for the change in status for the month of December in the previous calendar year. If the Retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the Retiree receiving a contribution for the Retiree Only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the Retiree's death.

5. In the event of the death of Retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a

contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set forth in subparagraph (C)(2)(a) above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

D. Eligible Employees hired on or after January 1, 2011:

1. For employees hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee as described below:

   a. Eligibility: Regular full time employees and employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions are eligible to receive a City contribution to a defined contribution retiree medical benefit plan, if they have completed two (2) full years of continuous City regular service. If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.

   b. City Contribution:

      i. Initial Contribution: On the first pay period following completion of two (2) full years of continuous City service, regular full time employees shall receive a lump sum contribution of $2,400 deposited into a defined contribution retiree medical benefit plan account established in their name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on their hours worked.

      ii. Regular City Contribution: After the initial contribution (defined above) is made, the City shall contribute for each eligible full time employee $100.00 per month. For a full time employee, this equates to a maximum of $1,200 per year after the initial eligibility period is met.

      iii. Beginning January 1, 2024 the defined City contribution shall increase annually through January 1, 2027, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $140 per month by January 2027.

      ~~ii.~~iv. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section

represents the entire contribution towards employee retiree medical.

c. Defined Contribution Retiree Medical Benefit Plan:

i. Contributions shall be made for each eligible employee in the form of a deposit into a City sponsored plan through ICMA in the form of a Retirement Health ~~Reimbursement~~ Savings Account ~~Arrangement~~ (RHS~~HRA~~). Plan program is subject to the below rules and regulations:

a. Participants may access the balance in their ~~HRA~~ RHS account upon termination of employment and attainment of age 50 or retirement from CalPERS Retirement System, whichever is earlier.

b. Participants may defer accessing the account balance to any time beyond the earliest date described in (1).

c. Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan subject to the limitations and maximums as stipulated by law, however, federal regulations at this time does not permit the inclusion of expenses for domestic partners.

d. This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

ii. Effective July 1, 2014, contributions for Police Officers and Detectives shall be made for each eligible employee in the form of a deposit into a sponsored plan through Central Valley Retiree Medical Trust.

a. Medical trust is subject to the rules and regulations established and subject to revenue rulings for these types of plans as promulgated.

Police Management

I. Eligible Employees hired before January 1, 2011:

A. The City will no longer offer retiree medical plans through City's group plans effective August 26, 2014; however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost.

B. Retiree Medical Program

1. The City shall contribute to a City sponsored defined contribution retiree medical benefit plan for each employee. Effective August 26, 2014, the City contribution will be $25 per month. Commencing January 1, 2015, and continuing each year thereafter through January 1, 2019, the City contribution shall increase by an additional $10 per month, per employee in January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019.

~~1.~~2. Beginning January 1, 2024, the defined City contribution shall increase annually through January 1, 2027, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $140 per month by January 2027.

~~2.~~3. Employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution to purchase medical insurance.

C. Funding/Eligibility of Retiree Medical Program/Sick Leave Conversion

1. For each eight hours converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non Medicare Eligible Recipient		Medicare Eligible Recipient	
Retiree Only =	$500	Retiree Only =	$250
Retiree +1 Dep =	$1,000	Retiree +1 Dep =	$500
Retiree + Family =	$1,000	Retiree + Family =	$500

Combined contributions for Retirees
1 Non-Medicare + 1 Medicare coverage = $750

a. Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e., through State Exchange, through individual insurance company, through a current employer, or through spouse employer).

b. Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent.

c. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health ~~Reimbursement~~ Savings ~~Arrangement~~ (~~HRA~~RHS) account for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows:

   i. Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

   ii. Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) and July 31st (for months July - December) until exhaustion of sick leave conversion.

2. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. This will not result; however, in a reduction to the number of months the retiree is eligible to receive contributions in the future.

3. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree

receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death.

4. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set forth in subparagraph (I)(C)(1) and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

II. Eligible Employees hired on or after January 1, 2011

A. For employees hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a ~~Health Reimbursement Arrangement~~Retirement Health Savings (RHS)~~HRA)~~ account, as described below:

1. Eligibility: Regular full time employees and employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions are eligible to receive a City ~~HRA~~ RHS contribution, if they have completed two (2) full years of continuous City regular service. If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.

2. City Contribution:

a. Initial Contribution: On the first pay period following completion of two (2) full years of continuous City service, regular full time employees shall receive a lump sum contribution of $2,400 deposited into an ~~HRA~~ RHS account established in their name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on their hours worked.

b. Regular City Contribution: After the initial contribution (defined above) is made, the City shall contribute for each eligible full time employee $100.00 per month for a full time employee, this equates to a maximum of $1,200 per year after the initial eligibility period is met. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees

hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

~~b.~~c. Beginning January 1, 2024, the defined City contribution shall increase annually through January 1, 2027, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $140 per month by January 2027.

3. Access to Account Balance

a. Participants may access the balance in their ~~HRA~~ RHS account upon termination of employment and attainment of age 50 or retirement from CalPERS Retirement System, whichever is earlier.

b. Participants may defer accessing the account balance to any time beyond the earliest date described in (i).

c. Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan subject to the limitations and maximums as stipulated by law, however, federal regulations at this time does not permit the inclusion of expenses for domestic partners.

4. Survivors of eligible retirees with account balances:

a. Spouses and eligible dependent children or dependent adults that are disabled may continue to access account balances after the death of the retiree subject to the limitations and maximums as stipulated by law.

b. Domestic partners are not permitted access to the account balances of the participant at this time by virtue of restrictions in the federal regulations that govern these types of accounts.

5. Forfeiture of account balance:

If an active employee dies prior to retirement, the amount of account balance is available to eligible spouses and dependents to reimburse them for medical expenses permitted under the applicable section of the Internal Revenue Code.

Account balances in part or in total for active participants or retirees without any eligible spouse or dependent or unused account balances after the death of the last eligible spouse or dependent will be forfeited and returned to all other active and retired participants in the form of a dividend allocated in direct proportion to the amount to be distributed divided by the total account balance for all participants applied to each individual account balance.

This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

SECTION 12: HEALTH, DENTAL, VISION INSURANCE

All employees in regular positions shall be eligible to participate in the health, dental and vision programs authorized by the CITY.

Employees may opt out of participation in a health plan, but shall continue to participate in the CITY dental and vision plans. The Opt-out option may only be exercised during the CITY's open enrollment period, or in coordination with spouse/domestic partner's open enrollment period, and requires that the employee show proof of alternate health coverage.

There shall be a waiting period for new employees before they become eligible for health, dental or vision insurance benefits. Eligibility shall start with the beginning of the payroll period following completion of two full pay periods.

The CITY shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans, with the employee responsible for the balance of the premium cost, if any.

Effective ~~June 25, 2019~~January 1, 2023, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$269.50~~$249.00~~
Employee Only	$336.50~~$311.00~~
Employee + One	$602.00~~$556.00~~
Employee Plus Family	$850.50~~$786~~

Effective January 1, 2024~~0~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$~~254.00~~277.00
Employee Only	$~~317.00~~347.00
Employee + One	$~~567.00~~693.00
Employee Plus Family	$~~801.50~~979.00

Effective January 1, 2025~~1~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and

vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$~~259.50~~288.00
Employee Only	$~~324.00~~361.00
Employee + One	$~~578.50~~721.00
Employee Plus Family	$~~817.50~~1018.00

Effective January 1, 202~~2~~6, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$~~264.00~~300.00
Employee Only	$~~330.00~~375.00
Employee + One	$~~590.00~~750.00
Employee Plus Family	$~~834~~1059.00

Effective January 1, 2027~~3~~, the City shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

Coverage Level	Maximum City Contribution
Opt-out	$~~269.50~~312.00
Employee Only	$~~336.50~~390.00
Employee + One	$~~602.00~~780.00
Employee Plus Family	$~~850.50~~1101.00

The City's contribution for employees with family coverage or employee plus one dependent coverage shall not exceed the actual premium amount for the lowest cost HMO (including dental and vision) offered by the CITY, regardless of the health plan selected by the employee or the contribution amounts listed above.

For employees enrolled in the City-sponsored High Deductible Health Plan, the City shall deposit any balance of the applicable above contribution not needed to pay for the employee's combined premiums, into the employee's Health Savings Account. .

For employees who opt out of health coverage, the CITY contribution shall be equal to 80% of the designated CITY contribution for employees without dependent coverage.

For employees who opt out of health coverage, the CITY shall deposit to the employee's deferred compensation account an amount equal to the remaining balance of the above contributions, if any, not needed to pay for the combined dental and vision premiums.

Employees in regular positions budgeted less than 80 hours per pay period or in job shared positions, shall receive premium contributions on a pro-rated basis.

Except as otherwise required by law, employees on leave without pay in excess of forty (40) hours in a pay period shall not receive a contribution from the CITY towards premium payment and coverage shall cease, unless the premium is paid by the employee. Employees on leave without pay who return to work shall have their health, dental and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.

The CITY shall continue a Section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums, for unreimbursed medical expenses and for dependent care costs.

The CITY agrees to provide the benefits described in this Section subject to carrier requirements. Selection of the insurance provider(s), shall be within the sole discretion of the CITY.

The CITY agrees to reopen this contract on or before December 31, 2017 to negotiate additional health insurance contributions and health insurance benefits.

The City shall pay members a monthly membership fee of twelve dollars ($12) for each employee to utilize the fitness center located at 1018 13th Street, Modesto. The monthly fee shall not increase during the term of this Agreement.

SECTION 16: VACATION

The following vacation accrual rates shall be established for regular employees, and shall be used on an hour per hour basis.

Years of Continuous Service after Hire	Work Hours Earned Annually
~~Year During 0-1 5~~	80
~~2~~	~~88~~
~~3~~	~~96~~
~~4~~	~~104~~
~~5~~	~~112~~
~~Beginning~~ 6	120
7	128
8	136
9	144
10	152
11	160
12	164
13	168
14	172
15	176
16	180

17	184
18	188
19	192
20	196
21	200

Employees may not accrue vacation time in excess of twice their annual vacation accrual rate, provided that no employee shall lose vacation time to meet the needs of the Department. Vacation leave hours will accrue in tenths of an hour. Each year, during the last pay period ending in June, payroll will adjust vacation accruals in order to ensure that employee accruals are consistent with the above-listed annual accrual rates.

The following rules and regulations are established for the administration of vacation benefits:

All vacation leave must be approved by the Department Director or designated representative.

Employees in regular positions shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such vacation leave shall be available for use on the first day following the pay period in which it is earned. Employees in regular positions budgeted less than eighty (80) hours per pay period or job shared positions shall receive vacation leave accumulation on a pro-rata basis.

Negative Vacation:

Employees shall not be permitted to take vacation in advance of accrual, except in cases of extreme hardship, as determined by the City Manager or designee. Use of vacation in advance of accrual shall not be authorized if the employee has other applicable leave time available. Any request for use of vacation in advance of accrual shall include a method and timeline for offsetting the negative vacation balance, as well as authorization from the employee for the City to recover any negative balance still owed to the City upon the employee's separation from service. Such recovery shall be first from the employee's final paycheck and then by either personal payment from employee or by a withdrawal from the employee's deferred compensation account.

Vacation leave used shall be compensated at the employee's regular hourly rate of pay to include all additional incentives.

An employee about to retire, or who is to be laid off, may utilize his/her accrual prior to the effective date of any such retirement or layoff. In lieu of such vacation, the employee may elect a lump sum payment for accrued vacation time. All other employees shall be paid at their ~~regular~~ hourly base rate of pay for all hours accrued at time of separation from the CITY.

In the event an employee leaving CITY service has taken vacation leave prior to the time all of the leave is earned, the employee shall reimburse the CITY for time used but not earned.

Employees are expected to take vacation leave to which they are entitled. Accumulation of vacation leave shall not exceed twice the employee's annual allowance except as approved by the City Manager for exceptional or extraordinary conditions.

Vacations shall be scheduled with both due regard for the employee's wishes and the needs of the CITY.

Employees leaving CITY service shall be paid for earned but unused vacation leave.

For officers assigned to patrol, seniority will be used to determine vacation schedules. Seniority vacation requests shall be submitted 1 month prior to each shift rotation and will be for subsequent shift rotation. Current shift rotations are March 1st through August 31st and September 1st through February 28th. If multiple requests are submitted prior to these dates, the requests shall be prioritized. A maximum of three (3) vacation time period requests shall be prioritized. All first priority requests shall be considered in order of seniority prior to any second priority requests. All second priority requests shall be considered in order of seniority prior to any third priority requests. All other vacation requests will be determined on a first-come, first-served basis.

For all other officers and detectives, seniority vacation requests will be submitted to division commanders or his/her designee once per year by December 1st for the following calendar year. If multiple requests are submitted prior to this date, the requests shall be prioritized. A maximum of three (3) vacation time period requests shall be prioritized. All first priority requests shall be considered in order of seniority prior to any second priority requests. All second priority requests shall be considered in order of seniority prior to any third priority requests. All other vacation requests will be determined on a first-come, first-served basis.

For management, seniority will be used to determine vacation schedules for those submitting requests by January 31 of each calendar year. Management will respond to the requests by February 28 of each calendar year. If multiple requests are submitted prior to this date the requests shall be prioritized. A maximum of three (3) vacation time period requests shall be prioritized. All first priority requests shall be considered in order of seniority prior to any second priority request. All second priority requests shall be considered in order of seniority prior to any third priority request. After January 31, vacation will be determined on a first come, first served basis.

The Police Chief shall have the right to determine the number of personnel on vacation at any one time.

All other administrative procedures and policies relating to this section shall be as contained in the Personnel Rules and Personnel Administrative Orders.

SECTION 17: HOLIDAYS

The first pay period of January of each year, employees assigned to the 4/11 schedule shall be credited with one hundred forty-threethirtyand ten (14330110) hours of accrued holiday time, reduced by eleven (11) nineteen (19) hours as required by the 4/11 schedule, for a net of one hundred thirty-twoelevenninety-one (9113211) hours. See SECTION 20, C, (WORK SCHEDULES). In addition, the pro-rata portion of the MPOA Time Bank (SECTION 36) shall be deducted from the remaining ninety-oneone hundred thirty-twoeleven (1321191) hours. This time bank deduction shall occur the second pay period in January of each year. Employees assigned to the 4/11 schedule are not entitled to any additional compensation when the holiday falls on their regular work day.

The first pay period of January of each year, employees assigned to the 4/10 schedule shall be credited with one hundred and thirtyen (13010) hours of accrued holiday time, reduced by nineteen (19) hours as required by the 4/10 schedule, for a net of one hundred elevenninety-one (1191) hours. See SECTION 20, C, (WORK SCHEDULES). In addition, the pro-rata portion of the MPOA Time Bank (SECTION 36) shall be deducted from the remaining one hundred elevenninety-one (1191) hours. This time bank deduction shall occur the second pay period in January of each year. Employees assigned to the 4/10 schedule are not entitled to any additional compensation when the holiday falls on their regular work day.

The first pay period of January of each year, employees assigned to the 3/12.5 schedule shall be credited with one hundred and thirty-sevensixty two and one half (137162.5) hours of accrued holiday time, reduced by twenty seven and one half (27.5) hours as required by the 3/12.5 schedule, for a net of one hundred ten thirty five (13510) hours. See SECTION 20, C, (WORK SCHEDULES). In addition, the pro-rata portion of the MPOA Time Bank (SECTION 36) shall be deducted from the remaining one hundred ten (110) hours. This time bank deduction shall occur the second pay period in January of each year. Employees assigned to the 3/12.5 schedule are not entitled to any additional compensation when the holiday falls on their regular work day.

The CITY recognizes the following holidays, which are valued at ten (10) hours (for a total of 110 130 hours) or for those on a twelve and a half (12.5) hour shift, twelve and a half (12.5) hours (for a total of 137.5162.5 hours), regardless of the employee's work schedule. Holiday time taken off is taken on an hour-for-hour basis.

Floating Holiday
New Years Day
Dr. Martin Luther King Jr. Day
Presidents' Day
Cesar Chavez Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Veterans' Day
Thanksgiving Day

Day after Thanksgiving
Christmas Day

D. If a fixed holiday falls on a Saturday, the preceding Friday will be observed as the fixed holiday. If a fixed holiday falls on a Sunday, the succeeding Monday will be observed as the fixed holiday.

E. Whenever an employee (excluding those employees assigned to a 4/11 schedule) is required to work on a fixed holiday or the fixed holiday falls on an employee's regularly scheduled day off, the employee shall accrue, on an hour for hour basis, up to a total of ten (10) hours floating holiday time.

D. Employees on leave without pay the last scheduled work day before and/or the first scheduled work day after a fixed holiday shall not receive holiday pay.

G. On December 21, 1999, on a one-time basis, each employee's accrued holiday time shall be placed in a separate "grand fathered" holiday account. This time may be taken by the employee as time off, cashed out at straight time or carried over year to year.

H. After December 21, 1999, each employee will be paid, as part of the last paycheck received in March, June, September, and December of each year, for all holiday time over one hundred (100) hours in their regular holiday account.

F. Except for those employees on the 4/11 or the 3/12.5 schedule, employees may request payment of holiday time to be included as part of a regular paycheck so long as the request is for at least twenty (20) hours and sufficient notice, as determined by the Finance Director, is provided. Employees may request payment from either their regular holiday account or their "grand fathered" account.

J. Employees on the 4/11 or the 3/12.5 schedule may cash out a maximum of ten (10) hours of holiday time from their regular holiday account, the first pay period in February of each year. (The first pay period in February is defined as the pay period in which February 1 falls.) All remaining holiday time in the employee's regular holiday account shall be taken as time off, or shall be forfeited at the end of each calendar year. (The end of the calendar year is defined as the last day of the last <u>full</u> pay period, ending on or before December 31.)

At the sole discretion of the Chief, a probationary Police Officer or Police Officer Trainee assigned to Field Training may be required to cash out all, or a portion, of their holiday time. The Chief shall determine the number of hours to be cashed out based on the timing and duration of the Field Training assignment and the needs of the Department.

K. Prior to an employee's promotion to a management classification, all holiday time in excess of fifty (50) hours (regular holiday account and "grand fathered" account combined), shall be compensated in cash at straight time rates.

L. All other administrative policies and procedures shall be as contained in the Personnel Rules and Personnel Administrative Orders.

SECTION 18: SICK LEAVE

After completion of six (6) full pay periods, an employee may use sick leave.

Sick leave shall accrue for each payroll period completed, prorated on the basis of ninety-six (96) hours per year. Sick leave hours will accrue in tenths of an hour. Each year, during the last pay period ending in June, payroll will adjust sick leave accruals in order to ensure that employee accruals are consistent with the applicable annual accrual rate. Such leave is used on an hour for hour basis.

Employees may accumulate up to two thousand two hundred (2,200) hours of sick leave.

Sick leave shall not accrue when an employee is absent for more than forty (40) hours in any pay period while on any leave other than vacation leave, workers' compensation (4850 time), bereavement leave, jury duty or temporary military leave.

In order to qualify for sick leave, an employee must be unfit for their work as a result of illness or injury. Sick leave shall not be used for an injury or illness arising out of or incurred in connection with outside employment.

Administration.

It shall be the responsibility and duty of the Chief or his/her designee to validate each request for sick leave and to allow sick leave with pay where the application is determined to be proper and fitting.

Notice of Sickness. The employee's Watch Commander or immediate supervisor must be notified at least two (2) hours prior to the start of the employee's scheduled tour of duty of a sickness on the first day of absence. It is the responsibility of the employee to keep their Watch Commander or immediate supervisor informed as to continued absence beyond the first day for reasons due to sickness or occupational disability. Failure to make such notification may result in denial of sick leave with pay.

Review. The Human Resources Director may review and determine the justification of any request for sick leave with pay and may, in the interest of the City, require a medical report by a doctor to support a claim for sick leave pay.

Proof. A doctor's certificate or other adequate proof shall be provided by the employee in all cases of absence due to illness of three (3) consecutive days or more, prospectively when requested by the Watch Commander or immediate supervisor. The Watch Commander or immediate supervisor may require a doctor's certificate for absences of less than three (3) consecutive days for employees who have received a Performance Improvement Plan (PIP) for attendance.

Improper Use. Evidence substantiating the use of sick leave for willful injury, gross negligence, and instances of misrepresentation or violation of the rules defined herein may result in denial of sick leave with pay or disciplinary action.

Employees may use sick leave for occasional dental, pregnancy, or medical appointments for themselves, when it is not reasonably feasible to do so during off duty time.

Employees may use up to one-half of their annual sick leave accrual in any calendar year to attend to the illness of the employee's child, parent, spouse, self or registered domestic partner as provided in Section 233 of the Labor Code. Use of sick leave beyond this amount may not be used to attend an ill family member, except in the case of critical illness as determined by the CITY, or as authorized by the Police Chief.

Employees hired on or before December 31, 2010, shall have all accrued sick time transferred to a grandfathered sick leave bank effective June 30, 2014. All future sick leave earned on or after July 1, 2014 shall accrue in the employee's regular sick leave bank.

When taking sick leave, employees with grandfathered sick leave banks shall utilize sick leave hours accrued on or after July 1, 2014 before utilizing hours from the grandfathered bank.

Employees leaving CITY employment shall forfeit all unused sick leave except as follows:

Employees who leave City employment in good standing after five (5) years of continuous service (other than retirement), shall be paid at time of termination for twenty-five percent (25%) of the employee's unused grandfathered sick leave bank. There is no cash value to regular sick leave bank.

Employees who retire after five (5) years of service in good standing may, on a one-time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to retiree medical program. See SECTION 11 (RETIREE HEALTH INSURANCE).

Employees may elect to donate their grandfathered sick leave at the current value to a fallen in the line of duty Modesto City Police Officer's spouse to assist with medical premiums. Donations are at the current calculation of grandfathered sick leave conversion per the MOU. Donation requests must be received in writing from the member. Hours donated will be deducted from the member's grandfathered sick leave bank and deposited into the bank of the recipient.

All other administrative policies and procedures shall be as contained in the Personnel Rules and Personnel Administrative Orders.

Wellness/Sick Leave Incentive

A. For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave into a Health Savings Account (HSA), or Flexible Spending Account (FSA) if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited the first pay period in December annually.

B. In addition, employees may elect to move two (2) days, based on work schedule, into a Wellness Leave Bank. This leave bank will have a maximum cap of four (4) days, or two (2) years of accrual.

To be eligible, members must meet the following requirements:

Must have a balance of no less than 240 hours of regular sick leave for the fiscal year. Sick leave usage for the fiscal year must not exceed three (3) days based on work schedule at time of usage.

This Tentative Agreement shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

FOR THE
CITY OF MODESTO

6/23/23

Christina Alger — Date
Director of Human Resources

FOR MODESTO POLICE OFFICERS
ASSOCIATION

6/23/2023

Dan Starr — Date
MPOA President

6-23-2023

Doug Ridenour Jr. — Date
MPOA Vice President

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective: June 20, 2023
MPOA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	34.38	36.10	37.91	39.80	41.79
0302	35.24	37.01	38.86	40.80	42.84
0303	36.13	37.93	39.83	41.82	43.91
0304	37.03	38.88	40.82	42.86	45.01
0305	37.95	39.85	41.84	43.94	46.13
0306	38.90	40.85	42.89	45.03	47.29
0307	39.88	41.87	43.96	46.16	48.47
0308	40.87	42.92	45.06	47.31	49.68
0309	41.89	43.99	46.19	48.50	50.92
0310	42.94	45.09	47.34	49.71	52.19
0311	44.01	46.21	48.53	50.95	53.50
0312	45.11	47.37	49.74	52.22	54.84
0313	46.24	48.55	50.98	53.53	56.21
0314	47.40	49.77	52.26	54.87	57.61
0315	48.58	51.01	53.56	56.24	59.05
0316	49.80	52.29	54.90	57.65	60.53
0317	51.04	53.59	56.27	59.09	62.04
0318	52.32	54.93	57.68	60.56	63.59
0319	53.63	56.31	59.12	62.08	65.18
0320	54.97	57.71	60.60	63.63	66.81
0321	56.34	59.16	62.12	65.22	68.48
0322	57.75	60.64	63.67	66.85	70.19
0323	59.19	62.15	65.26	68.52	71.95
0324	60.67	63.71	66.89	70.24	73.75
0325	62.19	65.30	68.56	71.99	75.59

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective: June 20, 2023
MPOA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	2,750.40	2,888.00	3,032.80	3,184.00	3,343.20
0302	2,819.20	2,960.80	3,108.80	3,264.00	3,427.20
0303	2,890.40	3,034.40	3,186.40	3,345.60	3,512.80
0304	2,962.40	3,110.40	3,265.60	3,428.80	3,600.80
0305	3,036.00	3,188.00	3,347.20	3,515.20	3,690.40
0306	3,112.00	3,268.00	3,431.20	3,602.40	3,783.20
0307	3,190.40	3,349.60	3,516.80	3,692.80	3,877.60
0308	3,269.60	3,433.60	3,604.80	3,784.80	3,974.40
0309	3,351.20	3,519.20	3,695.20	3,880.00	4,073.60
0310	3,435.20	3,607.20	3,787.20	3,976.80	4,175.20
0311	3,520.80	3,696.80	3,882.40	4,076.00	4,280.00
0312	3,608.80	3,789.60	3,979.20	4,177.60	4,387.20
0313	3,699.20	3,884.00	4,078.40	4,282.40	4,496.80
0314	3,792.00	3,981.60	4,180.80	4,389.60	4,608.80
0315	3,886.40	4,080.80	4,284.80	4,499.20	4,724.00
0316	3,984.00	4,183.20	4,392.00	4,612.00	4,842.40
0317	4,083.20	4,287.20	4,501.60	4,727.20	4,963.20
0318	4,185.60	4,394.40	4,614.40	4,844.80	5,087.20
0319	4,290.40	4,504.80	4,729.60	4,966.40	5,214.40
0320	4,397.60	4,616.80	4,848.00	5,090.40	5,344.80
0321	4,507.20	4,732.80	4,969.60	5,217.60	5,478.40
0322	4,620.00	4,851.20	5,093.60	5,348.00	5,615.20
0323	4,735.20	4,972.00	5,220.80	5,481.60	5,756.00
0324	4,853.60	5,096.80	5,351.20	5,619.20	5,900.00
0325	4,975.20	5,224.00	5,484.80	5,759.20	6,047.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective: June 20, 2023
MPOA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	5,959.20	6,257.34	6,571.07	6,898.67	7,243.60
0302	6,108.27	6,415.07	6,735.74	7,072.00	7,425.60
0303	6,262.54	6,574.54	6,903.87	7,248.80	7,611.07
0304	6,418.54	6,739.20	7,075.47	7,429.07	7,801.74
0305	6,578.00	6,907.34	7,252.27	7,616.27	7,995.87
0306	6,742.67	7,080.67	7,434.27	7,805.20	8,196.94
0307	6,912.54	7,257.47	7,619.74	8,001.07	8,401.47
0308	7,084.14	7,439.47	7,810.40	8,200.40	8,611.20
0309	7,260.94	7,624.94	8,006.27	8,406.67	8,826.14
0310	7,442.94	7,815.60	8,205.60	8,616.40	9,046.27
0311	7,628.40	8,009.74	8,411.87	8,831.34	9,273.34
0312	7,819.07	8,210.80	8,621.60	9,051.47	9,505.60
0313	8,014.94	8,415.34	8,836.54	9,278.54	9,743.07
0314	8,216.00	8,626.80	9,058.40	9,510.80	9,985.74
0315	8,420.54	8,841.74	9,283.74	9,748.27	10,235.34
0316	8,632.00	9,063.60	9,516.00	9,992.67	10,491.87
0317	8,846.94	9,288.94	9,753.47	10,242.27	10,753.60
0318	9,068.80	9,521.20	9,997.87	10,497.07	11,022.27
0319	9,295.87	9,760.40	10,247.47	10,760.54	11,297.87
0320	9,528.14	10,003.07	10,504.00	11,029.20	11,580.40
0321	9,765.60	10,254.40	10,767.47	11,304.80	11,869.87
0322	10,010.00	10,510.94	11,036.14	11,587.34	12,166.27
0323	10,259.60	10,772.67	11,311.74	11,876.80	12,471.34
0324	10,516.14	11,043.07	11,594.27	12,174.94	12,783.34
0325	10,779.60	11,318.67	11,883.74	12,478.27	13,102.27

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective: June 18, 2024
MPOA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	36.10	37.91	39.81	41.80	43.88
0302	37.01	38.86	40.80	42.84	44.98
0303	37.93	39.83	41.82	43.91	46.11
0304	38.88	40.82	42.87	45.01	47.26
0305	39.85	41.85	43.94	46.13	48.44
0306	40.85	42.89	45.04	47.29	49.65
0307	41.87	43.96	46.16	48.47	50.89
0308	42.92	45.06	47.31	49.68	52.16
0309	43.99	46.19	48.50	50.92	53.47
0310	45.09	47.34	49.71	52.20	54.80
0311	46.22	48.53	50.95	53.50	56.17
0312	47.37	49.74	52.23	54.84	57.58
0313	48.56	50.98	53.53	56.21	59.02
0314	49.77	52.26	54.87	57.61	60.49
0315	51.01	53.56	56.24	59.05	62.01
0316	52.29	54.90	57.65	60.53	63.56
0317	53.60	56.28	59.09	62.04	65.14
0318	54.94	57.68	60.57	63.59	66.77
0319	56.31	59.12	62.08	65.18	68.44
0320	57.72	60.60	63.63	66.81	70.15
0321	59.16	62.12	65.22	68.48	71.91
0322	60.64	63.67	66.85	70.20	73.70
0323	62.15	65.26	68.52	71.95	75.55
0324	63.71	66.89	70.24	73.75	77.44
0325	65.30	68.56	71.99	75.59	79.37

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective: June 18, 2024
MPOA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	2,888.00	3,032.80	3,184.80	3,344.00	3,510.40
0302	2,960.80	3,108.80	3,264.00	3,427.20	3,598.40
0303	3,034.40	3,186.40	3,345.60	3,512.80	3,688.80
0304	3,110.40	3,265.60	3,429.60	3,600.80	3,780.80
0305	3,188.00	3,348.00	3,515.20	3,690.40	3,875.20
0306	3,268.00	3,431.20	3,603.20	3,783.20	3,972.00
0307	3,349.60	3,516.80	3,692.80	3,877.60	4,071.20
0308	3,433.60	3,604.80	3,784.80	3,974.40	4,172.80
0309	3,519.20	3,695.20	3,880.00	4,073.60	4,277.60
0310	3,607.20	3,787.20	3,976.80	4,176.00	4,384.00
0311	3,697.60	3,882.40	4,076.00	4,280.00	4,493.60
0312	3,789.60	3,979.20	4,178.40	4,387.20	4,606.40
0313	3,884.80	4,078.40	4,282.40	4,496.80	4,721.60
0314	3,981.60	4,180.80	4,389.60	4,608.80	4,839.20
0315	4,080.80	4,284.80	4,499.20	4,724.00	4,960.80
0316	4,183.20	4,392.00	4,612.00	4,842.40	5,084.80
0317	4,288.00	4,502.40	4,727.20	4,963.20	5,211.20
0318	4,395.20	4,614.40	4,845.60	5,087.20	5,341.60
0319	4,504.80	4,729.60	4,966.40	5,214.40	5,475.20
0320	4,617.60	4,848.00	5,090.40	5,344.80	5,612.00
0321	4,732.80	4,969.60	5,217.60	5,478.40	5,752.80
0322	4,851.20	5,093.60	5,348.00	5,616.00	5,896.00
0323	4,972.00	5,220.80	5,481.60	5,756.00	6,044.00
0324	5,096.80	5,351.20	5,619.20	5,900.00	6,195.20
0325	5,224.00	5,484.80	5,759.20	6,047.20	6,349.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective: June 18, 2024
MPOA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	6,257.34	6,571.07	6,900.40	7,245.34	7,605.87
0302	6,415.07	6,735.74	7,072.00	7,425.60	7,796.54
0303	6,574.54	6,903.87	7,248.80	7,611.07	7,992.40
0304	6,739.20	7,075.47	7,430.80	7,801.74	8,191.74
0305	6,907.34	7,254.00	7,616.27	7,995.87	8,396.27
0306	7,080.67	7,434.27	7,806.94	8,196.94	8,606.00
0307	7,257.47	7,619.74	8,001.07	8,401.47	8,820.94
0308	7,439.47	7,810.40	8,200.40	8,611.20	9,041.07
0309	7,624.94	8,006.27	8,406.67	8,826.14	9,268.14
0310	7,815.60	8,205.60	8,616.40	9,048.00	9,498.67
0311	8,011.47	8,411.87	8,831.34	9,273.34	9,736.14
0312	8,210.80	8,621.60	9,053.20	9,505.60	9,980.54
0313	8,417.07	8,836.54	9,278.54	9,743.07	10,230.14
0314	8,626.80	9,058.40	9,510.80	9,985.74	10,484.94
0315	8,841.74	9,283.74	9,748.27	10,235.34	10,748.40
0316	9,063.60	9,516.00	9,992.67	10,491.87	11,017.07
0317	9,290.67	9,755.20	10,242.27	10,753.60	11,290.94
0318	9,522.94	9,997.87	10,498.80	11,022.27	11,573.47
0319	9,760.40	10,247.47	10,760.54	11,297.87	11,862.94
0320	10,004.80	10,504.00	11,029.20	11,580.40	12,159.34
0321	10,254.40	10,767.47	11,304.80	11,869.87	12,464.40
0322	10,510.94	11,036.14	11,587.34	12,168.00	12,774.67
0323	10,772.67	11,311.74	11,876.80	12,471.34	13,095.34
0324	11,043.07	11,594.27	12,174.94	12,783.34	13,422.94
0325	11,318.67	11,883.74	12,478.27	13,102.27	13,757.47

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective: July 1, 2025
MPOA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0301	37.19	39.05	41.01	43.06	45.21	47.47
0302	38.12	40.03	42.03	44.13	46.34	48.66
0303	39.08	41.03	43.08	45.24	47.50	49.87
0304	40.05	42.06	44.16	46.37	48.69	51.12
0305	41.06	43.11	45.26	47.53	49.90	52.40
0306	42.08	44.19	46.39	48.71	51.15	53.71
0307	43.13	45.29	47.55	49.93	52.43	55.05
0308	44.21	46.42	48.74	51.18	53.74	56.43
0309	45.32	47.58	49.96	52.46	55.08	57.84
0310	46.45	48.77	51.21	53.77	56.46	59.28
0311	47.61	49.99	52.49	55.12	57.87	60.76
0312	48.80	51.24	53.80	56.49	59.32	62.28
0313	50.02	52.52	55.15	57.91	60.80	63.84
0314	51.27	53.84	56.53	59.35	62.32	65.44
0315	52.55	55.18	57.94	60.84	63.88	67.07
0316	53.87	56.56	59.39	62.36	65.47	68.75
0317	55.21	57.97	60.87	63.92	67.11	70.47
0318	56.59	59.42	62.39	65.51	68.79	72.23
0319	58.01	60.91	63.95	67.15	70.51	74.03
0320	59.46	62.43	65.55	68.83	72.27	75.88
0321	60.95	63.99	67.19	70.55	74.08	77.78
0322	62.47	65.59	68.87	72.31	75.93	79.73
0323	64.03	67.23	70.59	74.12	77.83	81.72
0324	65.63	68.91	72.36	75.98	79.77	83.76
0325	67.27	70.63	74.17	77.87	81.77	85.86

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective: July 1, 2025
MPOA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0301	2,975.20	3,124.00	3,280.80	3,444.80	3,616.80	3,797.60
0302	3,049.60	3,202.40	3,362.40	3,530.40	3,707.20	3,892.80
0303	3,126.40	3,282.40	3,446.40	3,619.20	3,800.00	3,989.60
0304	3,204.00	3,364.80	3,532.80	3,709.60	3,895.20	4,089.60
0305	3,284.80	3,448.80	3,620.80	3,802.40	3,992.00	4,192.00
0306	3,366.40	3,535.20	3,711.20	3,896.80	4,092.00	4,296.80
0307	3,450.40	3,623.20	3,804.00	3,994.40	4,194.40	4,404.00
0308	3,536.80	3,713.60	3,899.20	4,094.40	4,299.20	4,514.40
0309	3,625.60	3,806.40	3,996.80	4,196.80	4,406.40	4,627.20
0310	3,716.00	3,901.60	4,096.80	4,301.60	4,516.80	4,742.40
0311	3,808.80	3,999.20	4,199.20	4,409.60	4,629.60	4,860.80
0312	3,904.00	4,099.20	4,304.00	4,519.20	4,745.60	4,982.40
0313	4,001.60	4,201.60	4,412.00	4,632.80	4,864.00	5,107.20
0314	4,101.60	4,307.20	4,522.40	4,748.00	4,985.60	5,235.20
0315	4,204.00	4,414.40	4,635.20	4,867.20	5,110.40	5,365.60
0316	4,309.60	4,524.80	4,751.20	4,988.80	5,237.60	5,500.00
0317	4,416.80	4,637.60	4,869.60	5,113.60	5,368.80	5,637.60
0318	4,527.20	4,753.60	4,991.20	5,240.80	5,503.20	5,778.40
0319	4,640.80	4,872.80	5,116.00	5,372.00	5,640.80	5,922.40
0320	4,756.80	4,994.40	5,244.00	5,506.40	5,781.60	6,070.40
0321	4,876.00	5,119.20	5,375.20	5,644.00	5,926.40	6,222.40
0322	4,997.60	5,247.20	5,509.60	5,784.80	6,074.40	6,378.40
0323	5,122.40	5,378.40	5,647.20	5,929.60	6,226.40	6,537.60
0324	5,250.40	5,512.80	5,788.80	6,078.40	6,381.60	6,700.80
0325	5,381.60	5,650.40	5,933.60	6,229.60	6,541.60	6,868.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective: July 1, 2025
MPOA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	6,446.27	6,768.67	7,108.40	7,463.74	7,836.40
0302	6,607.47	6,938.54	7,285.20	7,649.20	8,032.27
0303	6,773.87	7,111.87	7,467.20	7,841.60	8,233.34
0304	6,942.00	7,290.40	7,654.40	8,037.47	8,439.60
0305	7,117.07	7,472.40	7,845.07	8,238.54	8,649.34
0306	7,293.87	7,659.60	8,040.94	8,443.07	8,866.00
0307	7,475.87	7,850.27	8,242.00	8,654.54	9,087.87
0308	7,663.07	8,046.14	8,448.27	8,871.20	9,314.94
0309	7,855.47	8,247.20	8,659.74	9,093.07	9,547.20
0310	8,051.34	8,453.47	8,876.40	9,320.14	9,786.40
0311	8,252.40	8,664.94	9,098.27	9,554.14	10,030.80
0312	8,458.67	8,881.60	9,325.34	9,791.60	10,282.14
0313	8,670.14	9,103.47	9,559.34	10,037.74	10,538.67
0314	8,886.80	9,332.27	9,798.54	10,287.34	10,802.14
0315	9,108.67	9,564.54	10,042.94	10,545.60	11,072.54
0316	9,337.47	9,803.74	10,294.27	10,809.07	11,348.14
0317	9,569.74	10,048.14	10,550.80	11,079.47	11,632.40
0318	9,808.94	10,299.47	10,814.27	11,355.07	11,923.60
0319	10,055.07	10,557.74	11,084.67	11,639.34	12,221.74
0320	10,306.40	10,821.20	11,362.00	11,930.54	12,526.80
0321	10,564.67	11,091.60	11,646.27	12,228.67	12,840.54
0322	10,828.14	11,368.94	11,937.47	12,533.74	13,161.20
0323	11,098.54	11,653.20	12,235.60	12,847.47	13,490.54
0324	11,375.87	11,944.40	12,542.40	13,169.87	13,826.80
0325	11,660.14	12,242.54	12,856.14	13,497.47	14,173.47

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective: June 30, 2026
MPOA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0301	38.68	40.62	42.65	44.78	47.02	49.37
0302	39.65	41.63	43.72	45.90	48.20	50.61
0303	40.64	42.68	44.81	47.05	49.40	51.87
0304	41.66	43.74	45.93	48.22	50.64	53.17
0305	42.70	44.84	47.08	49.43	51.90	54.50
0306	43.77	45.96	48.25	50.67	53.20	55.86
0307	44.86	47.10	49.46	51.93	54.53	57.26
0308	45.98	48.28	50.70	53.23	55.89	58.69
0309	47.13	49.49	51.96	54.56	57.29	60.15
0310	48.31	50.73	53.26	55.93	58.72	61.66
0311	49.52	51.99	54.59	57.32	60.19	63.20
0312	50.76	53.29	55.96	58.76	61.69	64.78
0313	52.03	54.63	57.36	60.22	63.24	66.40
0314	53.33	55.99	58.79	61.73	64.82	68.06
0315	54.66	57.39	60.26	63.27	66.44	69.76
0316	56.03	58.83	61.77	64.86	68.10	71.50
0317	57.43	60.30	63.31	66.48	69.80	73.29
0318	58.86	61.80	64.89	68.14	71.55	75.12
0319	60.33	63.35	66.52	69.84	73.33	77.00
0320	61.84	64.93	68.18	71.59	75.17	78.92
0321	63.39	66.56	69.88	73.38	77.05	80.90
0322	64.97	68.22	71.63	75.21	78.97	82.92
0323	66.60	69.92	73.42	77.09	80.95	84.99
0324	68.26	71.67	75.26	79.02	82.97	87.12
0325	69.97	73.46	77.14	80.99	85.04	89.30

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective: June 30, 2026
MPOA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0301	3,094.40	3,249.60	3,412.00	3,582.40	3,761.60	3,949.60
0302	3,172.00	3,330.40	3,497.60	3,672.00	3,856.00	4,048.80
0303	3,251.20	3,414.40	3,584.80	3,764.00	3,952.00	4,149.60
0304	3,332.80	3,499.20	3,674.40	3,857.60	4,051.20	4,253.60
0305	3,416.00	3,587.20	3,766.40	3,954.40	4,152.00	4,360.00
0306	3,501.60	3,676.80	3,860.00	4,053.60	4,256.00	4,468.80
0307	3,588.80	3,768.00	3,956.80	4,154.40	4,362.40	4,580.80
0308	3,678.40	3,862.40	4,056.00	4,258.40	4,471.20	4,695.20
0309	3,770.40	3,959.20	4,156.80	4,364.80	4,583.20	4,812.00
0310	3,864.80	4,058.40	4,260.80	4,474.40	4,697.60	4,932.80
0311	3,961.60	4,159.20	4,367.20	4,585.60	4,815.20	5,056.00
0312	4,060.80	4,263.20	4,476.80	4,700.80	4,935.20	5,182.40
0313	4,162.40	4,370.40	4,588.80	4,817.60	5,059.20	5,312.00
0314	4,266.40	4,479.20	4,703.20	4,938.40	5,185.60	5,444.80
0315	4,372.80	4,591.20	4,820.80	5,061.60	5,315.20	5,580.80
0316	4,482.40	4,706.40	4,941.60	5,188.80	5,448.00	5,720.00
0317	4,594.40	4,824.00	5,064.80	5,318.40	5,584.00	5,863.20
0318	4,708.80	4,944.00	5,191.20	5,451.20	5,724.00	6,009.60
0319	4,826.40	5,068.00	5,321.60	5,587.20	5,866.40	6,160.00
0320	4,947.20	5,194.40	5,454.40	5,727.20	6,013.60	6,313.60
0321	5,071.20	5,324.80	5,590.40	5,870.40	6,164.00	6,472.00
0322	5,197.60	5,457.60	5,730.40	6,016.80	6,317.60	6,633.60
0323	5,328.00	5,593.60	5,873.60	6,167.20	6,476.00	6,799.20
0324	5,460.80	5,733.60	6,020.80	6,321.60	6,637.60	6,969.60
0325	5,597.60	5,876.80	6,171.20	6,479.20	6,803.20	7,144.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective: June 30, 2026
MPOA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0301	6,704.54	7,040.80	7,392.67	7,761.87	8,150.14
0302	6,872.67	7,215.87	7,578.14	7,956.00	8,354.67
0303	7,044.27	7,397.87	7,767.07	8,155.34	8,562.67
0304	7,221.07	7,581.60	7,961.20	8,358.14	8,777.60
0305	7,401.34	7,772.27	8,160.54	8,567.87	8,996.00
0306	7,586.80	7,966.40	8,363.34	8,782.80	9,221.34
0307	7,775.74	8,164.00	8,573.07	9,001.20	9,451.87
0308	7,969.87	8,368.54	8,788.00	9,226.54	9,687.60
0309	8,169.20	8,578.27	9,006.40	9,457.07	9,930.27
0310	8,373.74	8,793.20	9,231.74	9,694.54	10,178.14
0311	8,583.47	9,011.60	9,462.27	9,935.47	10,432.94
0312	8,798.40	9,236.94	9,699.74	10,185.07	10,692.94
0313	9,018.54	9,469.20	9,942.40	10,438.14	10,961.60
0314	9,243.87	9,704.94	10,190.27	10,699.87	11,235.47
0315	9,474.40	9,947.60	10,445.07	10,966.80	11,516.27
0316	9,711.87	10,197.20	10,706.80	11,242.40	11,804.00
0317	9,954.54	10,452.00	10,973.74	11,523.20	12,098.67
0318	10,202.40	10,712.00	11,247.60	11,810.94	12,402.00
0319	10,457.20	10,980.67	11,530.14	12,105.60	12,710.54
0320	10,718.94	11,254.54	11,817.87	12,408.94	13,029.47
0321	10,987.60	11,537.07	12,112.54	12,719.20	13,355.34
0322	11,261.47	11,824.80	12,415.87	13,036.40	13,688.14
0323	11,544.00	12,119.47	12,726.14	13,362.27	14,031.34
0324	11,831.74	12,422.80	13,045.07	13,696.80	14,381.47
0325	12,128.14	12,733.07	13,370.94	14,038.27	14,740.27

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective: June 20, 2023
MPMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0601	39.65	41.64	43.72	45.90	48.20
0602	40.65	42.68	44.81	47.05	49.40
0603	41.66	43.75	45.93	48.23	50.64
0604	42.70	44.84	47.08	49.43	51.91
0605	43.77	45.96	48.26	50.67	53.20
0606	44.87	47.11	49.46	51.94	54.53
0607	45.99	48.29	50.70	53.23	55.90
0608	47.14	49.49	51.97	54.57	57.29
0609	48.31	50.73	53.27	55.93	58.73
0610	49.52	52.00	54.60	57.33	60.19
0611	50.76	53.30	55.96	58.76	61.70
0612	52.03	54.63	57.36	60.23	63.24
0613	53.33	56.00	58.80	61.74	64.82
0614	54.66	57.40	60.27	63.28	66.44
0615	56.03	58.83	61.77	64.86	68.10
0616	57.43	60.30	63.32	66.48	69.81
0617	58.87	61.81	64.90	68.14	71.55
0618	60.34	63.35	66.52	69.85	73.34
0619	61.85	64.94	68.18	71.59	75.17
0620	63.39	66.56	69.89	73.38	77.05
0621	64.98	68.22	71.64	75.22	78.98
0622	66.60	69.93	73.43	77.10	80.95
0623	68.27	71.68	75.26	79.02	82.98
0624	69.97	73.47	77.14	81.00	85.05
0625	71.72	75.31	79.07	83.03	87.18
0626	73.51	77.19	81.05	85.10	89.36
0627	75.35	79.12	83.07	87.23	91.59
0628	77.24	81.10	85.15	89.41	93.88
0629	79.17	83.12	87.28	91.64	96.23
0630	81.15	85.20	89.46	93.93	98.63
0631	83.17	87.33	91.70	96.28	101.10
0632	85.25	89.52	93.99	98.69	103.62
0633	87.38	91.75	96.34	101.16	106.21
0634	89.57	94.05	98.75	103.69	108.87
0635	91.81	96.40	101.22	106.28	111.59
0636	94.10	98.81	103.75	108.93	114.38
0637	96.46	101.28	106.34	111.66	117.24
0638	98.87	103.81	109.00	114.45	120.17
0639	101.34	106.40	111.72	117.31	123.18
0640	103.87	109.06	114.52	120.24	126.25

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective: June 20, 2023
MPMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0601	3,171.74	3,331.20	3,497.60	3,672.00	3,856.00
0602	3,252.00	3,414.40	3,584.80	3,764.00	3,952.00
0603	3,332.80	3,500.00	3,674.40	3,858.40	4,051.20
0604	3,416.00	3,587.20	3,766.40	3,954.40	4,152.80
0605	3,501.60	3,676.80	3,860.80	4,053.60	4,256.00
0606	3,589.60	3,768.80	3,956.80	4,155.20	4,362.40
0607	3,679.20	3,863.20	4,056.00	4,258.40	4,472.00
0608	3,771.20	3,959.20	4,157.60	4,365.60	4,583.20
0609	3,864.80	4,058.40	4,261.60	4,474.40	4,698.40
0610	3,961.60	4,160.00	4,368.00	4,586.40	4,815.20
0611	4,060.80	4,264.00	4,476.80	4,700.80	4,936.00
0612	4,162.40	4,370.40	4,588.80	4,818.40	5,059.20
0613	4,266.40	4,480.00	4,704.00	4,939.20	5,185.60
0614	4,372.80	4,592.00	4,821.60	5,062.40	5,315.20
0615	4,482.40	4,706.40	4,941.60	5,188.80	5,448.00
0616	4,594.40	4,824.00	5,065.60	5,318.40	5,584.80
0617	4,709.60	4,944.80	5,192.00	5,451.20	5,724.00
0618	4,827.20	5,068.00	5,321.60	5,588.00	5,867.20
0619	4,948.00	5,195.20	5,454.40	5,727.20	6,013.60
0620	5,071.20	5,324.80	5,591.20	5,870.40	6,164.00
0621	5,198.40	5,457.60	5,731.20	6,017.60	6,318.40
0622	5,328.00	5,594.40	5,874.40	6,168.00	6,476.00
0623	5,461.60	5,734.40	6,020.80	6,321.60	6,638.40
0624	5,597.60	5,877.60	6,171.20	6,480.00	6,804.00
0625	5,737.60	6,024.80	6,325.60	6,642.40	6,974.40
0626	5,880.80	6,175.20	6,484.00	6,808.00	7,148.80
0627	6,028.00	6,329.60	6,645.60	6,978.40	7,327.20
0628	6,179.20	6,488.00	6,812.00	7,152.80	7,510.40
0629	6,333.60	6,649.60	6,982.40	7,331.20	7,698.40
0630	6,492.00	6,816.00	7,156.80	7,514.40	7,890.40
0631	6,653.60	6,986.40	7,336.00	7,702.40	8,088.00
0632	6,820.00	7,161.60	7,519.20	7,895.20	8,289.60
0633	6,990.40	7,340.00	7,707.20	8,092.80	8,496.80
0634	7,165.60	7,524.00	7,900.00	8,295.20	8,709.60
0635	7,344.80	7,712.00	8,097.60	8,502.40	8,927.20
0636	7,528.00	7,904.80	8,300.00	8,714.40	9,150.40
0637	7,716.80	8,102.40	8,507.20	8,932.80	9,379.20
0638	7,909.60	8,304.80	8,720.00	9,156.00	9,613.60
0639	8,107.20	8,512.00	8,937.60	9,384.80	9,854.40
0640	8,309.60	8,724.80	9,161.60	9,619.20	10,100.00

City of Modesto
Schedule of Salary Ranges in City Service for FY 23/24
Effective: June 20, 2023
MPMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0601	6,872.12	7,217.60	7,578.14	7,956.00	8,354.67
0602	7,046.00	7,397.87	7,767.07	8,155.34	8,562.67
0603	7,221.07	7,583.34	7,961.20	8,359.87	8,777.60
0604	7,401.34	7,772.27	8,160.54	8,567.87	8,997.74
0605	7,586.80	7,966.40	8,365.07	8,782.80	9,221.34
0606	7,777.47	8,165.74	8,573.07	9,002.94	9,451.87
0607	7,971.60	8,370.27	8,788.00	9,226.54	9,689.34
0608	8,170.94	8,578.27	9,008.14	9,458.80	9,930.27
0609	8,373.74	8,793.20	9,233.47	9,694.54	10,179.87
0610	8,583.47	9,013.34	9,464.00	9,937.20	10,432.94
0611	8,798.40	9,238.67	9,699.74	10,185.07	10,694.67
0612	9,018.54	9,469.20	9,942.40	10,439.87	10,961.60
0613	9,243.87	9,706.67	10,192.00	10,701.60	11,235.47
0614	9,474.40	9,949.34	10,446.80	10,968.54	11,516.27
0615	9,711.87	10,197.20	10,706.80	11,242.40	11,804.00
0616	9,954.54	10,452.00	10,975.47	11,523.20	12,100.40
0617	10,204.14	10,713.74	11,249.34	11,810.94	12,402.00
0618	10,458.94	10,980.67	11,530.14	12,107.34	12,712.27
0619	10,720.67	11,256.27	11,817.87	12,408.94	13,029.47
0620	10,987.60	11,537.07	12,114.27	12,719.20	13,355.34
0621	11,263.20	11,824.80	12,417.60	13,038.14	13,689.87
0622	11,544.00	12,121.20	12,727.87	13,364.00	14,031.34
0623	11,833.47	12,424.54	13,045.07	13,696.80	14,383.20
0624	12,128.14	12,734.80	13,370.94	14,040.00	14,742.00
0625	12,431.47	13,053.74	13,705.47	14,391.87	15,111.20
0626	12,741.74	13,379.60	14,048.67	14,750.67	15,489.07
0627	13,060.67	13,714.14	14,398.80	15,119.87	15,875.60
0628	13,388.27	14,057.34	14,759.34	15,497.74	16,272.54
0629	13,722.80	14,407.47	15,128.54	15,884.27	16,679.87
0630	14,066.00	14,768.00	15,506.40	16,281.20	17,095.87
0631	14,416.14	15,137.20	15,894.67	16,688.54	17,524.00
0632	14,776.67	15,516.80	16,291.60	17,106.27	17,960.80
0633	15,145.87	15,903.34	16,698.94	17,534.40	18,409.74
0634	15,525.47	16,302.00	17,116.67	17,972.94	18,870.80
0635	15,913.74	16,709.34	17,544.80	18,421.87	19,342.27
0636	16,310.67	17,127.07	17,983.34	18,881.20	19,825.87
0637	16,719.74	17,555.20	18,432.27	19,354.40	20,321.60
0638	17,137.47	17,993.74	18,893.34	19,838.00	20,829.47
0639	17,565.60	18,442.67	19,364.80	20,333.74	21,351.20
0640	18,004.14	18,903.74	19,850.14	20,841.60	21,883.34

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective: June 18, 2024
MPMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E
0601	41.63	43.73	45.91	48.21	50.62
0602	42.69	44.82	47.06	49.41	51.88
0603	43.75	45.94	48.24	50.65	53.18
0604	44.85	47.09	49.44	51.91	54.51
0605	45.97	48.27	50.68	53.21	55.87
0606	47.12	49.47	51.95	54.54	57.27
0607	48.29	50.71	53.24	55.91	58.70
0608	49.50	51.98	54.58	57.30	60.17
0609	50.74	53.28	55.94	58.74	61.67
0610	52.01	54.61	57.34	60.20	63.21
0611	53.31	55.97	58.77	61.71	64.79
0612	54.64	57.37	60.24	63.25	66.41
0613	56.01	58.81	61.75	64.83	68.07
0614	57.41	60.28	63.29	66.45	69.78
0615	58.84	61.78	64.87	68.12	71.52
0616	60.31	63.33	66.49	69.82	73.31
0617	61.82	64.91	68.16	71.56	75.14
0618	63.37	66.53	69.86	73.35	77.02
0619	64.95	68.20	71.61	75.19	78.95
0620	66.57	69.90	73.40	77.07	80.92
0621	68.24	71.65	75.23	78.99	82.94
0622	69.94	73.44	77.11	80.97	85.01
0623	71.69	75.28	79.04	82.99	87.14
0624	73.48	77.16	81.01	85.07	89.32
0625	75.32	79.09	83.04	87.19	91.55
0626	77.20	81.06	85.12	89.37	93.84
0627	79.13	83.09	87.24	91.61	96.19
0628	81.11	85.17	89.42	93.90	98.59
0629	83.14	87.30	91.66	96.24	101.05
0630	85.22	89.48	93.95	98.65	103.58
0631	87.35	91.71	96.30	101.12	106.17
0632	89.53	94.01	98.71	103.64	108.82
0633	91.77	96.36	101.18	106.23	111.55
0634	94.06	98.77	103.70	108.89	114.33
0635	96.42	101.24	106.30	111.61	117.19
0636	98.83	103.77	108.95	114.40	120.12
0637	101.30	106.36	111.68	117.26	123.12
0638	103.83	109.02	114.47	120.19	126.20
0639	106.42	111.74	117.33	123.20	129.36
0640	109.08	114.54	120.26	126.28	132.59

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective: June 18, 2024
MPMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E
0601	3,330.60	3,498.40	3,672.80	3,856.80	4,049.60
0602	3,415.20	3,585.60	3,764.80	3,952.80	4,150.40
0603	3,500.00	3,675.20	3,859.20	4,052.00	4,254.40
0604	3,588.00	3,767.20	3,955.20	4,152.80	4,360.80
0605	3,677.60	3,861.60	4,054.40	4,256.80	4,469.60
0606	3,769.60	3,957.60	4,156.00	4,363.20	4,581.60
0607	3,863.20	4,056.80	4,259.20	4,472.80	4,696.00
0608	3,960.00	4,158.40	4,366.40	4,584.00	4,813.60
0609	4,059.20	4,262.40	4,475.20	4,699.20	4,933.60
0610	4,160.80	4,368.80	4,587.20	4,816.00	5,056.80
0611	4,264.80	4,477.60	4,701.60	4,936.80	5,183.20
0612	4,371.20	4,589.60	4,819.20	5,060.00	5,312.80
0613	4,480.80	4,704.80	4,940.00	5,186.40	5,445.60
0614	4,592.80	4,822.40	5,063.20	5,316.00	5,582.40
0615	4,707.20	4,942.40	5,189.60	5,449.60	5,721.60
0616	4,824.80	5,066.40	5,319.20	5,585.60	5,864.80
0617	4,945.60	5,192.80	5,452.80	5,724.80	6,011.20
0618	5,069.60	5,322.40	5,588.80	5,868.00	6,161.60
0619	5,196.00	5,456.00	5,728.80	6,015.20	6,316.00
0620	5,325.60	5,592.00	5,872.00	6,165.60	6,473.60
0621	5,459.20	5,732.00	6,018.40	6,319.20	6,635.20
0622	5,595.20	5,875.20	6,168.80	6,477.60	6,800.80
0623	5,735.20	6,022.40	6,323.20	6,639.20	6,971.20
0624	5,878.40	6,172.80	6,480.80	6,805.60	7,145.60
0625	6,025.60	6,327.20	6,643.20	6,975.20	7,324.00
0626	6,176.00	6,484.80	6,809.60	7,149.60	7,507.20
0627	6,330.40	6,647.20	6,979.20	7,328.80	7,695.20
0628	6,488.80	6,813.60	7,153.60	7,512.00	7,887.20
0629	6,651.20	6,984.00	7,332.80	7,699.20	8,084.00
0630	6,817.60	7,158.40	7,516.00	7,892.00	8,286.40
0631	6,988.00	7,336.80	7,704.00	8,089.60	8,493.60
0632	7,162.40	7,520.80	7,896.80	8,291.20	8,705.60
0633	7,341.60	7,708.80	8,094.40	8,498.40	8,924.00
0634	7,524.80	7,901.60	8,296.00	8,711.20	9,146.40
0635	7,713.60	8,099.20	8,504.00	8,928.80	9,375.20
0636	7,906.40	8,301.60	8,716.00	9,152.00	9,609.60
0637	8,104.00	8,508.80	8,934.40	9,380.80	9,849.60
0638	8,306.40	8,721.60	9,157.60	9,615.20	10,096.00
0639	8,513.60	8,939.20	9,386.40	9,856.00	10,348.80
0640	8,726.40	9,163.20	9,620.80	10,102.40	10,607.20

City of Modesto
Schedule of Salary Ranges in City Service for FY 24/25
Effective: June 18, 2024
MPMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E
0601	7,216.30	7,579.87	7,957.74	8,356.40	8,774.14
0602	7,399.60	7,768.80	8,157.07	8,564.40	8,992.54
0603	7,583.34	7,962.94	8,361.60	8,779.34	9,217.87
0604	7,774.00	8,162.27	8,569.60	8,997.74	9,448.40
0605	7,968.14	8,366.80	8,784.54	9,223.07	9,684.14
0606	8,167.47	8,574.80	9,004.67	9,453.60	9,926.80
0607	8,370.27	8,789.74	9,228.27	9,691.07	10,174.67
0608	8,580.00	9,009.87	9,460.54	9,932.00	10,429.47
0609	8,794.94	9,235.20	9,696.27	10,181.60	10,689.47
0610	9,015.07	9,465.74	9,938.94	10,434.67	10,956.40
0611	9,240.40	9,701.47	10,186.80	10,696.40	11,230.27
0612	9,470.94	9,944.14	10,441.60	10,963.34	11,511.07
0613	9,708.40	10,193.74	10,703.34	11,237.20	11,798.80
0614	9,951.07	10,448.54	10,970.27	11,518.00	12,095.20
0615	10,198.94	10,708.54	11,244.14	11,807.47	12,396.80
0616	10,453.74	10,977.20	11,524.94	12,102.14	12,707.07
0617	10,715.47	11,251.07	11,814.40	12,403.74	13,024.27
0618	10,984.14	11,531.87	12,109.07	12,714.00	13,350.14
0619	11,258.00	11,821.34	12,412.40	13,032.94	13,684.67
0620	11,538.80	12,116.00	12,722.67	13,358.80	14,026.14
0621	11,828.27	12,419.34	13,039.87	13,691.60	14,376.27
0622	12,122.94	12,729.60	13,365.74	14,034.80	14,735.07
0623	12,426.27	13,048.54	13,700.27	14,384.94	15,104.27
0624	12,736.54	13,374.40	14,041.74	14,745.47	15,482.14
0625	13,055.47	13,708.94	14,393.60	15,112.94	15,868.67
0626	13,381.34	14,050.40	14,754.14	15,490.80	16,265.60
0627	13,715.87	14,402.27	15,121.60	15,879.07	16,672.94
0628	14,059.07	14,762.80	15,499.47	16,276.00	17,088.94
0629	14,410.94	15,132.00	15,887.74	16,681.60	17,515.34
0630	14,771.47	15,509.87	16,284.67	17,099.34	17,953.87
0631	15,140.67	15,896.40	16,692.00	17,527.47	18,402.80
0632	15,518.54	16,295.07	17,109.74	17,964.27	18,862.14
0633	15,906.80	16,702.40	17,537.87	18,413.20	19,335.34
0634	16,303.74	17,120.14	17,974.67	18,874.27	19,817.20
0635	16,712.80	17,548.27	18,425.34	19,345.74	20,312.94
0636	17,130.54	17,986.80	18,884.67	19,829.34	20,820.80
0637	17,558.67	18,435.74	19,357.87	20,325.07	21,340.80
0638	17,997.20	18,896.80	19,841.47	20,832.94	21,874.67
0639	18,446.14	19,368.27	20,337.20	21,354.67	22,422.40
0640	18,907.20	19,853.60	20,845.07	21,888.54	22,982.27

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective: July 1,2025
MPMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0601	42.88	45.03	47.28	49.64	52.13	54.73
0602	43.96	46.15	48.46	50.88	53.43	56.10
0603	45.06	47.31	49.67	52.16	54.76	57.50
0604	46.18	48.49	50.92	53.46	56.13	58.94
0605	47.34	49.70	52.19	54.80	57.54	60.41
0606	48.52	50.95	53.49	56.17	58.98	61.92
0607	49.73	52.22	54.83	57.57	60.45	63.47
0608	50.98	53.52	56.20	59.01	61.96	65.06
0609	52.25	54.86	57.61	60.49	63.51	66.68
0610	53.56	56.23	59.05	62.00	65.10	68.35
0611	54.90	57.64	60.52	63.55	66.72	70.06
0612	56.27	59.08	62.03	65.14	68.39	71.81
0613	57.67	60.56	63.58	66.76	70.10	73.61
0614	59.12	62.07	65.17	68.43	71.85	75.45
0615	60.59	63.62	66.80	70.14	73.65	77.33
0616	62.11	65.21	68.47	71.90	75.49	79.27
0617	63.66	66.84	70.19	73.69	77.38	81.25
0618	65.25	68.51	71.94	75.54	79.31	83.28
0619	66.88	70.23	73.74	77.42	81.30	85.36
0620	68.56	71.98	75.58	79.36	83.33	87.49
0621	70.27	73.78	77.47	81.34	85.41	89.68
0622	72.03	75.63	79.41	83.38	87.55	91.92
0623	73.83	77.52	81.39	85.46	89.73	94.22
0624	75.67	79.45	83.43	87.60	91.98	96.58
0625	77.56	81.44	85.51	89.79	94.28	98.99
0626	79.50	83.48	87.65	92.03	96.63	101.47
0627	81.49	85.56	89.84	94.33	99.05	104.00
0628	83.53	87.70	92.09	96.69	101.53	106.60
0629	85.61	89.90	94.39	99.11	104.06	109.27
0630	87.75	92.14	96.75	101.59	106.67	112.00
0631	89.95	94.45	99.17	104.13	109.33	114.80
0632	92.20	96.81	101.65	106.73	112.07	117.67
0633	94.50	99.23	104.19	109.40	114.87	120.61
0634	96.86	101.71	106.79	112.13	117.74	123.63
0635	99.29	104.25	109.46	114.94	120.68	126.72
0636	101.77	106.86	112.20	117.81	123.70	129.88
0637	104.31	109.53	115.00	120.75	126.79	133.13
0638	106.92	112.27	117.88	123.77	129.96	136.46
0639	109.59	115.07	120.83	126.87	133.21	139.87
0640	112.33	117.95	123.85	130.04	136.54	143.37

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective: July 1,2025
MPMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0601	3,430.31	3,602.40	3,782.40	3,971.20	4,170.40	4,378.40
0602	3,516.80	3,692.00	3,876.80	4,070.40	4,274.40	4,488.00
0603	3,604.80	3,784.80	3,973.60	4,172.80	4,380.80	4,600.00
0604	3,694.40	3,879.20	4,073.60	4,276.80	4,490.40	4,715.20
0605	3,787.20	3,976.00	4,175.20	4,384.00	4,603.20	4,832.80
0606	3,881.60	4,076.00	4,279.20	4,493.60	4,718.40	4,953.60
0607	3,978.40	4,177.60	4,386.40	4,605.60	4,836.00	5,077.60
0608	4,078.40	4,281.60	4,496.00	4,720.80	4,956.80	5,204.80
0609	4,180.00	4,388.80	4,608.80	4,839.20	5,080.80	5,334.40
0610	4,284.80	4,498.40	4,724.00	4,960.00	5,208.00	5,468.00
0611	4,392.00	4,611.20	4,841.60	5,084.00	5,337.60	5,604.80
0612	4,501.60	4,726.40	4,962.40	5,211.20	5,471.20	5,744.80
0613	4,613.60	4,844.80	5,086.40	5,340.80	5,608.00	5,888.80
0614	4,729.60	4,965.60	5,213.60	5,474.40	5,748.00	6,036.00
0615	4,847.20	5,089.60	5,344.00	5,611.20	5,892.00	6,186.40
0616	4,968.80	5,216.80	5,477.60	5,752.00	6,039.20	6,341.60
0617	5,092.80	5,347.20	5,615.20	5,895.20	6,190.40	6,500.00
0618	5,220.00	5,480.80	5,755.20	6,043.20	6,344.80	6,662.40
0619	5,350.40	5,618.40	5,899.20	6,193.60	6,504.00	6,828.80
0620	5,484.80	5,758.40	6,046.40	6,348.80	6,666.40	6,999.20
0621	5,621.60	5,902.40	6,197.60	6,507.20	6,832.80	7,174.40
0622	5,762.40	6,050.40	6,352.80	6,670.40	7,004.00	7,353.60
0623	5,906.40	6,201.60	6,511.20	6,836.80	7,178.40	7,537.60
0624	6,053.60	6,356.00	6,674.40	7,008.00	7,358.40	7,726.40
0625	6,204.80	6,515.20	6,840.80	7,183.20	7,542.40	7,919.20
0626	6,360.00	6,678.40	7,012.00	7,362.40	7,730.40	8,117.60
0627	6,519.20	6,844.80	7,187.20	7,546.40	7,924.00	8,320.00
0628	6,682.40	7,016.00	7,367.20	7,735.20	8,122.40	8,528.00
0629	6,848.80	7,192.00	7,551.20	7,928.80	8,324.80	8,741.60
0630	7,020.00	7,371.20	7,740.00	8,127.20	8,533.60	8,960.00
0631	7,196.00	7,556.00	7,933.60	8,330.40	8,746.40	9,184.00
0632	7,376.00	7,744.80	8,132.00	8,538.40	8,965.60	9,413.60
0633	7,560.00	7,938.40	8,335.20	8,752.00	9,189.60	9,648.80
0634	7,748.80	8,136.80	8,543.20	8,970.40	9,419.20	9,890.40
0635	7,943.20	8,340.00	8,756.80	9,195.20	9,654.40	10,137.60
0636	8,141.60	8,548.80	8,976.00	9,424.80	9,896.00	10,390.40
0637	8,344.80	8,762.40	9,200.00	9,660.00	10,143.20	10,650.40
0638	8,553.60	8,981.60	9,430.40	9,901.60	10,396.80	10,916.80
0639	8,767.20	9,205.60	9,666.40	10,149.60	10,656.80	11,189.60
0640	8,986.40	9,436.00	9,908.00	10,403.20	10,923.20	11,469.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 25/26
Effective: July 1,2025
MPMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0601	7,432.35	7,805.20	8,195.20	8,604.27	9,035.87	9,486.54
0602	7,619.74	7,999.34	8,399.74	8,819.20	9,261.20	9,724.00
0603	7,810.40	8,200.40	8,609.47	9,041.07	9,491.74	9,966.67
0604	8,004.54	8,404.94	8,826.14	9,266.40	9,729.20	10,216.27
0605	8,205.60	8,614.67	9,046.27	9,498.67	9,973.60	10,471.07
0606	8,410.14	8,831.34	9,271.60	9,736.14	10,223.20	10,732.80
0607	8,619.87	9,051.47	9,503.87	9,978.80	10,478.00	11,001.47
0608	8,836.54	9,276.80	9,741.34	10,228.40	10,739.74	11,277.07
0609	9,056.67	9,509.07	9,985.74	10,484.94	11,008.40	11,557.87
0610	9,283.74	9,746.54	10,235.34	10,746.67	11,284.00	11,847.34
0611	9,516.00	9,990.94	10,490.14	11,015.34	11,564.80	12,143.74
0612	9,753.47	10,240.54	10,751.87	11,290.94	11,854.27	12,447.07
0613	9,996.14	10,497.07	11,020.54	11,571.74	12,150.67	12,759.07
0614	10,247.47	10,758.80	11,296.14	11,861.20	12,454.00	13,078.00
0615	10,502.27	11,027.47	11,578.67	12,157.60	12,766.00	13,403.87
0616	10,765.74	11,303.07	11,868.14	12,462.67	13,084.94	13,740.14
0617	11,034.40	11,585.60	12,166.27	12,772.94	13,412.54	14,083.34
0618	11,310.00	11,875.07	12,469.60	13,093.60	13,747.07	14,435.20
0619	11,592.54	12,173.20	12,781.60	13,419.47	14,092.00	14,795.74
0620	11,883.74	12,476.54	13,100.54	13,755.74	14,443.87	15,164.94
0621	12,180.14	12,788.54	13,428.14	14,098.94	14,804.40	15,544.54
0622	12,485.20	13,109.20	13,764.40	14,452.54	15,175.34	15,932.80
0623	12,797.20	13,436.80	14,107.60	14,813.07	15,553.20	16,331.47
0624	13,116.14	13,771.34	14,461.20	15,184.00	15,943.20	16,740.54
0625	13,443.74	14,116.27	14,821.74	15,563.60	16,341.87	17,158.27
0626	13,780.00	14,469.87	15,192.67	15,951.87	16,749.20	17,588.14
0627	14,124.94	14,830.40	15,572.27	16,350.54	17,168.67	18,026.67
0628	14,478.54	15,201.34	15,962.27	16,759.60	17,598.54	18,477.34
0629	14,839.07	15,582.67	16,360.94	17,179.07	18,037.07	18,940.14
0630	15,210.00	15,970.94	16,770.00	17,608.94	18,489.47	19,413.34
0631	15,591.34	16,371.34	17,189.47	18,049.20	18,950.54	19,898.67
0632	15,981.34	16,780.40	17,619.34	18,499.87	19,425.47	20,396.14
0633	16,380.00	17,199.87	18,059.60	18,962.67	19,910.80	20,905.74
0634	16,789.07	17,629.74	18,510.27	19,435.87	20,408.27	21,429.20
0635	17,210.27	18,070.00	18,973.07	19,922.94	20,917.87	21,964.80
0636	17,640.14	18,522.40	19,448.00	20,420.40	21,441.34	22,512.54
0637	18,080.40	18,985.20	19,933.34	20,930.00	21,976.94	23,075.87
0638	18,532.80	19,460.14	20,432.54	21,453.47	22,526.40	23,653.07
0639	18,995.60	19,945.47	20,943.87	21,990.80	23,089.74	24,244.14
0640	19,470.54	20,444.67	21,467.34	22,540.27	23,666.94	24,850.80

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective: June 30, 2026
MPMA
Hourly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0601	44.60	46.83	49.18	51.64	54.22	56.93
0602	45.72	48.01	50.41	52.93	55.57	58.35
0603	46.86	49.21	51.67	54.25	56.96	59.81
0604	48.03	50.44	52.96	55.60	58.38	61.30
0605	49.24	51.70	54.28	56.99	59.84	62.84
0606	50.47	52.99	55.64	58.42	61.34	64.41
0607	51.73	54.31	57.03	59.88	62.87	66.02
0608	53.02	55.67	58.45	61.38	64.45	67.67
0609	54.35	57.06	59.92	62.91	66.06	69.36
0610	55.70	58.49	61.41	64.48	67.71	71.09
0611	57.10	59.95	62.95	66.10	69.40	72.87
0612	58.52	61.45	64.52	67.75	71.14	74.69
0613	59.99	62.99	66.14	69.44	72.91	76.56
0614	61.49	64.56	67.79	71.18	74.74	78.47
0615	63.02	66.17	69.48	72.96	76.60	80.43
0616	64.60	67.83	71.22	74.78	78.52	82.45
0617	66.21	69.52	73.00	76.65	80.48	84.51
0618	67.87	71.26	74.83	78.57	82.49	86.62
0619	69.57	73.04	76.70	80.53	84.56	88.78
0620	71.30	74.87	78.61	82.54	86.67	91.00
0621	73.09	76.74	80.58	84.61	88.84	93.28
0622	74.91	78.66	82.59	86.72	91.06	95.61
0623	76.79	80.63	84.66	88.89	93.33	98.00
0624	78.71	82.64	86.77	91.11	95.67	100.45
0625	80.67	84.71	88.94	93.39	98.06	102.96
0626	82.69	86.83	91.17	95.72	100.51	105.54
0627	84.76	89.00	93.45	98.12	103.02	108.17
0628	86.88	91.22	95.78	100.57	105.60	110.88
0629	89.05	93.50	98.18	103.08	108.24	113.65
0630	91.27	95.84	100.63	105.66	110.94	116.49
0631	93.56	98.23	103.15	108.30	113.72	119.40
0632	95.90	100.69	105.72	111.01	116.56	122.39
0633	98.29	103.21	108.37	113.79	119.47	125.45
0634	100.75	105.79	111.08	116.63	122.46	128.58
0635	103.27	108.43	113.85	119.55	125.52	131.80
0636	105.85	111.14	116.70	122.53	128.66	135.09
0637	108.50	113.92	119.62	125.60	131.88	138.47
0638	111.21	116.77	122.61	128.74	135.17	141.93
0639	113.99	119.69	125.67	131.96	138.55	145.48
0640	116.84	122.68	128.81	135.25	142.02	149.12

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective: June 30, 2026
MPMA
Biweekly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0601	3,567.62	3,746.40	3,934.40	4,131.20	4,337.60	4,554.40
0602	3,657.60	3,840.80	4,032.80	4,234.40	4,445.60	4,668.00
0603	3,748.80	3,936.80	4,133.60	4,340.00	4,556.80	4,784.80
0604	3,842.40	4,035.20	4,236.80	4,448.00	4,670.40	4,904.00
0605	3,939.20	4,136.00	4,342.40	4,559.20	4,787.20	5,027.20
0606	4,037.60	4,239.20	4,451.20	4,673.60	4,907.20	5,152.80
0607	4,138.40	4,344.80	4,562.40	4,790.40	5,029.60	5,281.60
0608	4,241.60	4,453.60	4,676.00	4,910.40	5,156.00	5,413.60
0609	4,348.00	4,564.80	4,793.60	5,032.80	5,284.80	5,548.80
0610	4,456.00	4,679.20	4,912.80	5,158.40	5,416.80	5,687.20
0611	4,568.00	4,796.00	5,036.00	5,288.00	5,552.00	5,829.60
0612	4,681.60	4,916.00	5,161.60	5,420.00	5,691.20	5,975.20
0613	4,799.20	5,039.20	5,291.20	5,555.20	5,832.80	6,124.80
0614	4,919.20	5,164.80	5,423.20	5,694.40	5,979.20	6,277.60
0615	5,041.60	5,293.60	5,558.40	5,836.80	6,128.00	6,434.40
0616	5,168.00	5,426.40	5,697.60	5,982.40	6,281.60	6,596.00
0617	5,296.80	5,561.60	5,840.00	6,132.00	6,438.40	6,760.80
0618	5,429.60	5,700.80	5,986.40	6,285.60	6,599.20	6,929.60
0619	5,565.60	5,843.20	6,136.00	6,442.40	6,764.80	7,102.40
0620	5,704.00	5,989.60	6,288.80	6,603.20	6,933.60	7,280.00
0621	5,847.20	6,139.20	6,446.40	6,768.80	7,107.20	7,462.40
0622	5,992.80	6,292.80	6,607.20	6,937.60	7,284.80	7,648.80
0623	6,143.20	6,450.40	6,772.80	7,111.20	7,466.40	7,840.00
0624	6,296.80	6,611.20	6,941.60	7,288.80	7,653.60	8,036.00
0625	6,453.60	6,776.80	7,115.20	7,471.20	7,844.80	8,236.80
0626	6,615.20	6,946.40	7,293.60	7,657.60	8,040.80	8,443.20
0627	6,780.80	7,120.00	7,476.00	7,849.60	8,241.60	8,653.60
0628	6,950.40	7,297.60	7,662.40	8,045.60	8,448.00	8,870.40
0629	7,124.00	7,480.00	7,854.40	8,246.40	8,659.20	9,092.00
0630	7,301.60	7,667.20	8,050.40	8,452.80	8,875.20	9,319.20
0631	7,484.80	7,858.40	8,252.00	8,664.00	9,097.60	9,552.00
0632	7,672.00	8,055.20	8,457.60	8,880.80	9,324.80	9,791.20
0633	7,863.20	8,256.80	8,669.60	9,103.20	9,557.60	10,036.00
0634	8,060.00	8,463.20	8,886.40	9,330.40	9,796.80	10,286.40
0635	8,261.60	8,674.40	9,108.00	9,564.00	10,041.60	10,544.00
0636	8,468.00	8,891.20	9,336.00	9,802.40	10,292.80	10,807.20
0637	8,680.00	9,113.60	9,569.60	10,048.00	10,550.40	11,077.60
0638	8,896.80	9,341.60	9,808.80	10,299.20	10,813.60	11,354.40
0639	9,119.20	9,575.20	########	10,556.80	11,084.00	11,638.40
0640	9,347.20	9,814.40	########	10,820.00	11,361.60	11,929.60

City of Modesto
Schedule of Salary Ranges in City Service for FY 26/27
Effective: June 30, 2026
MPMA
Monthly

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0601	7,729.84	8,117.20	8,524.54	8,950.94	9,398.14	9,867.87
0602	7,924.80	8,321.74	8,737.74	9,174.54	9,632.14	10,114.00
0603	8,122.40	8,529.74	8,956.14	9,403.34	9,873.07	10,367.07
0604	8,325.20	8,742.94	9,179.74	9,637.34	10,119.20	10,625.34
0605	8,534.94	8,961.34	9,408.54	9,878.27	10,372.27	10,892.27
0606	8,748.14	9,184.94	9,644.27	10,126.14	10,632.27	11,164.40
0607	8,966.54	9,413.74	9,885.20	10,379.20	10,897.47	11,443.47
0608	9,190.14	9,649.47	10,131.34	10,639.20	11,171.34	11,729.47
0609	9,420.67	9,890.40	10,386.14	10,904.40	11,450.40	12,022.40
0610	9,654.67	10,138.27	10,644.40	11,176.54	11,736.40	12,322.27
0611	9,897.34	10,391.34	10,911.34	11,457.34	12,029.34	12,630.80
0612	10,143.47	10,651.34	11,183.47	11,743.34	12,330.94	12,946.27
0613	10,398.27	10,918.27	11,464.27	12,036.27	12,637.74	13,270.40
0614	10,658.27	11,190.40	11,750.27	12,337.87	12,954.94	13,601.47
0615	10,923.47	11,469.47	12,043.20	12,646.40	13,277.34	13,941.20
0616	11,197.34	11,757.20	12,344.80	12,961.87	13,610.14	14,291.34
0617	11,476.40	12,050.14	12,653.34	13,286.00	13,949.87	14,648.40
0618	11,764.14	12,351.74	12,970.54	13,618.80	14,298.27	15,014.14
0619	12,058.80	12,660.27	13,294.67	13,958.54	14,657.07	15,388.54
0620	12,358.67	12,977.47	13,625.74	14,306.94	15,022.80	15,773.34
0621	12,668.94	13,301.60	13,967.20	14,665.74	15,398.94	16,168.54
0622	12,984.40	13,634.40	14,315.60	15,031.47	15,783.74	16,572.40
0623	13,310.27	13,975.87	14,674.40	15,407.60	16,177.20	16,986.67
0624	13,643.07	14,324.27	15,040.14	15,792.40	16,582.80	17,411.34
0625	13,982.80	14,683.07	15,416.27	16,187.60	16,997.07	17,846.40
0626	14,332.94	15,050.54	15,802.80	16,591.47	17,421.74	18,293.60
0627	14,691.74	15,426.67	16,198.00	17,007.47	17,856.80	18,749.47
0628	15,059.20	15,811.47	16,601.87	17,432.14	18,304.00	19,219.20
0629	15,435.34	16,206.67	17,017.87	17,867.20	18,761.60	19,699.34
0630	15,820.14	16,612.27	17,442.54	18,314.40	19,229.60	20,191.60
0631	16,217.07	17,026.54	17,879.34	18,772.00	19,711.47	20,696.00
0632	16,622.67	17,452.94	18,324.80	19,241.74	20,203.74	21,214.27
0633	17,036.94	17,889.74	18,784.14	19,723.60	20,708.14	21,744.67
0634	17,463.34	18,336.94	19,253.87	20,215.87	21,226.40	22,287.20
0635	17,900.14	18,794.54	19,734.00	20,722.00	21,756.80	22,845.34
0636	18,347.34	19,264.27	20,228.00	21,238.54	22,301.07	23,415.60
0637	18,806.67	19,746.14	20,734.14	21,770.67	22,859.20	24,001.47
0638	19,276.40	20,240.14	21,252.40	22,314.94	23,429.47	24,601.20
0639	19,758.27	20,746.27	21,782.80	22,873.07	24,015.34	25,216.54
0640	20,252.27	21,264.54	22,327.07	23,443.34	24,616.80	25,847.47

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-321

RESOLUTION APPROVING SALARY CHANGES FOR UNREPRESENTED SWORN POLICE MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING EXECUTIVES CONSISTENT WITH THOSE IN REPRESENTED UNITS, EFFECTIVE JUNE 20, 2023, AS SET FORTH IN ATTACHED EXHIBIT A, "SUMMARY OF SALARY RANGES AND SCHEDULES FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES"; AMENDING THE SUMMARY OF SALARY RANGES AND SCHEDULES PREVIOUSLY APPROVED BY RESOLUTION 2023-288, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 13, 2023, by Resolution No 2023-288 Council approved salary changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Police Management consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto Police Officers Association (MPOA) on June 27, 2023 which included salary increases, and

WHEREAS, the Council of the City of Modesto desires to approve a five percent (5.0%) base salary increase for all Unrepresented Sworn Management and Confidential effective June 20, 2023, in addition to a three percent (3.0%) base salary increase effective June 20, 2023, consistent with the MPOA, if approved by the City Council; followed by an additional five (5.0%) percent base salary increase effective June 18,

2024; followed by an additional three (3.0%) percent base salary increase effective July 1, 2025; followed by an additional four (4.0%) percent base salary increase effective June 30, 2026 and

WHEREAS, the City desires to maintain competitive position with the labor market. Therefore, a Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives provides for the changes below, as set forth in the following exhibits and shall be attached hereto as and made a part hereof:

1) Implements across the board salary increase in base salary for Sworn Police Management employees, including Executives as follows:
    a) 5% base salary increase effective June 20, 2023, including an additional 3% base salary increase effective June 20, 2023, consistent with the MPOA, if approved by the Council
    b) 5% base salary increase effective June 18, 2024
    c) 3% base salary increase effective July 1, 2025
    d) 4% base salary increase effective June 30, 2026
2) Effective July 1, 2025, a new Step "F" shall be added to all salary schedules for all Sworn Police and Non-Sworn Unrepresented classifications and shall be 5% above then Step E.

WHEREAS, the "Summary Of Salary Ranges and Schedules For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives" set forth in the following exhibit which are

attached hereto and made a part hereof shall amend the Salary Ranges and Schedules previously adopted in Resolution No. 2023-288.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the salary changes for Unrepresented Sworn Police Management and Confidential Employees, including Executives consistent with those in the Represented Units, Effective June 20, 2023, as described in this Resolution, and approves the amendments to the "Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives," reflecting such salary changes as described in Exhibit A,. This Resolution will amend the Summary of Salary Ranges and Schedules previously adopted by the Council pursuant to Resolution No. 2023-288.

BE IT FURTHER RESOLVED that the City Manager, or designee, 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 27th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Clara Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

SUMMARY OF SALARY RANGES AND SCHEDULES FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES

Effective June 20, 2023

Table of Contents

1. SALARY RANGES, RATES AND EFFECTIVE DATES 5
2. CHARTER OFFICERS. 8
3. USE OF CLASSES. 8
4. POSITIONS. 8
5. APPOINTMENTS AND SALARIES. 8
6. SPECIAL SALARY RATES. 9
7. PART-TIME EMPLOYMENT. 9
ATTACHMENTS 10
EXHIBIT 1: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23 10
EXHIBIT 2: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23 11
EXHIBIT 3A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23 12
EXHIBIT 3B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23 13
EXHIBIT 3C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23 14
EXHIBIT 4A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24 15
EXHIBIT 4B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24 16
EXHIBIT 4C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24 17
EXHIBIT 5A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25 18
EXHIBIT 5B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25 19
EXHIBIT 5C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN – 7/1/25 20
EXHIBIT 6A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26 21

EXHIBIT 6B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26 22

EXHIBIT 6C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26 23

EXHIBIT 7A: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/20/23 24

EXHIBIT 7B: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/18/24 25

EXHIBIT 8A: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 6/20/23 26

EXHIBIT 8B: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 6/18/24 27

EXHIBIT 8C: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 7/1/25 28

EXHIBIT 8D: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT-EFFECTIVE 6/30/26 29

EXHIBIT 9A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/21/22 30

EXHIBIT 10A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/21/22 31

EXHIBIT 9B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/20/23 32

EXHIBIT 10B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/20/23 33

EXHIBIT 11A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS - EFFECTIVE 6/21/22 34

EXHIBIT 11B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS – EFFECTIVE 6/20/23 35

EXHIBIT 12A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/21/22 36

EXHIBIT 12B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/20/23 37

EXHIBIT 13: CLASS RANGE TABLE FOR UNREPRESENTED FIRE MANAGEMENT EFFECTIVE 9/7/21 38

EXHIBIT 14: CLASS RANGE TABLE FOR UNREPRESENTED FIRE CHIEF EFFECTIVE 7/12/16 38

EXHIBIT 15: CLASS RANGE TABLE FOR UNREPRESENTED POLICE MANAGEMENT EFFECTIVE 6/26/18 . 38

EXHIBIT 16A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/20/23 .. 39

EXHIBIT 16B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/18/24... 40

EXHIBIT 16C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 7/1/25..... 41

EXHIBIT 16D: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/30/26 .. 42

EXHIBIT 17A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/20/23 43

EXHIBIT 17B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/18/24 44
EFFECTIVE: JUNE 18, 2024 44
EXHIBIT 17C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 07/01/2025 ... 45
EXHIBIT 17D: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 06/30/26 46
EXHIBIT 18: CLASS RANGE TABLE FOR UNREPRESENTED POLICE CHIEF EFFECTIVE 6/20/23 47
EXHIBIT X: UNREPRESENTED MARKET ADJUSTMENTS 48

Nothing in this document shall create an expressed or implied covenant or contract or create a property right or tenure for any person appointed to unrepresented classifications covered by this summary.

The City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit.

Further, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto City Fire Fighters Association (MCFFA) bargaining unit and for Unrepresented Sworn Police employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit.

On June 7, 2022, by Resolution No 2022-267, Council approved updates to salary ranges and salary schedules for unrepresented sworn management and non-sworn management and confidential employees, including charter officers and executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes.

On June 27, 2023, by Resolution No 2023-___ ,Council approved the Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes as follows:

1. SALARY RANGES, RATES AND EFFECTIVE DATES

The salary rates, salary ranges and salary steps as set forth in the following exhibits and attached hereto provide for a six-step schedule, effective June 20, 2023, for unrepresented sworn Fire Management employees; and effective July 1, 2025 for unrepresented sworn Police Management and non-sworn management and confidential employees, including charter officers and executives.

The remaining exhibits provide for a two and one-half (2.5) percent across the board salary adjustment for unrepresented Fire Management effective June 22, 2021, and an additional two and half (2.5) percent across the board salary adjustment for unrepresented sworn Fire Management effective June 21, 2022.

The remaining exhibits provide for four (4.0%) percent across-the-board salary adjustment for unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives, effective June 20, 2023; salary ranges increased by three (3.0%) percent effective June 18, 2024 for unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives; an additional three (3.0%) percent increase effective July 1, 2025 for unrepresented non-

sworn Management and Confidential employees, including Charter Officers and Executives; and an additional three (3.0%) percent base salary increase for all unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives, effective June 30, 2026. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in Exhibit X, along with any related classes shall increase in accordance with the schedule and is set forth in these Exhibits.

The remaining exhibits provide for five (5.0%) percent and a three (3%) percent across-the-board salary adjustment for unrepresented Sworn Police Management employees, including Executives, effective June 20, 2023; salary ranges increased by five (5.0%) percent effective June 18, 2024 for unrepresented Sworn Police Management employees, including Executives; an additional three (3.0%) percent increase effective July 1, 2025 for unrepresented Sworn Police Management employees, including Executives; and an additional four (4.0%) percent base salary increase for all unrepresented Sworn Police Management employees, including Executives, effective June 30, 2026.

1. Exhibit 1: Class Range Table for Unrepresented Management & Confidential Non-Sworn Classes Effective 6/20/23
2. Exhibit 2: Class Range Table for Unrepresented Management & Confidential Non-Sworn Classes Effective 6/20/23
3. Exhibit 3A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
4. Exhibit 3B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
5. Exhibit 3C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
6. Exhibit 4A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
7. Exhibit 4B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
8. Exhibit 4C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
9. Exhibit 5A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 7/1/25
10. Exhibit 5B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 7/1/25
11. Exhibit 5C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn – 7/1/25
12. Exhibit 6A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
13. Exhibit 6B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26

14. Exhibit 6C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
15. Exhibit 7A: Class Range Table Executive Management 6/20/23
16. Exhibit 7B: Class Range Table Executive Management 6/18/24
17. Exhibit 8A: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/20/23
18. Exhibit 8B: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/18/24
19. Exhibit 8C: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 7/1/25
20. Exhibit 8D: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/30/26
21. Exhibit 9A: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/21/22
22. Exhibit 10A: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/21/22
23. Exhibit 9B: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/20/23
24. Exhibit 10B: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/20/23
25. Exhibit 11A: Schedule of Salary for Unrepresented Fire Deputy Chiefs - Effective 6/21/22
26. Exhibit 11B: Schedule of Salary for Unrepresented Fire Deputy Chiefs – Effective 6/20/23
27. Exhibit 12A: Schedule of Salary for Unrepresented Fire Chief – Effective 6/21/22
28. Exhibit 12B: Schedule of Salary for Unrepresented Fire Chief – Effective 6/20/23
29. Exhibit 13: Class Range Table for Unrepresented Fire Management Effective 9/7/21
30. Exhibit 14: Class Range Table for Unrepresented Fire Chief Effective 7/12/16
31. Exhibit 15: Class Range Table for Unrepresented Police Management Effective 6/26/18
32. Exhibit 16A: Schedule of Salary for Unrepresented Police Captains – Effective 6/23/20
33. Exhibit 16B: Schedule of Salary for Unrepresented Police Captains – Effective 6/22/21
34. Exhibit 16C: Schedule of Salary for Unrepresented Police Captains – Effective 6/21/22

35. Exhibit 17A: Schedule of Salary for Unrepresented Police Chief – Effective 6/23/20
36. Exhibit 17B: Schedule of Salary for Unrepresented Police Chief – Effective 6/22/21
37. Exhibit 17C: Schedule of Salary for Unrepresented Police Chief – Effective 6/21/22
38. Exhibit 18: Class Range Table for Unrepresented Police Chief Effective 6/27/17
39. Exhibit X: Unrepresented Market Adjustments

2. CHARTER OFFICERS.

The salaries for the positions of the Charter Officers shall be as follows effective June 20, 2023:

Title	Hourly	Bi-Weekly	Monthly
City Manager	$ 133.51	$ 10,680.80	$ 23,141.74
City Attorney	$ 120.96	$ 9,676.80	$ 20,966.40
City Auditor	$ 85.61	$ 6,848.80	$ 14,839.07
City Clerk	$ 73.82	$ 5,905.60	$ 12,795.47

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.

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, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

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.

6. SPECIAL SALARY RATES.

The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

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.

The Council of the City of Modesto approved the above salary ranges and salary schedules by Resolution No. 2023-_____ on June 27, 2023.

ATTACHMENTS

EXHIBIT 1: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective June 20, 2023

Range Number	Title
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council
2429	Executive Assistant to the City Manager
2429	Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2445	Deputy City Attorney I
2448	Human Resources Manager
2448	Risk Manager
2449	Deputy City Attorney II
2452	Budget Manager
2452	Deputy Director of Community and Economic Development
2452	Deputy Director of Cultural and Enterprise Services
2452	Deputy Director of Finance
2452	Deputy Director of Human Resources
2452	Deputy Director of Recreation and Neighborhoods
2452	Public Relations and Legislative Affairs Manager
2453	Deputy City Attorney III
2453	Police Administrator
2457	Senior Deputy City Attorney
2463	Assistant City Attorney

EXHIBIT 2: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective June 18, 2024

Range Number	Title
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council
2429	Executive Assistant to the City Manager
2429	Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2448	Deputy City Attorney I
2448	Human Resources Manager
2448	Risk Manager
2452	Deputy City Attorney II
2452	Deputy Director of Community and Economic Development
2452	Deputy Director of Cultural and Enterprise Services
2452	Deputy Director of Finance
2452	Deputy Director of Human Resources
2452	Deputy Director of Recreation and Neighborhoods
2452	Public Relations and Legislative Affairs Manager
2453	Budget Manager
2453	Police Administrator
2456	Deputy City Attorney III
2460	Senior Deputy City Attorney
2466	Assistant City Attorney

EXHIBIT 3A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	26.28	27.60	28.98	30.43	31.95
2420	26.94	28.29	29.70	31.19	32.75
2421	27.62	29.00	30.45	31.97	33.57
2422	28.31	29.72	31.21	32.77	34.40
2423	29.01	30.46	31.99	33.59	35.26
2424	29.74	31.23	32.79	34.43	36.15
2425	30.48	32.01	33.61	35.29	37.05
2426	31.24	32.81	34.45	36.17	37.98
2427	32.02	33.63	35.31	37.07	38.93
2428	32.83	34.47	36.19	38.00	39.90
2429	33.65	35.33	37.09	38.95	40.90
2430	34.49	36.21	38.02	39.92	41.92
2431	35.35	37.12	38.97	40.92	42.97
2432	36.23	38.04	39.95	41.94	44.04
2433	37.14	38.99	40.94	42.99	45.14
2434	38.07	39.97	41.97	44.07	46.27

Step Range	Step A	Step B	Step C	Step D	Step E
2435	39.02	40.97	43.02	45.17	47.43
2436	39.99	41.99	44.09	46.30	48.61
2437	40.99	43.04	45.19	47.45	49.83
2438	42.02	44.12	46.32	48.64	51.07
2439	43.07	45.22	47.48	49.86	52.35
2440	44.14	46.35	48.67	51.10	53.66
2441	45.25	47.51	49.89	52.38	55.00
2442	46.38	48.70	51.13	53.69	56.37
2443	47.54	49.91	52.41	55.03	57.78
2444	48.73	51.16	53.72	56.41	59.23
2445	49.94	52.44	55.06	57.82	60.71
2446	51.19	53.75	56.44	59.26	62.22
2447	52.47	55.10	57.85	60.74	63.78
2448	53.78	56.47	59.30	62.26	65.37
2449	55.13	57.89	60.78	63.82	67.01
2450	56.51	59.33	62.30	65.41	68.68

Step Range	Step A	Step B	Step C	Step D	Step E
2451	57.92	60.82	63.86	67.05	70.40
2452	59.37	62.34	65.45	68.72	72.16
2453	60.85	63.89	67.09	70.44	73.96
2454	62.37	65.49	68.77	72.20	75.81
2455	63.93	67.13	70.48	74.01	77.71
2456	65.53	68.81	72.25	75.86	79.65
2457	67.17	70.53	74.05	77.75	81.64
2458	68.85	72.29	75.90	79.70	83.68
2459	70.57	74.10	77.80	81.69	85.78
2460	72.33	75.95	79.75	83.73	87.92
2461	74.14	77.85	81.74	85.83	90.12
2462	75.99	79.79	83.78	87.97	92.37
2463	77.89	81.79	85.88	90.17	94.68
2464	79.84	83.83	88.02	92.43	97.05
2465	81.84	85.93	90.22	94.74	99.47
2466	83.88	88.08	92.48	97.10	101.96

EXHIBIT 3B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	2,102.40	2,208.00	2,318.40	2,434.40	2,556.00
2420	2,155.20	2,263.20	2,376.00	2,495.20	2,620.00
2421	2,209.60	2,320.00	2,436.00	2,557.60	2,685.60
2422	2,264.80	2,377.60	2,496.80	2,621.60	2,752.00
2423	2,320.80	2,436.80	2,559.20	2,687.20	2,820.80
2424	2,379.20	2,498.40	2,623.20	2,754.40	2,892.00
2425	2,438.40	2,560.80	2,688.80	2,823.20	2,964.00
2426	2,499.20	2,624.80	2,756.00	2,893.60	3,038.40
2427	2,561.60	2,690.40	2,824.80	2,965.60	3,114.40
2428	2,626.40	2,757.60	2,895.20	3,040.00	3,192.00
2429	2,692.00	2,826.40	2,967.20	3,116.00	3,272.00
2430	2,759.20	2,896.80	3,041.60	3,193.60	3,353.60
2431	2,828.00	2,969.60	3,117.60	3,273.60	3,437.60
2432	2,898.40	3,043.20	3,196.00	3,355.20	3,523.20
2433	2,971.20	3,119.20	3,275.20	3,439.20	3,611.20
2434	3,045.60	3,197.60	3,357.60	3,525.60	3,701.60

Step Range	Step A	Step B	Step C	Step D	Step E
2435	3,121.60	3,277.60	3,441.60	3,613.60	3,794.40
2436	3,199.20	3,359.20	3,527.20	3,704.00	3,888.80
2437	3,279.20	3,443.20	3,615.20	3,796.00	3,986.40
2438	3,361.60	3,529.60	3,705.60	3,891.20	4,085.60
2439	3,445.60	3,617.60	3,798.40	3,988.80	4,188.00
2440	3,531.20	3,708.00	3,893.60	4,088.00	4,292.80
2441	3,620.00	3,800.80	3,991.20	4,190.40	4,400.00
2442	3,710.40	3,896.00	4,090.40	4,295.20	4,509.60
2443	3,803.20	3,992.80	4,192.80	4,402.40	4,622.40
2444	3,898.40	4,092.80	4,297.60	4,512.80	4,738.40
2445	3,995.20	4,195.20	4,404.80	4,625.60	4,856.80
2446	4,095.20	4,300.00	4,515.20	4,740.80	4,977.60
2447	4,197.60	4,408.00	4,628.00	4,859.20	5,102.40
2448	4,302.40	4,517.60	4,744.00	4,980.80	5,229.60
2449	4,410.40	4,631.20	4,862.40	5,105.60	5,360.80
2450	4,520.80	4,746.40	4,984.00	5,232.80	5,494.40

Step Range	Step A	Step B	Step C	Step D	Step E
2451	4,633.60	4,865.60	5,108.80	5,364.00	5,632.00
2452	4,749.60	4,987.20	5,236.00	5,497.60	5,772.80
2453	4,868.00	5,111.20	5,367.20	5,635.20	5,916.80
2454	4,989.60	5,239.20	5,501.60	5,776.00	6,064.80
2455	5,114.40	5,370.40	5,638.40	5,920.80	6,216.80
2456	5,242.40	5,504.80	5,780.00	6,068.80	6,372.00
2457	5,373.60	5,642.40	5,924.00	6,220.00	6,531.20
2458	5,508.00	5,783.20	6,072.00	6,376.00	6,694.40
2459	5,645.60	5,928.00	6,224.00	6,535.20	6,862.40
2460	5,786.40	6,076.00	6,380.00	6,698.40	7,033.60
2461	5,931.20	6,228.00	6,539.20	6,866.40	7,209.60
2462	6,079.20	6,383.20	6,702.40	7,037.60	7,389.60
2463	6,231.20	6,543.20	6,870.40	7,213.60	7,574.40
2464	6,387.20	6,706.40	7,041.60	7,394.40	7,764.00
2465	6,547.20	6,874.40	7,217.60	7,579.20	7,957.60
2466	6,710.40	7,046.40	7,398.40	7,768.00	8,156.80

EXHIBIT 3C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/23
EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	4,555.20	4,784.00	5,023.20	5,274.54	5,538.00
2420	4,669.60	4,903.60	5,148.00	5,406.27	5,676.67
2421	4,787.47	5,026.67	5,278.00	5,541.47	5,818.80
2422	4,907.07	5,151.47	5,409.74	5,680.14	5,962.67
2423	5,028.40	5,279.74	5,544.94	5,822.27	6,111.74
2424	5,154.94	5,413.20	5,683.60	5,967.87	6,266.00
2425	5,283.20	5,548.40	5,825.74	6,116.94	6,422.00
2426	5,414.94	5,687.07	5,971.34	6,269.47	6,583.20
2427	5,550.14	5,829.20	6,120.40	6,425.47	6,747.87
2428	5,690.54	5,974.80	6,272.94	6,586.67	6,916.00
2429	5,832.67	6,123.87	6,428.94	6,751.34	7,089.34
2430	5,978.27	6,276.40	6,590.14	6,919.47	7,266.14
2431	6,127.34	6,434.14	6,754.80	7,092.80	7,448.14
2432	6,279.87	6,593.60	6,924.67	7,269.60	7,633.60
2433	6,437.60	6,758.27	7,096.27	7,451.60	7,824.27
2434	6,598.80	6,928.14	7,274.80	7,638.80	8,020.14

Step Range	Step A	Step B	Step C	Step D	Step E
2435	6,763.47	7,101.47	7,456.80	7,829.47	8,221.20
2436	6,931.60	7,278.27	7,642.27	8,025.34	8,425.74
2437	7,104.94	7,460.27	7,832.94	8,224.67	8,637.20
2438	7,283.47	7,647.47	8,028.80	8,430.94	8,852.14
2439	7,465.47	7,838.14	8,229.87	8,642.40	9,074.00
2440	7,650.94	8,034.00	8,436.14	8,857.34	9,301.07
2441	7,843.34	8,235.07	8,647.60	9,079.20	9,533.34
2442	8,039.20	8,441.34	8,862.54	9,306.27	9,770.80
2443	8,240.27	8,651.07	9,084.40	9,538.54	10,015.20
2444	8,446.54	8,867.74	9,311.47	9,777.74	10,266.54
2445	8,656.27	9,089.60	9,543.74	10,022.14	10,523.07
2446	8,872.94	9,316.67	9,782.94	10,271.74	10,784.80
2447	9,094.80	9,550.67	10,027.34	10,528.27	11,055.20
2448	9,321.87	9,788.14	10,278.67	10,791.74	11,330.80
2449	9,555.87	10,034.27	10,535.20	11,062.14	11,615.07
2450	9,795.07	10,283.87	10,798.67	11,337.74	11,904.54

Step Range	Step A	Step B	Step C	Step D	Step E
2451	10,039.47	10,542.14	11,069.07	11,622.00	12,202.67
2452	10,290.80	10,805.60	11,344.67	11,911.47	12,507.74
2453	10,547.34	11,074.27	11,628.94	12,209.60	12,819.74
2454	10,810.80	11,351.60	11,920.14	12,514.67	13,140.40
2455	11,081.20	11,635.87	12,216.54	12,828.40	13,469.74
2456	11,358.54	11,927.07	12,523.34	13,149.07	13,806.00
2457	11,642.80	12,225.20	12,835.34	13,476.67	14,150.94
2458	11,934.00	12,530.27	13,156.00	13,814.67	14,504.54
2459	12,232.14	12,844.00	13,485.34	14,159.60	14,868.54
2460	12,537.20	13,164.67	13,823.34	14,513.20	15,239.47
2461	12,850.94	13,494.00	14,168.27	14,877.20	15,620.80
2462	13,171.60	13,830.27	14,521.87	15,248.14	16,010.80
2463	13,500.94	14,176.94	14,885.87	15,629.47	16,411.20
2464	13,838.94	14,530.54	15,256.80	16,021.20	16,822.00
2465	14,185.60	14,894.54	15,638.14	16,421.60	17,241.47
2466	14,539.20	15,267.20	16,029.87	16,830.67	17,673.07

EXHIBIT 4A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	27.07	28.43	29.85	31.34	32.91
2420	27.75	29.14	30.60	32.13	33.73
2421	28.45	29.87	31.36	32.93	34.57
2422	29.16	30.61	32.14	33.75	35.44
2423	29.89	31.38	32.95	34.60	36.32
2424	30.63	32.16	33.77	35.46	37.23
2425	31.40	32.97	34.62	36.35	38.16
2426	32.18	33.79	35.48	37.25	39.12
2427	32.99	34.64	36.37	38.19	40.10
2428	33.81	35.50	37.28	39.14	41.10
2429	34.66	36.39	38.21	40.12	42.12
2430	35.52	37.30	39.16	41.12	43.18
2431	36.41	38.23	40.14	42.15	44.26
2432	37.32	39.19	41.15	43.20	45.36
2433	38.25	40.17	42.17	44.28	46.50
2434	39.21	41.17	43.23	45.39	47.66

Step Range	Step A	Step B	Step C	Step D	Step E
2435	40.19	42.20	44.31	46.52	48.85
2436	41.20	43.25	45.42	47.69	50.07
2437	42.22	44.34	46.55	48.88	51.32
2438	43.28	45.44	47.72	50.10	52.61
2439	44.36	46.58	48.91	51.35	53.92
2440	45.47	47.74	50.13	52.64	55.27
2441	46.61	48.94	51.38	53.95	56.65
2442	47.77	50.16	52.67	55.30	58.07
2443	48.97	51.42	53.99	56.68	59.52
2444	50.19	52.70	55.34	58.10	61.01
2445	51.45	54.02	56.72	59.55	62.53
2446	52.73	55.37	58.14	61.04	64.09
2447	54.05	56.75	59.59	62.57	65.70
2448	55.40	58.17	61.08	64.13	67.34
2449	56.79	59.63	62.61	65.74	69.02
2450	58.21	61.12	64.17	67.38	70.75

Step Range	Step A	Step B	Step C	Step D	Step E
2451	59.66	62.64	65.78	69.06	72.52
2452	61.15	64.21	67.42	70.79	74.33
2453	62.68	65.81	69.11	72.56	76.19
2454	64.25	67.46	70.83	74.37	78.09
2455	65.85	69.15	72.60	76.23	80.04
2456	67.50	70.87	74.42	78.14	82.05
2457	69.19	72.65	76.28	80.09	84.10
2458	70.92	74.46	78.19	82.09	86.20
2459	72.69	76.32	80.14	84.15	88.35
2460	74.51	78.23	82.14	86.25	90.56
2461	76.37	80.19	84.20	88.41	92.83
2462	78.28	82.19	86.30	90.62	95.15
2463	80.24	84.25	88.46	92.88	97.53
2464	82.24	86.35	90.67	95.20	99.96
2465	84.30	88.51	92.94	97.58	102.46
2466	86.40	90.72	95.26	100.02	105.02

EXHIBIT 4B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	2,165.60	2,274.40	2,388.00	2,507.20	2,632.80
2420	2,220.00	2,331.20	2,448.00	2,570.40	2,698.40
2421	2,276.00	2,389.60	2,508.80	2,634.40	2,765.60
2422	2,332.80	2,448.80	2,571.20	2,700.00	2,835.20
2423	2,391.20	2,510.40	2,636.00	2,768.00	2,905.60
2424	2,450.40	2,572.80	2,701.60	2,836.80	2,978.40
2425	2,512.00	2,637.60	2,769.60	2,908.00	3,052.80
2426	2,574.40	2,703.20	2,838.40	2,980.00	3,129.60
2427	2,639.20	2,771.20	2,909.60	3,055.20	3,208.00
2428	2,704.80	2,840.00	2,982.40	3,131.20	3,288.00
2429	2,772.80	2,911.20	3,056.80	3,209.60	3,369.60
2430	2,841.60	2,984.00	3,132.80	3,289.60	3,454.40
2431	2,912.80	3,058.40	3,211.20	3,372.00	3,540.80
2432	2,985.60	3,135.20	3,292.00	3,456.00	3,628.80
2433	3,060.00	3,213.60	3,373.60	3,542.40	3,720.00
2434	3,136.80	3,293.60	3,458.40	3,631.20	3,812.80

Step Range	Step A	Step B	Step C	Step D	Step E
2435	3,215.20	3,376.00	3,544.80	3,721.60	3,908.00
2436	3,296.00	3,460.00	3,633.60	3,815.20	4,005.60
2437	3,377.60	3,547.20	3,724.00	3,910.40	4,105.60
2438	3,462.40	3,635.20	3,817.60	4,008.00	4,208.80
2439	3,548.80	3,726.40	3,912.80	4,108.00	4,313.60
2440	3,637.60	3,819.20	4,010.40	4,211.20	4,421.60
2441	3,728.80	3,915.20	4,110.40	4,316.00	4,532.00
2442	3,821.60	4,012.80	4,213.60	4,424.00	4,645.60
2443	3,917.60	4,113.60	4,319.20	4,534.40	4,761.60
2444	4,015.20	4,216.00	4,427.20	4,648.00	4,880.80
2445	4,116.00	4,321.60	4,537.60	4,764.00	5,002.40
2446	4,218.40	4,429.60	4,651.20	4,883.20	5,127.20
2447	4,324.00	4,540.00	4,767.20	5,005.60	5,256.00
2448	4,432.00	4,653.60	4,886.40	5,130.40	5,387.20
2449	4,543.20	4,770.40	5,008.80	5,259.20	5,521.60
2450	4,656.80	4,889.60	5,133.60	5,390.40	5,660.00

Step Range	Step A	Step B	Step C	Step D	Step E
2451	4,772.80	5,011.20	5,262.40	5,524.80	5,801.60
2452	4,892.00	5,136.80	5,393.60	5,663.20	5,946.40
2453	5,014.40	5,264.80	5,528.80	5,804.80	6,095.20
2454	5,140.00	5,396.80	5,666.40	5,949.60	6,247.20
2455	5,268.00	5,532.00	5,808.00	6,098.40	6,403.20
2456	5,400.00	5,669.60	5,953.60	6,251.20	6,564.00
2457	5,535.20	5,812.00	6,102.40	6,407.20	6,728.00
2458	5,673.60	5,956.80	6,255.20	6,567.20	6,896.00
2459	5,815.20	6,105.60	6,411.20	6,732.00	7,068.00
2460	5,960.80	6,258.40	6,571.20	6,900.00	7,244.80
2461	6,109.60	6,415.20	6,736.00	7,072.80	7,426.40
2462	6,262.40	6,575.20	6,904.00	7,249.60	7,612.00
2463	6,419.20	6,740.00	7,076.80	7,430.40	7,802.40
2464	6,579.20	6,908.00	7,253.60	7,616.00	7,996.80
2465	6,744.00	7,080.80	7,435.20	7,806.40	8,196.80
2466	6,912.00	7,257.60	7,620.80	8,001.60	8,401.60

EXHIBIT 4C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	4,692.14	4,927.87	5,174.00	5,432.27	5,704.40
2420	4,810.00	5,050.94	5,304.00	5,569.20	5,846.54
2421	4,931.34	5,177.47	5,435.74	5,707.87	5,992.14
2422	5,054.40	5,305.74	5,570.94	5,850.00	6,142.94
2423	5,180.94	5,439.20	5,711.34	5,997.34	6,295.47
2424	5,309.20	5,574.40	5,853.47	6,146.40	6,453.20
2425	5,442.67	5,714.80	6,000.80	6,300.67	6,614.40
2426	5,577.87	5,856.94	6,149.87	6,456.67	6,780.80
2427	5,718.27	6,004.27	6,304.14	6,619.60	6,950.67
2428	5,860.40	6,153.34	6,461.87	6,784.27	7,124.00
2429	6,007.74	6,307.60	6,623.07	6,954.14	7,300.80
2430	6,156.80	6,465.34	6,787.74	7,127.47	7,484.54
2431	6,311.07	6,626.54	6,957.60	7,306.00	7,671.74
2432	6,468.80	6,792.94	7,132.67	7,488.00	7,862.40
2433	6,630.00	6,962.80	7,309.47	7,675.20	8,060.00
2434	6,796.40	7,136.14	7,493.20	7,867.60	8,261.07

Step Range	Step A	Step B	Step C	Step D	Step E
2435	6,966.27	7,314.67	7,680.40	8,063.47	8,467.34
2436	7,141.34	7,496.67	7,872.80	8,266.27	8,678.80
2437	7,318.14	7,685.60	8,068.67	8,472.54	8,895.47
2438	7,501.87	7,876.27	8,271.47	8,684.00	9,119.07
2439	7,689.07	8,073.87	8,477.74	8,900.67	9,346.14
2440	7,881.47	8,274.94	8,689.20	9,124.27	9,580.14
2441	8,079.07	8,482.94	8,905.87	9,351.34	9,819.34
2442	8,280.14	8,694.40	9,129.47	9,585.34	10,065.47
2443	8,488.14	8,912.80	9,358.27	9,824.54	10,316.80
2444	8,699.60	9,134.67	9,592.27	10,070.67	10,575.07
2445	8,918.00	9,363.47	9,831.47	10,322.00	10,838.54
2446	9,139.87	9,597.47	10,077.60	10,580.27	11,108.94
2447	9,368.67	9,836.67	10,328.94	10,845.47	11,388.00
2448	9,602.67	10,082.80	10,587.20	11,115.87	11,672.27
2449	9,843.60	10,335.87	10,852.40	11,394.94	11,963.47
2450	10,089.74	10,594.14	11,122.80	11,679.20	12,263.34

Step Range	Step A	Step B	Step C	Step D	Step E
2451	10,341.07	10,857.60	11,401.87	11,970.40	12,570.14
2452	10,599.34	11,129.74	11,686.14	12,270.27	12,883.87
2453	10,864.54	11,407.07	11,979.07	12,577.07	13,206.27
2454	11,136.67	11,693.07	12,277.20	12,890.80	13,535.60
2455	11,414.00	11,986.00	12,584.00	13,213.20	13,873.60
2456	11,700.00	12,284.14	12,899.47	13,544.27	14,222.00
2457	11,992.94	12,592.67	13,221.87	13,882.27	14,577.34
2458	12,292.80	12,906.40	13,552.94	14,228.94	14,941.34
2459	12,599.60	13,228.80	13,890.94	14,586.00	15,314.00
2460	12,915.07	13,559.87	14,237.60	14,950.00	15,697.07
2461	13,237.47	13,899.60	14,594.67	15,324.40	16,090.54
2462	13,568.54	14,246.27	14,958.67	15,707.47	16,492.67
2463	13,908.27	14,603.34	15,333.07	16,099.20	16,905.20
2464	14,254.94	14,967.34	15,716.14	16,501.34	17,326.40
2465	14,612.00	15,341.74	16,109.60	16,913.87	17,759.74
2466	14,976.00	15,724.80	16,511.74	17,336.80	18,203.47

EXHIBIT 5A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	27.89	29.29	30.75	32.29	33.91	35.60
2420	28.59	30.02	31.52	33.10	34.75	36.49
2421	29.31	30.77	32.31	33.93	35.62	37.40
2422	30.04	31.54	33.12	34.77	36.51	38.34
2423	30.79	32.33	33.95	35.64	37.42	39.30
2424	31.56	33.14	34.79	36.53	38.36	40.28
2425	32.35	33.97	35.66	37.45	39.32	41.28
2426	33.16	34.82	36.56	38.38	40.30	42.32
2427	33.99	35.69	37.47	39.34	41.31	43.37
2428	34.84	36.58	38.41	40.33	42.34	44.46
2429	35.71	37.49	39.37	41.33	43.40	45.57
2430	36.60	38.43	40.35	42.37	44.49	46.71
2431	37.51	39.39	41.36	43.43	45.60	47.88
2432	38.45	40.37	42.39	44.51	46.74	49.07
2433	39.41	41.38	43.45	45.62	47.91	50.30
2434	40.40	42.42	44.54	46.76	49.10	51.56

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	41.41	43.48	45.65	47.93	50.33	52.85
2436	42.44	44.56	46.79	49.13	51.59	54.17
2437	43.50	45.68	47.96	50.36	52.88	55.52
2438	44.59	46.82	49.16	51.62	54.20	56.91
2439	45.71	47.99	50.39	52.91	55.55	58.33
2440	46.85	49.19	51.65	54.23	56.94	59.79
2441	48.02	50.42	52.94	55.59	58.37	61.29
2442	49.22	51.68	54.26	56.98	59.83	62.82
2443	50.45	52.97	55.62	58.40	61.32	64.39
2444	51.71	54.30	57.01	59.86	62.85	66.00
2445	53.00	55.65	58.44	61.36	64.43	67.65
2446	54.33	57.05	59.90	62.89	66.04	69.34
2447	55.69	58.47	61.39	64.46	67.69	71.07
2448	57.08	59.93	62.93	66.08	69.38	72.85
2449	58.51	61.43	64.50	67.73	71.11	74.67
2450	59.97	62.97	66.11	69.42	72.89	76.54

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	61.47	64.54	67.77	71.16	74.71	78.45
2452	63.00	66.15	69.46	72.93	76.58	80.41
2453	64.58	67.81	71.20	74.76	78.50	82.42
2454	66.19	69.50	72.98	76.63	80.46	84.48
2455	67.85	71.24	74.80	78.54	82.47	86.59
2456	69.54	73.02	76.67	80.51	84.53	88.76
2457	71.28	74.85	78.59	82.52	86.64	90.98
2458	73.06	76.72	80.55	84.58	88.81	93.25
2459	74.89	78.64	82.57	86.70	91.03	95.58
2460	76.76	80.60	84.63	88.86	93.31	97.97
2461	78.68	82.62	86.75	91.08	95.64	100.42
2462	80.65	84.68	88.92	93.36	98.03	102.93
2463	82.67	86.80	91.14	95.69	100.48	105.50
2464	84.73	88.97	93.42	98.09	102.99	108.14
2465	86.85	91.19	95.75	100.54	105.57	110.84
2466	89.02	93.47	98.15	103.05	108.21	113.62

EXHIBIT 5B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	2,231.20	2,343.20	2,460.00	2,583.20	2,712.80	2,848.00
2420	2,287.20	2,401.60	2,521.60	2,648.00	2,780.00	2,919.20
2421	2,344.80	2,461.60	2,584.80	2,714.40	2,849.60	2,992.00
2422	2,403.20	2,523.20	2,649.60	2,781.60	2,920.80	3,067.20
2423	2,463.20	2,586.40	2,716.00	2,851.20	2,993.60	3,144.00
2424	2,524.80	2,651.20	2,783.20	2,922.40	3,068.80	3,222.40
2425	2,588.00	2,717.60	2,852.80	2,996.00	3,145.60	3,302.40
2426	2,652.80	2,785.60	2,924.80	3,070.40	3,224.00	3,385.60
2427	2,719.20	2,855.20	2,997.60	3,147.20	3,304.80	3,469.60
2428	2,787.20	2,926.40	3,072.80	3,226.40	3,387.20	3,556.80
2429	2,856.80	2,999.20	3,149.60	3,306.40	3,472.00	3,645.60
2430	2,928.00	3,074.40	3,228.00	3,389.60	3,559.20	3,736.80
2431	3,000.80	3,151.20	3,308.80	3,474.40	3,648.00	3,830.40
2432	3,076.00	3,229.60	3,391.20	3,560.80	3,739.20	3,925.60
2433	3,152.80	3,310.40	3,476.00	3,649.60	3,832.80	4,024.00
2434	3,232.00	3,393.60	3,563.20	3,740.80	3,928.00	4,124.80

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	3,312.80	3,478.40	3,652.00	3,834.40	4,026.40	4,228.00
2436	3,395.20	3,564.80	3,743.20	3,930.40	4,127.20	4,333.60
2437	3,480.00	3,654.40	3,836.80	4,028.80	4,230.40	4,441.60
2438	3,567.20	3,745.60	3,932.80	4,129.60	4,336.00	4,552.80
2439	3,656.80	3,839.20	4,031.20	4,232.80	4,444.00	4,666.40
2440	3,748.00	3,935.20	4,132.00	4,338.40	4,555.20	4,783.20
2441	3,841.60	4,033.60	4,235.20	4,447.20	4,669.60	4,903.20
2442	3,937.60	4,134.40	4,340.80	4,558.40	4,786.40	5,025.60
2443	4,036.00	4,237.60	4,449.60	4,672.00	4,905.60	5,151.20
2444	4,136.80	4,344.00	4,560.80	4,788.80	5,028.00	5,280.00
2445	4,240.00	4,452.00	4,675.20	4,908.80	5,154.40	5,412.00
2446	4,346.40	4,564.00	4,792.00	5,031.20	5,283.20	5,547.20
2447	4,455.20	4,677.60	4,911.20	5,156.80	5,415.20	5,685.60
2448	4,566.40	4,794.40	5,034.40	5,286.40	5,550.40	5,828.00
2449	4,680.80	4,914.40	5,160.00	5,418.40	5,688.80	5,973.60
2450	4,797.60	5,037.60	5,288.80	5,553.60	5,831.20	6,123.20

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	4,917.60	5,163.20	5,421.60	5,692.80	5,976.80	6,276.00
2452	5,040.00	5,292.00	5,556.80	5,834.40	6,126.40	6,432.80
2453	5,166.40	5,424.80	5,696.00	5,980.80	6,280.00	6,593.60
2454	5,295.20	5,560.00	5,838.40	6,130.40	6,436.80	6,758.40
2455	5,428.00	5,699.20	5,984.00	6,283.20	6,597.60	6,927.20
2456	5,563.20	5,841.60	6,133.60	6,440.80	6,762.40	7,100.80
2457	5,702.40	5,988.00	6,287.20	6,601.60	6,931.20	7,278.40
2458	5,844.80	6,137.60	6,444.00	6,766.40	7,104.80	7,460.00
2459	5,991.20	6,291.20	6,605.60	6,936.00	7,282.40	7,646.40
2460	6,140.80	6,448.00	6,770.40	7,108.80	7,464.80	7,837.60
2461	6,294.40	6,609.60	6,940.00	7,286.40	7,651.20	8,033.60
2462	6,452.00	6,774.40	7,113.60	7,468.80	7,842.40	8,234.40
2463	6,613.60	6,944.00	7,291.20	7,655.20	8,038.40	8,440.00
2464	6,778.40	7,117.60	7,473.60	7,847.20	8,239.20	8,651.20
2465	6,948.00	7,295.20	7,660.00	8,043.20	8,445.60	8,867.20
2466	7,121.60	7,477.60	7,852.00	8,244.00	8,656.80	9,089.60

EXHIBIT 5C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN – 7/1/25

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,834.27	5,076.94	5,330.00	5,596.94	5,877.74	6,170.67
2420	4,955.60	5,203.47	5,463.47	5,737.34	6,023.34	6,324.94
2421	5,080.40	5,333.47	5,600.40	5,881.20	6,174.14	6,482.67
2422	5,206.94	5,466.94	5,740.80	6,026.80	6,328.40	6,645.60
2423	5,336.94	5,603.87	5,884.67	6,177.60	6,486.14	6,812.00
2424	5,470.40	5,744.27	6,030.27	6,331.87	6,649.07	6,981.87
2425	5,607.34	5,888.14	6,181.07	6,491.34	6,815.47	7,155.20
2426	5,747.74	6,035.47	6,337.07	6,652.54	6,985.34	7,335.47
2427	5,891.60	6,186.27	6,494.80	6,818.94	7,160.40	7,517.47
2428	6,038.94	6,340.54	6,657.74	6,990.54	7,338.94	7,706.40
2429	6,189.74	6,498.27	6,824.14	7,163.87	7,522.67	7,898.80
2430	6,344.00	6,661.20	6,994.00	7,344.14	7,711.60	8,096.40
2431	6,501.74	6,827.60	7,169.07	7,527.87	7,904.00	8,299.20
2432	6,664.67	6,997.47	7,347.60	7,715.07	8,101.60	8,505.47
2433	6,831.07	7,172.54	7,531.34	7,907.47	8,304.40	8,718.67
2434	7,002.67	7,352.80	7,720.27	8,105.07	8,510.67	8,937.07

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	7,177.74	7,536.54	7,912.67	8,307.87	8,723.87	9,160.67
2436	7,356.27	7,723.74	8,110.27	8,515.87	8,942.27	9,389.47
2437	7,540.00	7,917.87	8,313.07	8,729.07	9,165.87	9,623.47
2438	7,728.94	8,115.47	8,521.07	8,947.47	9,394.67	9,864.40
2439	7,923.07	8,318.27	8,734.27	9,171.07	9,628.67	10,110.54
2440	8,120.67	8,526.27	8,952.67	9,399.87	9,869.60	10,363.60
2441	8,323.47	8,739.47	9,176.27	9,635.60	10,117.47	10,623.60
2442	8,531.47	8,957.87	9,405.07	9,876.54	10,370.54	10,888.80
2443	8,744.67	9,181.47	9,640.80	10,122.67	10,628.80	11,160.94
2444	8,963.07	9,412.00	9,881.74	10,375.74	10,894.00	11,440.00
2445	9,186.67	9,646.00	10,129.60	10,635.74	11,167.87	11,726.00
2446	9,417.20	9,888.67	10,382.67	10,900.94	11,446.94	12,018.94
2447	9,652.94	10,134.80	10,640.94	11,173.07	11,732.94	12,318.80
2448	9,893.87	10,387.87	10,907.87	11,453.87	12,025.87	12,627.34
2449	10,141.74	10,647.87	11,180.00	11,739.87	12,325.74	12,942.80
2450	10,394.80	10,914.80	11,459.07	12,032.80	12,634.27	13,266.94

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	10,654.80	11,186.94	11,746.80	12,334.40	12,949.74	13,598.00
2452	10,920.00	11,466.00	12,039.74	12,641.20	13,273.87	13,937.74
2453	11,193.87	11,753.74	12,341.34	12,958.40	13,606.67	14,286.14
2454	11,472.94	12,046.67	12,649.87	13,282.54	13,946.40	14,643.20
2455	11,760.67	12,348.27	12,965.34	13,613.60	14,294.80	15,008.94
2456	12,053.60	12,656.80	13,289.47	13,955.07	14,651.87	15,385.07
2457	12,355.20	12,974.00	13,622.27	14,303.47	15,017.60	15,769.87
2458	12,663.74	13,298.14	13,962.00	14,660.54	15,393.74	16,163.34
2459	12,980.94	13,630.94	14,312.14	15,028.00	15,778.54	16,567.20
2460	13,305.07	13,970.67	14,669.20	15,402.40	16,173.74	16,981.47
2461	13,637.87	14,320.80	15,036.67	15,787.20	16,577.60	17,406.14
2462	13,979.34	14,677.87	15,412.80	16,182.40	16,991.87	17,841.20
2463	14,329.47	15,045.34	15,797.60	16,586.27	17,416.54	18,286.67
2464	14,686.54	15,421.47	16,192.80	17,002.27	17,851.60	18,744.27
2465	15,054.00	15,806.27	16,596.67	17,426.94	18,298.80	19,212.27
2466	15,430.14	16,201.47	17,012.67	17,862.00	18,756.40	19,694.14

EXHIBIT 6A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	28.73	30.17	31.68	33.26	34.93	36.67
2420	29.45	30.93	32.47	34.10	35.80	37.59
2421	30.19	31.70	33.28	34.95	36.69	38.53
2422	30.94	32.49	34.12	35.82	37.61	39.49
2423	31.72	33.30	34.97	36.72	38.55	40.48
2424	32.51	34.14	35.84	37.63	39.52	41.49
2425	33.32	34.99	36.74	38.57	40.50	42.53
2426	34.16	35.86	37.66	39.54	41.52	43.59
2427	35.01	36.76	38.60	40.53	42.55	44.68
2428	35.88	37.68	39.56	41.54	43.62	45.80
2429	36.78	38.62	40.55	42.58	44.71	46.94
2430	37.70	39.59	41.57	43.64	45.83	48.12
2431	38.64	40.58	42.60	44.73	46.97	49.32
2432	39.61	41.59	43.67	45.85	48.14	50.55
2433	40.60	42.63	44.76	47.00	49.35	51.82
2434	41.61	43.70	45.88	48.17	50.58	53.11

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	42.65	44.79	47.03	49.38	51.85	54.44
2436	43.72	45.91	48.20	50.61	53.14	55.80
2437	44.81	47.05	49.41	51.88	54.47	57.19
2438	45.93	48.23	50.64	53.17	55.83	58.62
2439	47.08	49.44	51.91	54.50	57.23	60.09
2440	48.26	50.67	53.21	55.87	58.66	61.59
2441	49.47	51.94	54.54	57.26	60.12	63.13
2442	50.70	53.24	55.90	58.69	61.63	64.71
2443	51.97	54.57	57.30	60.16	63.17	66.33
2444	53.27	55.93	58.73	61.66	64.75	67.98
2445	54.60	57.33	60.20	63.21	66.37	69.68
2446	55.97	58.76	61.70	64.79	68.03	71.43
2447	57.36	60.23	63.24	66.41	69.73	73.21
2448	58.80	61.74	64.82	68.07	71.47	75.04
2449	60.27	63.28	66.45	69.77	73.26	76.92
2450	61.77	64.86	68.11	71.51	75.09	78.84

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	63.32	66.48	69.81	73.30	76.96	80.81
2452	64.90	68.15	71.55	75.13	78.89	82.83
2453	66.52	69.85	73.34	77.01	80.86	84.90
2454	68.19	71.60	75.18	78.93	82.88	87.02
2455	69.89	73.39	77.06	80.91	84.95	89.20
2456	71.64	75.22	78.98	82.93	87.08	91.43
2457	73.43	77.10	80.96	85.00	89.25	93.72
2458	75.27	79.03	82.98	87.13	91.48	96.06
2459	77.15	81.00	85.05	89.31	93.77	98.46
2460	79.08	83.03	87.18	91.54	96.12	100.92
2461	81.05	85.10	89.36	93.83	98.52	103.44
2462	83.08	87.23	91.59	96.17	100.98	106.03
2463	85.16	89.41	93.88	98.58	103.51	108.68
2464	87.28	91.65	96.23	101.04	106.09	111.40
2465	89.47	93.94	98.64	103.57	108.75	114.18
2466	91.70	96.29	101.10	106.16	111.46	117.04

EXHIBIT 6B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	2,298.40	2,413.60	2,534.40	2,660.80	2,794.40	2,933.60
2420	2,356.00	2,474.40	2,597.60	2,728.00	2,864.00	3,007.20
2421	2,415.20	2,536.00	2,662.40	2,796.00	2,935.20	3,082.40
2422	2,475.20	2,599.20	2,729.60	2,865.60	3,008.80	3,159.20
2423	2,537.60	2,664.00	2,797.60	2,937.60	3,084.00	3,238.40
2424	2,600.80	2,731.20	2,867.20	3,010.40	3,161.60	3,319.20
2425	2,665.60	2,799.20	2,939.20	3,085.60	3,240.00	3,402.40
2426	2,732.80	2,868.80	3,012.80	3,163.20	3,321.60	3,487.20
2427	2,800.80	2,940.80	3,088.00	3,242.40	3,404.00	3,574.40
2428	2,870.40	3,014.40	3,164.80	3,323.20	3,489.60	3,664.00
2429	2,942.40	3,089.60	3,244.00	3,406.40	3,576.80	3,755.20
2430	3,016.00	3,167.20	3,325.60	3,491.20	3,666.40	3,849.60
2431	3,091.20	3,246.40	3,408.00	3,578.40	3,757.60	3,945.60
2432	3,168.80	3,327.20	3,493.60	3,668.00	3,851.20	4,044.00
2433	3,248.00	3,410.40	3,580.80	3,760.00	3,948.00	4,145.60
2434	3,328.80	3,496.00	3,670.40	3,853.60	4,046.40	4,248.80

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	3,412.00	3,583.20	3,762.40	3,950.40	4,148.00	4,355.20
2436	3,497.60	3,672.80	3,856.00	4,048.80	4,251.20	4,464.00
2437	3,584.80	3,764.00	3,952.80	4,150.40	4,357.60	4,575.20
2438	3,674.40	3,858.40	4,051.20	4,253.60	4,466.40	4,689.60
2439	3,766.40	3,955.20	4,152.80	4,360.00	4,578.40	4,807.20
2440	3,860.80	4,053.60	4,256.80	4,469.60	4,692.80	4,927.20
2441	3,957.60	4,155.20	4,363.20	4,580.80	4,809.60	5,050.40
2442	4,056.00	4,259.20	4,472.00	4,695.20	4,930.40	5,176.80
2443	4,157.60	4,365.60	4,584.00	4,812.80	5,053.60	5,306.40
2444	4,261.60	4,474.40	4,698.40	4,932.80	5,180.00	5,438.40
2445	4,368.00	4,586.40	4,816.00	5,056.80	5,309.60	5,574.40
2446	4,477.60	4,700.80	4,936.00	5,183.20	5,442.40	5,714.40
2447	4,588.80	4,818.40	5,059.20	5,312.80	5,578.40	5,856.80
2448	4,704.00	4,939.20	5,185.60	5,445.60	5,717.60	6,003.20
2449	4,821.60	5,062.40	5,316.00	5,581.60	5,860.80	6,153.60
2450	4,941.60	5,188.80	5,448.80	5,720.80	6,007.20	6,307.20

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	5,065.60	5,318.40	5,584.80	5,864.00	6,156.80	6,464.80
2452	5,192.00	5,452.00	5,724.00	6,010.40	6,311.20	6,626.40
2453	5,321.60	5,588.00	5,867.20	6,160.80	6,468.80	6,792.00
2454	5,455.20	5,728.00	6,014.40	6,314.40	6,630.40	6,961.60
2455	5,591.20	5,871.20	6,164.80	6,472.80	6,796.00	7,136.00
2456	5,731.20	6,017.60	6,318.40	6,634.40	6,966.40	7,314.40
2457	5,874.40	6,168.00	6,476.80	6,800.00	7,140.00	7,497.60
2458	6,021.60	6,322.40	6,638.40	6,970.40	7,318.40	7,684.80
2459	6,172.00	6,480.00	6,804.00	7,144.80	7,501.60	7,876.80
2460	6,326.40	6,642.40	6,974.40	7,323.20	7,689.60	8,073.60
2461	6,484.00	6,808.00	7,148.80	7,506.40	7,881.60	8,275.20
2462	6,646.40	6,978.40	7,327.20	7,693.60	8,078.40	8,482.40
2463	6,812.80	7,152.80	7,510.40	7,886.40	8,280.80	8,694.40
2464	6,982.40	7,332.00	7,698.40	8,083.20	8,487.20	8,912.00
2465	7,157.60	7,515.20	7,891.20	8,285.60	8,700.00	9,134.40
2466	7,336.00	7,703.20	8,088.00	8,492.80	8,916.80	9,363.20

EXHIBIT 6C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26

UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,979.87	5,229.47	5,491.20	5,765.07	6,054.54	6,356.14
2420	5,104.67	5,361.20	5,628.14	5,910.67	6,205.34	6,515.60
2421	5,232.94	5,494.67	5,768.54	6,058.00	6,359.60	6,678.54
2422	5,362.94	5,631.60	5,914.14	6,208.80	6,519.07	6,844.94
2423	5,498.14	5,772.00	6,061.47	6,364.80	6,682.00	7,016.54
2424	5,635.07	5,917.60	6,212.27	6,522.54	6,850.14	7,191.60
2425	5,775.47	6,064.94	6,368.27	6,685.47	7,020.00	7,371.87
2426	5,921.07	6,215.74	6,527.74	6,853.60	7,196.80	7,555.60
2427	6,068.40	6,371.74	6,690.67	7,025.20	7,375.34	7,744.54
2428	6,219.20	6,531.20	6,857.07	7,200.27	7,560.80	7,938.67
2429	6,375.20	6,694.14	7,028.67	7,380.54	7,749.74	8,136.27
2430	6,534.67	6,862.27	7,205.47	7,564.27	7,943.87	8,340.80
2431	6,697.60	7,033.87	7,384.00	7,753.20	8,141.47	8,548.80
2432	6,865.74	7,208.94	7,569.47	7,947.34	8,344.27	8,762.00
2433	7,037.34	7,389.20	7,758.40	8,146.67	8,554.00	8,982.14
2434	7,212.40	7,574.67	7,952.54	8,349.47	8,767.20	9,205.74

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	7,392.67	7,763.60	8,151.87	8,559.20	8,987.34	9,436.27
2436	7,578.14	7,957.74	8,354.67	8,772.40	9,210.94	9,672.00
2437	7,767.07	8,155.34	8,564.40	8,992.54	9,441.47	9,912.94
2438	7,961.20	8,359.87	8,777.60	9,216.14	9,677.20	10,160.80
2439	8,160.54	8,569.60	8,997.74	9,446.67	9,919.87	10,415.60
2440	8,365.07	8,782.80	9,223.07	9,684.14	10,167.74	10,675.60
2441	8,574.80	9,002.94	9,453.60	9,925.07	10,420.80	10,942.54
2442	8,788.00	9,228.27	9,689.34	10,172.94	10,682.54	11,216.40
2443	9,008.14	9,458.80	9,932.00	10,427.74	10,949.47	11,497.20
2444	9,233.47	9,694.54	10,179.87	10,687.74	11,223.34	11,783.20
2445	9,464.00	9,937.20	10,434.67	10,956.40	11,504.14	12,077.87
2446	9,701.47	10,185.07	10,694.67	11,230.27	11,791.87	12,381.20
2447	9,942.40	10,439.87	10,961.60	11,511.07	12,086.54	12,689.74
2448	10,192.00	10,701.60	11,235.47	11,798.80	12,388.14	13,006.94
2449	10,446.80	10,968.54	11,518.00	12,093.47	12,698.40	13,332.80
2450	10,706.80	11,242.40	11,805.74	12,395.07	13,015.60	13,665.60

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	10,975.47	11,523.20	12,100.40	12,705.34	13,339.74	14,007.07
2452	11,249.34	11,812.67	12,402.00	13,022.54	13,674.27	14,357.20
2453	11,530.14	12,107.34	12,712.27	13,348.40	14,015.74	14,716.00
2454	11,819.60	12,410.67	13,031.20	13,681.20	14,365.87	15,083.47
2455	12,114.27	12,720.94	13,357.07	14,024.40	14,724.67	15,461.34
2456	12,417.60	13,038.14	13,689.87	14,374.54	15,093.87	15,847.87
2457	12,727.87	13,364.00	14,033.07	14,733.34	15,470.00	16,244.80
2458	13,046.80	13,698.54	14,383.20	15,102.54	15,856.54	16,650.40
2459	13,372.67	14,040.00	14,742.00	15,480.40	16,253.47	17,066.40
2460	13,707.20	14,391.87	15,111.20	15,866.94	16,660.80	17,492.80
2461	14,048.67	14,750.67	15,489.07	16,263.87	17,076.80	17,929.60
2462	14,400.54	15,119.87	15,875.60	16,669.47	17,503.20	18,378.54
2463	14,761.07	15,497.74	16,272.54	17,087.20	17,941.74	18,837.87
2464	15,128.54	15,886.00	16,679.87	17,513.60	18,388.94	19,309.34
2465	15,508.14	16,282.94	17,097.60	17,952.14	18,850.00	19,791.20
2466	15,894.67	16,690.27	17,524.00	18,401.07	19,319.74	20,286.94

EXHIBIT 7A: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective June 20, 2023

Range Number	Title
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1425	Chief Information Officer
1425	Director of Finance
1425	Director of Human Resources
1425	Director of Parks, Recreation and Neighborhoods
1427	Director of Community and Economic Development
1427	Director of Public Works
1430	Director of Utilities
1430	Director of Engineering Services
1431	Deputy City Manager
1435	City Attorney
1439	City Manager

EXHIBIT 7B: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/18/24

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective June 18, 2024

Range Number	Title
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Chief Information Officer
1426	Directory of Finance
1426	Director of Human Resources
1426	Director of Parks, Recreation and Neighborhoods
1429	Director of Community and Economic Development
1429	Director of Public Works
1432	Director of Utilities
1432	Director of Engineering Services
1433	Deputy City Manager
1435	City Attorney
1441	City Manager

EXHIBIT 8A: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		46.13	57.67	3,690.40	4,613.60	7,995.87	9,996.14
1406		47.29	59.11	3,783.20	4,728.80	8,196.94	10,245.74
1407		48.47	60.59	3,877.60	4,847.20	8,401.47	10,502.27
1408		49.68	62.1	3,974.40	4,968.00	8,611.20	10,764.00
1409		50.92	63.65	4,073.60	5,092.00	8,826.14	11,032.67
1410		52.2	65.24	4,176.00	5,219.20	9,048.00	11,308.27
1411		53.5	66.88	4,280.00	5,350.40	9,273.34	11,592.54
1412		54.84	68.55	4,387.20	5,484.00	9,505.60	11,882.00
1413		56.21	70.26	4,496.80	5,620.80	9,743.07	12,178.40
1414		57.62	72.02	4,609.60	5,761.60	9,987.47	12,483.47
1415	City Clerk	59.06	73.82	4,724.80	5,905.60	10,237.07	12,795.47
1416		60.53	75.66	4,842.40	6,052.80	10,491.87	13,114.40
1417		62.04	77.55	4,963.20	6,204.00	10,753.60	13,442.00
1418		63.6	79.49	5,088.00	6,359.20	11,024.00	13,778.27
1419		65.19	81.48	5,215.20	6,518.40	11,299.60	14,123.20
1420		66.81	83.52	5,344.80	6,681.60	11,580.40	14,476.80
1421	City Auditor	68.49	85.61	5,479.20	6,848.80	11,871.60	14,839.07
1422	Director of Utility Planning and Projects	70.2	87.75	5,616.00	7,020.00	12,168.00	15,210.00
1423		71.95	89.94	5,756.00	7,195.20	12,471.34	15,589.60
1424		73.75	92.19	5,900.00	7,375.20	12,783.34	15,979.60
1425	Chief Information Officer	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Administrative Services	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Finance	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Human Resources	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Parks, Recreation & Neighborhoods	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1426		77.48	96.85	6,198.40	7,748.00	13,429.87	16,787.34
1427	Director of Community and Economic Development	79.42	99.28	6,353.60	7,942.40	13,766.14	17,208.54
1427	Director of Public Works	79.42	99.28	6,353.60	7,942.40	13,766.14	17,208.54
1428		81.41	101.76	6,512.80	8,140.80	14,111.07	17,638.40
1429		83.44	104.3	6,675.20	8,344.00	14,462.94	18,078.67
1430	Director of Engineering Services	85.53	106.91	6,842.40	8,552.80	14,825.20	18,531.07
1430	Director of Utilities	85.53	106.91	6,842.40	8,552.80	14,825.20	18,531.07
1431	Deputy City Manager	87.67	109.58	7,013.60	8,766.40	15,196.14	18,993.87
1432		89.86	112.32	7,188.80	8,985.60	15,575.74	19,468.80
1433		92.1	115.13	7,368.00	9,210.40	15,964.00	19,955.87
1434		94.41	118.01	7,552.80	9,440.80	16,364.40	20,455.07
1435	City Attorney	96.77	120.96	7,741.60	9,676.80	16,773.47	20,966.40
1436		99.18	123.98	7,934.40	9,918.40	17,191.20	21,489.87
1437		101.66	127.08	8,132.80	10,166.40	17,621.07	22,027.20
1438		104.21	130.26	8,336.80	10,420.80	18,063.07	22,578.40
1439	City Manager	106.81	133.51	8,544.80	10,680.80	18,513.74	23,141.74
1440		109.48	136.85	8,758.40	10,948.00	18,976.54	23,720.67
1441		112.22	140.27	8,977.60	11,221.60	19,451.47	24,313.47

EXHIBIT 8B: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 6/18/24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		47.52	59.40	3,801.60	4,752.00	8,236.80	10,296.00
1406		48.71	60.89	3,896.80	4,871.20	8,443.07	10,554.27
1407		49.93	62.41	3,994.40	4,992.80	8,654.54	10,817.74
1408		51.18	63.97	4,094.40	5,117.60	8,871.20	11,088.14
1409		52.46	65.57	4,196.80	5,245.60	9,093.07	11,365.47
1410		53.77	67.21	4,301.60	5,376.80	9,320.14	11,649.74
1411		55.11	68.89	4,408.80	5,511.20	9,552.40	11,940.94
1412		56.49	70.61	4,519.20	5,648.80	9,791.60	12,239.07
1413		57.90	72.38	4,632.00	5,790.40	10,036.00	12,545.87
1414		59.35	74.19	4,748.00	5,935.20	10,287.34	12,859.60
1415	City Clerk	60.83	76.04	4,866.40	6,083.20	10,543.87	13,180.27
1416		62.36	77.94	4,988.80	6,235.20	10,809.07	13,509.60
1417		63.91	79.89	5,112.80	6,391.20	11,077.74	13,847.60
1418		65.51	81.89	5,240.80	6,551.20	11,355.07	14,194.27
1419		67.15	83.94	5,372.00	6,715.20	11,639.34	14,549.60
1420		68.83	86.03	5,506.40	6,882.40	11,930.54	14,911.87
1421	City Auditor	70.55	88.18	5,644.00	7,054.40	12,228.67	15,284.54
1422	Director of Utility Planning and Projects	72.31	90.39	5,784.80	7,231.20	12,533.74	15,667.60
1423		74.12	92.65	5,929.60	7,412.00	12,847.47	16,059.34
1424		75.97	94.96	6,077.60	7,596.80	13,168.14	16,459.74
1425	Director of Administrative Services	77.87	97.34	6,229.60	7,787.20	13,497.47	16,872.27
1426	Chief Information Officer	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Finance	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Human Resources	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Parks, Recreation & Neighborhoods	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1427		81.81	102.27	6,544.80	8,181.60	14,180.40	17,726.80
1428		83.86	104.82	6,708.80	8,385.60	14,535.74	18,168.80
1429	Director of Community and Economic Development	85.96	107.44	6,876.80	8,595.20	14,899.74	18,622.94
1429	Director of Public Works	85.96	107.44	6,876.80	8,595.20	14,899.74	18,622.94
1430		88.10	110.13	7,048.00	8,810.40	15,270.67	19,089.20
1431		90.31	112.88	7,224.80	9,030.40	15,653.74	19,565.87
1432	Director of Engineering Services	92.56	115.70	7,404.80	9,256.00	16,043.74	20,054.67
1432	Director of Utilities	92.56	115.70	7,404.80	9,256.00	16,043.74	20,054.67
1433	Deputy City Manager	94.88	118.60	7,590.40	9,488.00	16,445.87	20,557.34
1434		97.25	121.56	7,780.00	9,724.80	16,856.67	21,070.40
1435	City Attorney	99.68	124.60	7,974.40	9,968.00	17,277.87	21,597.34
1436		102.17	127.72	8,173.60	10,217.60	17,709.47	22,138.14
1437		104.73	130.91	8,378.40	10,472.80	18,153.20	22,691.07
1438		107.35	134.18	8,588.00	10,734.40	18,607.34	23,257.87
1439		110.03	137.54	8,802.40	11,003.20	19,071.87	23,840.27
1440		112.78	140.97	9,022.40	11,277.60	19,548.54	24,434.80
1441	City Manager	115.60	144.50	9,248.00	11,560.00	20,037.34	25,046.67

EXHIBIT 8C: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 7/1/25

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		48.95	63.64	3,916.00	5,091.20	8,484.67	11,030.94
1406		50.18	65.23	4,014.40	5,218.40	8,697.87	11,306.54
1407		51.43	66.86	4,114.40	5,348.80	8,914.54	11,589.07
1408		52.72	68.53	4,217.60	5,482.40	9,138.14	11,878.54
1409		54.04	70.25	4,323.20	5,620.00	9,366.94	12,176.67
1410		55.39	72.00	4,431.20	5,760.00	9,600.94	12,480.00
1411		56.77	73.80	4,541.60	5,904.00	9,840.14	12,792.00
1412		58.19	75.65	4,655.20	6,052.00	10,086.27	13,112.67
1413		59.65	77.54	4,772.00	6,203.20	10,339.34	13,440.27
1414		61.14	79.48	4,891.20	6,358.40	10,597.60	13,776.54
1415	City Clerk	62.67	81.46	5,013.60	6,516.80	10,862.80	14,119.74
1416		64.23	83.50	5,138.40	6,680.00	11,133.20	14,473.34
1417		65.84	85.59	5,267.20	6,847.20	11,412.27	14,835.60
1418		67.48	87.73	5,398.40	7,018.40	11,696.54	15,206.54
1419		69.17	89.92	5,533.60	7,193.60	11,989.47	15,586.14
1420		70.90	92.17	5,672.00	7,373.60	12,289.34	15,976.14
1421	City Auditor	72.67	94.47	5,813.60	7,557.60	12,596.14	16,374.80
1422	Director of Utility Planning and Projects	74.49	96.83	5,959.20	7,746.40	12,911.60	16,783.87
1423		76.35	99.25	6,108.00	7,940.00	13,234.00	17,203.34
1424		78.26	101.74	6,260.80	8,139.20	13,565.07	17,634.94
1425	Director of Administrative Services	80.22	104.28	6,417.60	8,342.40	13,904.80	18,075.20
1426	Chief Information Officer	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Finance	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Human Resources	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Parks, Recreation & Neighborhoods	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1427		84.28	109.56	6,742.40	8,764.80	14,608.54	18,990.40
1428		86.38	112.30	6,910.40	8,984.00	14,972.54	19,465.34
1429	Director of Community and Economic Development	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1429	Director of Public Works	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1430		90.76	117.98	7,260.80	9,438.40	15,731.74	20,449.87
1431		93.02	120.93	7,441.60	9,674.40	16,123.47	20,961.20
1432	Director of Engineering Services	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1432	Director of Utilities	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1433	Deputy City Manager	97.73	127.05	7,818.40	10,164.00	16,939.87	22,022.00
1434		100.18	130.23	8,014.40	10,418.40	17,364.54	22,573.20
1435	City Attorney	102.68	133.48	8,214.40	10,678.40	17,797.87	23,136.54
1436		105.25	136.82	8,420.00	10,945.60	18,243.34	23,715.47
1437		107.88	140.24	8,630.40	11,219.20	18,699.20	24,308.27
1438		110.58	143.75	8,846.40	11,500.00	19,167.20	24,916.67
1439		113.34	147.34	9,067.20	11,787.20	19,645.60	25,538.94
1440		116.17	151.02	9,293.60	12,081.60	20,136.14	26,176.80
1441	City Manager	119.08	154.80	9,526.40	12,384.00	20,640.54	26,832.00

EXHIBIT 8D: SCHEDULE OF SALARY FOR UNREPRESENTED EXECUTIVE NON-SWORN MANAGEMENT- EFFECTIVE 6/30/26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		48.95	63.64	3,916.00	5,091.20	8,484.67	11,030.94
1406		50.18	65.23	4,014.40	5,218.40	8,697.87	11,306.54
1407		51.43	66.86	4,114.40	5,348.80	8,914.54	11,589.07
1408		52.72	68.53	4,217.60	5,482.40	9,138.14	11,878.54
1409		54.04	70.25	4,323.20	5,620.00	9,366.94	12,176.67
1410		55.39	72.00	4,431.20	5,760.00	9,600.94	12,480.00
1411		56.77	73.80	4,541.60	5,904.00	9,840.14	12,792.00
1412		58.19	75.65	4,655.20	6,052.00	10,086.27	13,112.67
1413		59.65	77.54	4,772.00	6,203.20	10,339.34	13,440.27
1414		61.14	79.48	4,891.20	6,358.40	10,597.60	13,776.54
1415	City Clerk	62.67	81.46	5,013.60	6,516.80	10,862.80	14,119.74
1416		64.23	83.50	5,138.40	6,680.00	11,133.20	14,473.34
1417		65.84	85.59	5,267.20	6,847.20	11,412.27	14,835.60
1418		67.48	87.73	5,398.40	7,018.40	11,696.54	15,206.54
1419		69.17	89.92	5,533.60	7,193.60	11,989.47	15,586.14
1420		70.90	92.17	5,672.00	7,373.60	12,289.34	15,976.14
1421	City Auditor	72.67	94.47	5,813.60	7,557.60	12,596.14	16,374.80
1422	Director of Utility Planning and Projects	74.49	96.83	5,959.20	7,746.40	12,911.60	16,783.87
1423		76.35	99.25	6,108.00	7,940.00	13,234.00	17,203.34
1424		78.26	101.74	6,260.80	8,139.20	13,565.07	17,634.94
1425	Director of Administrative Services	80.22	104.28	6,417.60	8,342.40	13,904.80	18,075.20
1426	Chief Information Officer	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Finance	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Human Resources	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Parks, Recreation & Neighborhoods	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1427		84.28	109.56	6,742.40	8,764.80	14,608.54	18,990.40
1428		86.38	112.30	6,910.40	8,984.00	14,972.54	19,465.34
1429	Director of Community and Economic Development	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1429	Director of Public Works	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1430		90.76	117.98	7,260.80	9,438.40	15,731.74	20,449.87
1431		93.02	120.93	7,441.60	9,674.40	16,123.47	20,961.20
1432	Director of Engineering Services	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1432	Director of Utilities	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1433	Deputy City Manager	97.73	127.05	7,818.40	10,164.00	16,939.87	22,022.00
1434		100.18	130.23	8,014.40	10,418.40	17,364.54	22,573.20
1435	City Attorney	102.68	133.48	8,214.40	10,678.40	17,797.87	23,136.54
1436		105.25	136.82	8,420.00	10,945.60	18,243.34	23,715.47
1437		107.88	140.24	8,630.40	11,219.20	18,699.20	24,308.27
1438		110.58	143.75	8,846.40	11,500.00	19,167.20	24,916.67
1439		113.34	147.34	9,067.20	11,787.20	19,645.60	25,538.94
1440		116.17	151.02	9,293.60	12,081.60	20,136.14	26,176.80
1441	City Manager	119.08	154.80	9,526.40	12,384.00	20,640.54	26,832.00

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 21, 2022

UNREP BATTALION CHIEFS 80 HOURS

	Hourly								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1812	52.31	53.63	54.96	56.34	57.75	59.19	60.67	62.19	63.74
1813	53.62	54.96	56.34	57.75	59.19	60.67	62.19	63.74	65.33
1814	54.96	56.34	57.75	59.19	60.67	62.19	63.74	65.33	66.97
1815	46.30	57.75	59.19	60.67	62.19	63.74	65.33	66.97	68.64
1816	57.75	59.19	60.67	62.19	63.74	65.33	66.97	68.64	70.36
1817	59.19	60.67	62.19	63.74	65.33	66.97	68.64	70.36	72.11
1818	60.67	62.19	63.74	65.33	66.97	68.64	70.36	72.11	73.92
1819	62.19	63.74	65.33	66.97	68.64	70.36	72.11	73.92	75.77
1820	63.74	65.33	66.97	68.64	70.36	72.11	73.92	75.77	77.66
1821	65.33	66.97	68.64	70.36	72.11	73.92	75.77	77.66	79.60
1822	66.97	68.64	70.36	72.11	73.92	75.77	77.66	79.60	81.59
1823	68.64	70.36	72.11	73.92	75.77	77.66	79.60	81.59	83.63
1824	70.36	72.11	73.92	75.77	77.66	79.60	81.59	83.63	85.72

	Bi-Weekly								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1812	4,184.80	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20
1813	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40
1814	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60
1815	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20
1816	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80
1817	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80
1818	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,788.80	5,913.60
1819	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.50
1820	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80
1821	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00
1822	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20
1823	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40
1824	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40	6,857.60

	Monthly								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1812	9,097.76	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66
1813	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19
1814	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42
1815	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87
1816	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01
1817	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37
1818	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17
1819	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,858.17	13,177.92
1820	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63
1821	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03
1822	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13
1823	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13	14,544.93
1824	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,644.03	14,190.13	14,544.93	14,908.42

EXHIBIT 10A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 21, 2022

UNREP BATTALION CHIEFS 112 HOURS

	Hourly								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
812	37.36	38.30	39.26	40.24	41.25	42.28	43.34	44.42	45.53
813	38.30	39.26	40.24	41.25	42.28	43.34	44.42	45.53	46.68
814	39.26	40.24	41.25	42.28	43.34	44.42	45.53	46.66	47.84
815	40.24	41.25	42.28	43.34	44.42	45.53	46.66	47.84	49.03
816	41.25	42.28	43.34	44.42	45.53	46.66	47.84	49.03	50.26
817	42.28	43.34	44.42	45.53	46.66	47.84	49.03	50.26	51.51
818	43.34	44.42	45.53	46.66	47.84	49.03	50.26	51.51	52.80
819	44.42	45.53	46.66	47.84	49.03	50.26	51.51	52.80	54.12
820	45.53	46.66	47.84	49.03	50.26	51.51	52.80	54.12	55.47
821	46.66	47.84	49.03	50.26	51.51	52.80	54.12	55.47	56.86
822	47.84	49.03	50.26	51.51	52.80	54.12	55.47	56.86	58.28
823	49.03	50.26	51.51	52.80	54.12	55.47	56.86	58.28	59.74
824	50.26	51.51	52.80	54.12	55.47	56.86	58.28	59.74	61.23

	Bi-Weekly								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
812	4,184.80	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20
813	4,289.60	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40
814	4,396.80	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60
815	4,507.20	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20
816	4,620.00	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80
817	4,735.20	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80
818	4,853.60	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,788.80	5,913.60
819	4,975.20	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.50
820	5,099.20	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80
821	5,226.40	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00
822	5,357.60	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20
823	5,491.20	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40
824	5,628.80	5,768.80	5,913.60	6,061.60	6,212.80	6,368.00	6,527.20	6,690.40	6,857.60

	Monthly								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
812	9,097.76	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66
813	9,325.59	9,558.64	9,798.65	10,043.88	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19
814	9,558.64	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42
815	9,798.65	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87
816	10,043.88	10,294.32	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01
817	10,294.32	10,511.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37
818	10,551.73	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17
819	10,816.08	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,858.17	13,177.92
820	11,085.66	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63
821	11,362.19	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03
822	11,647.42	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13
823	11,937.87	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13	14,544.93
824	12,237.01	12,541.37	12,856.17	13,177.92	13,506.63	13,844.03	14,190.13	14,544.93	14,908.42

EXHIBIT 9B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 20, 2023

UNREP BATTALION CHIEFS 80 HOURS

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	52.31	54.96	57.75	60.67	63.74	65.33
1813	53.62	56.34	59.19	62.19	65.33	68.60
1814	54.96	57.75	60.67	63.74	66.97	70.31
1815	56.34	59.19	62.19	65.33	68.64	72.07
1816	57.75	60.67	63.74	66.97	70.36	72.87
1817	59.19	62.19	65.33	68.64	72.11	75.72
1818	60.67	63.74	66.97	70.36	73.92	77.61
1819	62.19	65.33	68.64	72.11	75.77	79.55
1820	63.74	66.97	70.36	73.92	77.66	81.54
1821	65.33	68.64	72.11	75.77	79.60	83.58
1822	66.97	70.36	73.92	77.66	81.59	85.67
1823	68.64	72.11	75.77	79.60	83.63	87.81
1824	70.36	73.92	77.66	81.59	85.72	90.01

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,184.80	4,396.80	4,620.00	4,853.60	5,099.20	5,226.40
2420	4,289.60	4,507.20	4,735.20	4,975.20	5,226.40	5,488.00
2421	4,396.80	4,620.00	4,853.60	5,099.20	5,357.60	5,624.80
2422	4,507.20	4,735.20	4,975.20	5,226.40	5,491.20	5,765.60
2423	4,620.00	4,853.60	5,099.20	5,357.60	5,628.80	5,909.60
2424	4,735.20	4,975.20	5,226.40	5,491.20	5,768.80	6,057.60
2425	4,853.60	5,099.20	5,357.60	5,628.80	5,913.60	6,208.80
2426	4,975.20	5,226.40	5,491.20	5,768.80	6,061.60	6,367.00
2427	5,099.20	5,357.60	5,628.80	5,913.60	6,212.80	6,523.20
2428	5,226.40	5,491.20	5,768.80	6,061.60	6,368.00	6,686.40
2429	5,357.60	5,628.80	5,913.60	6,212.80	6,527.20	6,853.60
2430	5,491.20	5,768.80	6,061.60	6,368.00	6,690.40	7,024.80
2431	5,628.80	5,913.60	6,212.80	6,527.20	6,857.60	7,200.80

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	9,067.07	9,526.40	10,010.00	10,516.14	11,048.27	11,323.87
2420	9,294.14	9,765.60	10,259.60	10,779.60	11,323.87	11,890.67
2421	9,526.40	10,010.00	10,516.14	11,048.27	11,608.14	12,187.07
2422	9,765.60	10,259.60	10,779.60	11,323.87	11,897.60	12,492.14
2423	10,010.00	10,516.14	11,048.27	11,608.14	12,195.74	12,804.14
2424	10,259.60	10,779.60	11,323.87	11,897.60	12,499.07	13,124.80
2425	10,516.14	11,048.27	11,608.14	12,195.74	12,812.80	13,452.40
2426	10,779.60	11,323.87	11,897.60	12,499.07	13,133.47	13,788.67
2427	11,048.27	11,608.14	12,195.74	12,812.80	13,461.07	14,133.60
2428	11,323.87	11,897.60	12,499.07	13,133.47	13,797.34	14,487.20
2429	11,608.14	12,195.74	12,812.80	13,461.07	14,142.27	14,849.47
2430	11,897.60	12,499.07	13,133.47	13,797.34	14,495.87	15,220.40
2431	12,195.74	12,812.80	13,461.07	14,142.27	14,858.14	15,601.74

EXHIBIT 10B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 20, 2023

UNREP BATTALION CHIEFS 112 HOURS

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	37.36	39.26	41.25	43.34	45.53	46.66
1813	38.30	40.24	42.28	44.42	46.66	49.00
1814	39.26	41.25	43.34	45.53	47.84	50.22
1815	40.24	42.28	44.42	46.66	49.03	51.48
1816	41.25	43.34	45.53	47.84	50.26	52.76
1817	42.28	44.42	46.66	49.03	51.51	54.09
1818	43.34	45.53	47.84	50.26	52.80	55.44
1819	44.42	46.66	49.03	51.51	54.12	56.82
1820	45.53	47.84	50.26	52.80	55.47	58.24
1821	46.66	49.03	51.51	54.12	56.86	59.7
1822	47.84	50.26	52.80	55.47	58.28	61.19
1823	49.03	51.51	54.12	56.86	59.74	62.72
1824	50.26	52.80	55.47	58.28	61.23	64.29

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,184.80	4,396.80	4,620.00	4,853.60	5,099.20	5,226.40
2420	4,289.60	4,507.20	4,735.20	4,975.20	5,226.40	5,488.00
2421	4,396.80	4,620.00	4,853.60	5,099.20	5,357.60	5,624.80
2422	4,507.20	4,735.20	4,975.20	5,226.40	5,491.20	5,765.60
2423	4,620.00	4,853.60	5,099.20	5,357.60	5,628.80	5,909.60
2424	4,735.20	4,975.20	5,226.40	5,491.20	5,768.80	6,057.60
2425	4,853.60	5,099.20	5,357.60	5,628.80	5,913.60	6,208.80
2426	4,975.20	5,226.40	5,491.20	5,768.80	6,061.60	6,367.00
2427	5,099.20	5,357.60	5,628.80	5,913.60	6,212.80	6,523.20
2428	5,226.40	5,491.20	5,768.80	6,061.60	6,368.00	6,686.40
2429	5,357.60	5,628.80	5,913.60	6,212.80	6,527.20	6,853.60
2430	5,491.20	5,768.80	6,061.60	6,368.00	6,690.40	7,024.80
2431	5,628.80	5,913.60	6,212.80	6,527.20	6,857.60	7,200.80

Range Number	Step A	Step B	Step C	Step D	Step E	Step F
2419	9,067.07	9,526.40	10,010.00	10,516.14	11,048.27	11,323.87
2420	9,294.14	9,765.60	10,259.60	10,779.60	11,323.87	11,890.67
2421	9,526.40	10,010.00	10,516.14	11,048.27	11,608.14	12,187.07
2422	9,765.60	10,259.60	10,779.60	11,323.87	11,897.60	12,492.14
2423	10,010.00	10,516.14	11,048.27	11,608.14	12,195.74	12,804.14
2424	10,259.60	10,779.60	11,323.87	11,897.60	12,499.07	13,124.80
2425	10,516.14	11,048.27	11,608.14	12,195.74	12,812.80	13,452.40
2426	10,779.60	11,323.87	11,897.60	12,499.07	13,133.47	13,788.67
2427	11,048.27	11,608.14	12,195.74	12,812.80	13,461.07	14,133.60
2428	11,323.87	11,897.60	12,499.07	13,133.47	13,797.34	14,487.20
2429	11,608.14	12,195.74	12,812.80	13,461.07	14,142.27	14,849.47
2430	11,897.60	12,499.07	13,133.47	13,797.34	14,495.87	15,220.40
2431	12,195.74	12,812.80	13,461.07	14,142.27	14,858.14	15,601.74

EXHIBIT 11A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS - EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JUNE 21, 2022

	HOURLY								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
515	55.41	56.80	58.22	59.68	61.17	62.70	64.26	65.87	67.52
516	56.80	58.22	59.68	61.17	62.70	64.26	65.87	67.52	69.20
517	58.22	59.68	61.17	62.70	64.26	65.87	67.52	69.20	70.93
518	59.68	61.17	62.70	64.26	65.87	67.52	69.20	70.93	72.71
519	61.17	62.70	64.26	65.87	67.52	69.20	70.93	72.71	74.53
520	62.70	64.26	65.87	67.52	69.20	70.93	72.71	74.53	76.39
521	64.26	65.87	67.52	69.20	70.93	72.71	74.53	76.39	78.30
522	65.87	67.52	69.20	70.93	72.71	74.53	76.39	78.30	80.26
523	67.52	69.20	70.93	72.71	74.53	76.39	78.30	80.26	82.26
524	69.20	70.93	72.71	74.53	76.39	78.30	80.26	82.26	84.32
525	70.93	72.71	74.53	76.39	78.60	80.26	82.26	84.32	86.43
526	72.71	74.53	76.39	78.30	80.26	82.26	84.32	86.43	88.59
527	74.53	76.39	78.30	80.26	82.26	84.32	86.43	88.59	90.80
528	76.39	78.30	80.26	82.26	84.32	86.43	88.59	90.80	93.07

	BI-WEEKLY								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
515	4,432.80	4,544.00	4,657.60	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60
516	4,544.00	4,657.60	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00
517	4,657.60	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40
518	4,774.40	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40	5,816.80
519	4,893.60	5,016.00	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40
520	5,016.00	5,140.80	5,269.00	5,401.60	5,536.00	5,674.40	5,816.80	5,962.00	6,111.20
521	5,140.80	5,269.60	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00
522	5,268.60	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80
523	5,401.60	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80
524	5,536.00	5,674.40	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60
525	5,674.40	58.16.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40
526	5,816.80	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40	7,087.20
527	5,962.40	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40	7,087.20	7,264.00
528	6,111.20	6,264.00	6,420.80	6,580.80	6,745.60	6,914.40	7,087.20	7,264.00	7,445.60

	MONTHLY								
Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
515	9,636.91	9,878.66	10,125.62	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08
516	9,878.66	10,125.62	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26
517	10,125.62	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15
518	10,379.55	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72
519	10,638.69	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26
520	10,904.78	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75
521	11,176.10	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94
522	11,456.11	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82
523	11,743.08	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66
524	12,035.26	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93
525	12,336.15	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91
526	12,645.72	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91	15,407.57
527	12,962.26	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91	15,407.57	15,791.94
528	13,285.75	13,617.94	13,958.82	14,306.66	14,664.93	15,031.91	15,407.57	15,791.94	16,186.73

EXHIBIT 11B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS – EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JUNE 20, 2023

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	55.41	58.22	61.17	64.26	67.52	70.89
516	56.80	59.68	62.70	65.87	69.20	72.66
517	58.22	61.17	64.26	67.52	70.93	74.48
518	59.68	62.70	65.87	69.20	72.71	76.34
519	61.17	64.26	67.52	70.93	74.53	78.25
520	62.70	65.87	69.20	72.71	76.39	80.21
521	64.26	67.52	70.93	74.53	78.30	82.21
522	65.87	69.20	72.71	76.39	80.26	84.27
523	67.52	70.93	74.53	78.30	82.26	86.37
524	69.20	72.71	76.39	80.26	84.32	88.53
525	70.93	74.53	78.30	82.26	86.43	90.75
526	72.71	76.39	80.26	84.32	88.59	93.02
527	74.53	78.30	82.26	86.43	90.80	95.34
528	76.39	80.26	84.32	88.59	93.07	97.72

BI-WEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	4,432.80	4,657.60	4,893.60	5,140.80	5,401.60	5,671.20
516	4,432.80	4,774.40	5,016.00	5,269.60	5,536.00	5,812.80
517	4,657.60	4,893.60	5,140.80	5,401.60	5,674.40	5,958.40
518	4,774.40	5,016.00	5,269.60	5,536.00	5,816.80	6,107.20
519	4,893.60	5,140.80	5,401.60	5,674.40	5,962.40	6,260.00
520	5,016.00	5,269.60	5,536.00	5,816.80	6,111.20	6,416.80
521	5,140.80	5,401.60	5,674.40	5,962.40	6,264.00	6,576.80
522	5,269.60	5,536.00	5,816.80	6,111.20	6,420.80	6,741.60
523	5,401.60	5,674.40	5,962.40	6,264.00	6,580.80	6,909.60
524	5,536.00	5,816.80	6,111.20	6,420.80	6,745.60	7,082.40
525	5,674.40	5,962.40	6,264.00	6,580.80	6,914.40	7,260.00
526	5,816.80	6,111.20	6,420.80	6,745.60	7,087.20	7,441.60
527	5,962.40	6,264.00	6,580.80	6,914.40	7,264.00	7,627.20
528	6,111.20	6,420.80	6,745.60	7,087.20	7,445.60	7,817.60

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	9,604.40	10,091.47	10,602.80	11,138.40	11,703.47	12,287.60
516	9,845.34	10,344.54	10,868.00	11,417.47	11,994.67	12,594.40
517	10,091.47	10,602.80	11,138.40	11,703.47	12,294.54	12,909.87
518	10,344.54	10,868.00	11,417.47	11,994.67	12,603.07	13,232.27
519	10,602.80	11,138.40	11,703.47	12,294.54	12,918.54	13,563.34
520	10,868.00	11,417.47	11,994.67	12,603.07	13,240.94	13,903.07
521	11,138.40	11,703.47	12,294.54	12,918.54	13,572.00	14,249.74
522	11,417.47	11,994.67	12,603.07	13,240.94	13,911.74	14,606.80
523	11,703.47	12,294.54	12,918.54	13,572.00	14,258.40	14,970.80
524	11,994.67	12,603.07	13,240.94	13,911.74	14,615.47	15,345.20
525	12,294.54	12,918.54	13,572.00	14,258.40	14,981.20	15,730.00
526	12,603.07	13,240.94	13,911.74	14,615.47	15,355.60	16,123.47
527	12,918.54	13,572.00	14,258.40	14,981.20	15,738.67	16,525.60
528	13,240.94	13,911.74	14,615.47	15,355.60	16,132.14	16,938.14

EXHIBIT 12A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/21/22

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
UNREPRESENTED FIRE CHIEF
EFFECTIVE: JUNE 21, 2022

Range Number	Unrepresented Fire Chief Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		46.13	57.67	3,690.40	4,613.60	8,022.93	10,029.97
1706		47.29	59.11	3,783.20	4,728.80	8,224.68	10,280.41
1707		48.47	60.59	3,877.60	4,847.20	8,429.90	10,537.81
1708		49.68	62.10	3,974.40	4,968.00	8,640.35	10,800.43
1709		50.92	63.60	4,073.60	5,092.00	8,856.01	11,070.01
1710		52.20	65.24	4,176.00	5,219.20	9,078.62	11,346.54
1711		53.50	66.88	4,280.00	5,350.40	9,304.72	11,631.77
1712		54.84	68.55	4,387.20	5,484.00	9,537.77	11,922.22
1713		56.21	70.26	4,496.80	5,620.80	9,776.04	12,219.62
1714		57.62	72.02	4,609.60	5,761.60	10,021.27	12,525.72
1715		59.06	73.82	4,724.80	5,905.60	10,271.72	12,838.77
1716		60.53	75.66	4,842.40	6,052.80	10,527.38	13,158.79
1717		62.04	77.55	4,963.20	6,204.00	10,790.00	13,487.50
1718		63.60	79.49	5,088.00	6,359.20	11,061.31	13,824.90
1719		65.19	81.48	5,215.20	6,518.40	11,337.84	14,171.00
1720		66.81	83.52	5,344.80	6,681.60	11,619.60	14,525.80
1721		68.49	85.61	5,479.20	6,848.80	11,911.78	14,889.29
1722		70.20	87.75	5,616.00	7,020.00	12,209.18	15,261.48
1723		71.95	89.94	5,756.00	7,195.20	12,513.54	15,642.36
1724		73.75	92.19	5,900.00	7,375.20	12,826.60	16,033.68
1725		75.59	94.49	6,047.20	7,559.20	13,146.61	16,433.70
1726		77.48	96.85	6,198.40	7,748.00	13,475.32	16,844.15
1727		79.42	99.28	6,353.60	7,942.40	13,812.73	17,266.78
1728		81.41	101.76	6,512.80	8,140.80	14,158.83	17,698.10
1729	Fire Chief	83.44	104.30	6,675.20	8,344.00	14,511.88	18,139.86
1730		85.53	106.91	6,842.40	8,552.80	14,875.38	18,593.79
1731		87.67	109.58	7,013.60	8,766.40	15,247.57	19,058.15
1732		89.86	112.32	7,188.80	8,985.60	15,628.45	19,534.69
1733		92.10	115.13	7,368.00	9,210.40	16,018.03	20,023.41
1734		94.41	118.01	7,552.80	9,440.80	16,419.79	20,524.30
1735		96.77	120.96	7,741.60	9,676.80	16,830.24	21,037.36
1736		99.18	123.98	7,934.40	9,918.40	17,249.39	21,562.60
1737		101.66	127.08	8,132.80	10,166.40	17,680.71	22,101.75
1738		104.21	130.26	8,336.80	10,420.80	18,124.20	22,654.82
1739		106.81	133.51	8,544.80	10,680.80	18,576.40	23,220.06
1740		109.48	136.85	8,758.40	10,948.00	19,040.76	23,800.95
1741		112.22	140.27	8,977.60	11,221.60	19,517.30	24,395.76

EXHIBIT 12B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
UNREPRESENTED FIRE CHIEF
EFFECTIVE: JUNE 20, 2023

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		46.13	59.97	3,690.40	4,797.60	7,995.87	10,394.80
1706		47.29	61.47	3,783.20	4,917.60	8,196.94	10,654.80
1707		48.47	63.01	3,877.60	5,040.80	8,401.47	10,921.74
1708		49.68	64.90	3,974.40	5,167.20	8,611.20	11,195.60
1709		50.92	66.20	4,073.60	5,296.00	8,826.14	11,474.67
1710		52.20	67.85	4,176.00	5,428.00	9,048.00	11,760.67
1711		53.50	69.55	4,280.00	5,564.00	9,273.34	12,055.34
1712		54.84	71.29	4,387.20	5,703.20	9,505.60	12,356.94
1713		56.21	73.07	4,496.80	5,845.60	9,743.07	12,665.47
1714		57.62	74.90	4,609.60	5,992.00	9,987.47	12,982.67
1715		59.06	76.77	4,724.80	6,141.60	10,237.07	13,306.80
1716		60.53	78.69	4,842.40	6,295.20	10,491.87	13,639.60
1717		62.04	80.66	4,963.20	6,452.80	10,753.60	13,981.07
1718		63.60	82.67	5,088.00	6,613.60	11,024.00	14,329.47
1719		65.19	84.74	5,215.20	6,779.20	11,299.60	14,688.27
1720		66.81	86.86	5,344.80	6,948.80	11,580.40	15,055.74
1721		68.49	89.03	5,479.20	7,122.40	11,871.60	15,431.87
1722		70.20	91.25	5,616.00	7,300.00	12,168.00	15,816.67
1723		71.95	93.54	5,756.00	7,483.20	12,471.34	16,213.60
1724		73.75	95.87	5,900.00	7,669.60	12,783.34	16,617.47
1725		75.59	98.27	6,047.20	7,861.60	13,102.27	17,033.47
1726		77.48	100.73	6,198.40	8,058.40	13,429.87	17,459.87
1727		79.42	103.25	6,353.60	8,260.00	13,766.14	17,896.67
1728		81.41	105.83	6,512.80	8,466.40	14,111.07	18,343.87
1729	Fire Chief	83.44	108.47	6,675.20	8,677.60	14,462.94	18,801.47
1730		85.53	111.18	6,842.40	8,894.40	14,825.20	19,271.20
1731		87.67	113.96	7,013.60	9,116.80	15,196.14	19,753.07
1732		89.86	116.81	7,188.80	9,344.80	15,575.74	20,247.07
1733		92.10	119.73	7,368.00	9,578.40	15,964.00	20,753.20
1734		94.41	122.73	7,552.80	9,818.40	16,364.40	21,273.20
1735		96.77	125.79	7,741.60	10,063.20	16,773.47	21,803.60
1736		99.18	128.94	7,934.40	10,315.20	17,191.20	22,349.60
1737		101.66	132.16	8,132.80	10,572.80	17,621.07	22,907.74
1738		104.21	135.47	8,336.80	10,837.60	18,063.07	23,481.47
1739		106.81	138.85	8,544.80	11,108.00	18,513.74	24,067.34
1740		109.48	142.32	8,758.40	11,385.60	18,976.54	24,668.80
1741		112.22	145.88	8,977.60	11,670.40	19,451.47	25,285.87

EXHIBIT 13: CLASS RANGE TABLE FOR UNREPRESENTED FIRE MANAGEMENT EFFECTIVE 9/7/21

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective September 7, 2021

Range Number	Title
524	Fire Deputy Chief
819	Fire Battalion Chief (112 hours)
1819	Fire Battalion Chief (80 hours)

EXHIBIT 14: CLASS RANGE TABLE FOR UNREPRESENTED FIRE CHIEF EFFECTIVE 7/12/16

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective July 12, 2016

Range Number	Title
1729	Fire Chief

EXHIBIT 15: CLASS RANGE TABLE FOR UNREPRESENTED POLICE MANAGEMENT EFFECTIVE 6/26/18

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES
Effective June 26, 2018

Range Number	Title
1627	Police Captain
1632	Assistant Chief of Police

EXHIBIT 16A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: June 20, 2023

	HOURLY				
Range Number	Step A	Step B	Step C	Step D	Step E
1601	39.88	41.89	43.98	46.18	48.49
1602	40.89	42.94	45.08	47.34	49.70
1603	41.91	44.01	46.21	48.52	50.95
1604	42.96	45.11	47.37	49.73	52.22
1605	44.04	46.24	48.55	50.98	53.53
1606	45.14	47.39	49.76	52.25	54.86
1607	46.27	48.58	51.01	53.56	56.23
1608	47.42	49.79	52.28	54.90	57.64
1609	48.61	51.04	53.59	56.27	59.08
1610	49.82	52.31	54.93	57.67	60.56
1611	51.07	53.62	56.30	59.12	62.07
1612	52.34	54.96	57.71	60.59	63.62
1613	53.65	56.33	59.15	62.11	65.21
1614	54.99	57.74	60.63	63.66	66.84
1615	56.37	59.19	62.15	65.25	68.52
1616	57.78	60.67	63.70	66.88	70.23
1617	59.22	62.18	65.29	68.56	71.98
1618	60.70	63.74	66.92	70.27	73.78
1619	62.22	65.33	68.60	72.03	75.63
1620	63.78	66.96	70.31	73.83	77.52
1621	65.37	68.64	72.07	75.67	79.46
1622	67.00	70.35	73.87	77.56	81.44
1623	68.68	72.11	75.72	79.50	83.48
1624	70.40	73.91	77.61	81.49	85.56
1625	72.16	75.76	79.55	83.53	87.70
1626	73.96	77.66	81.54	85.62	89.90
1627	75.81	79.60	83.58	87.76	92.14
1628	77.70	81.59	85.67	89.95	94.45
1629	79.65	83.63	87.81	92.20	96.81
1630	81.64	85.72	90.00	94.50	99.23
1631	83.68	87.86	92.25	96.87	101.71
1632	85.77	90.06	94.56	99.29	104.25
1633	87.91	92.31	96.92	101.77	106.86
1634	90.11	94.62	99.35	104.31	109.53
1635	92.36	96.98	101.83	106.92	112.27
1636	94.67	99.41	104.38	109.59	115.07
1637	97.04	101.89	106.98	112.33	117.95
1638	99.46	104.44	109.66	115.14	120.90
1639	101.95	107.05	112.40	118.02	123.92
1640	104.50	109.72	115.21	120.97	127.02

	BIWEEKLY				
Range Number	Step A	Step B	Step C	Step D	Step E
1601	3,190.75	3,351.20	3,518.40	3,694.40	3,879.20
1602	3,271.20	3,435.20	3,606.40	3,787.20	3,976.00
1603	3,352.80	3,520.80	3,696.80	3,881.60	4,076.00
1604	3,436.80	3,608.80	3,789.60	3,978.40	4,177.60
1605	3,523.20	3,699.20	3,884.00	4,078.40	4,282.40
1606	3,611.20	3,791.20	3,980.80	4,180.00	4,388.80
1607	3,701.60	3,886.40	4,080.80	4,284.80	4,498.40
1608	3,793.60	3,983.20	4,182.40	4,392.00	4,611.20
1609	3,888.80	4,083.20	4,287.20	4,501.60	4,726.40
1610	3,985.60	4,184.80	4,394.40	4,613.60	4,844.80
1611	4,085.60	4,289.60	4,504.00	4,729.60	4,965.60
1612	4,187.20	4,396.80	4,616.80	4,847.20	5,089.60
1613	4,292.00	4,506.40	4,732.00	4,968.80	5,216.80
1614	4,399.20	4,619.20	4,850.40	5,092.80	5,347.20
1615	4,509.60	4,735.20	4,972.00	5,220.00	5,481.60
1616	4,622.40	4,853.60	5,096.00	5,350.40	5,618.40
1617	4,737.60	4,974.40	5,223.20	5,484.80	5,758.40
1618	4,856.00	5,099.20	5,353.60	5,621.60	5,902.40
1619	4,977.60	5,226.40	5,488.00	5,762.40	6,050.40
1620	5,102.40	5,356.80	5,624.80	5,906.40	6,201.60
1621	5,229.60	5,491.20	5,765.60	6,053.60	6,356.80
1622	5,360.00	5,628.00	5,909.60	6,204.80	6,515.20
1623	5,494.40	5,768.80	6,057.60	6,360.00	6,678.40
1624	5,632.00	5,912.80	6,208.80	6,519.20	6,844.80
1625	5,772.80	6,060.80	6,364.00	6,682.40	7,016.00
1626	5,916.80	6,212.80	6,523.20	6,849.60	7,192.00
1627	6,064.80	6,368.00	6,686.40	7,020.80	7,371.20
1628	6,216.00	6,527.20	6,853.60	7,196.00	7,556.00
1629	6,372.00	6,690.40	7,024.80	7,376.00	7,744.80
1630	6,531.20	6,857.60	7,200.00	7,560.00	7,938.40
1631	6,694.40	7,028.80	7,380.00	7,749.60	8,136.80
1632	6,861.60	7,204.80	7,564.80	7,943.20	8,340.00
1633	7,032.80	7,384.80	7,753.60	8,141.60	8,548.80
1634	7,208.80	7,569.60	7,948.00	8,344.80	8,762.40
1635	7,388.80	7,758.40	8,146.40	8,553.60	8,981.60
1636	7,573.60	7,952.80	8,350.40	8,767.20	9,205.60
1637	7,763.20	8,151.20	8,558.40	8,986.40	9,436.00
1638	7,956.80	8,355.20	8,772.80	9,211.20	9,672.00
1639	8,156.00	8,564.00	8,992.00	9,441.60	9,913.60
1640	8,360.00	8,777.60	9,216.80	9,677.60	10,161.60

	MONTHLY				
Range Number	Step A	Step B	Step C	Step D	Step E
1601	6,913.30	7,260.94	7,623.20	8,004.54	8,404.94
1602	7,087.60	7,442.94	7,813.87	8,205.60	8,614.67
1603	7,264.40	7,628.40	8,009.74	8,410.14	8,831.34
1604	7,446.40	7,819.07	8,210.80	8,619.87	9,051.47
1605	7,633.60	8,014.94	8,415.34	8,836.54	9,278.54
1606	7,824.27	8,214.27	8,625.07	9,056.67	9,509.07
1607	8,020.14	8,420.54	8,841.74	9,283.74	9,746.54
1608	8,219.47	8,630.27	9,061.87	9,516.00	9,990.94
1609	8,425.74	8,846.94	9,288.94	9,753.47	10,240.54
1610	8,635.47	9,067.07	9,521.20	9,996.14	10,497.07
1611	8,852.14	9,294.14	9,758.67	10,247.47	10,758.80
1612	9,072.27	9,526.40	10,003.07	10,502.27	11,027.47
1613	9,299.34	9,763.87	10,252.67	10,765.74	11,303.07
1614	9,531.60	10,008.27	10,509.20	11,034.40	11,585.60
1615	9,770.80	10,259.60	10,772.67	11,310.00	11,876.80
1616	10,015.20	10,516.14	11,041.34	11,592.54	12,173.20
1617	10,264.80	10,777.87	11,316.94	11,883.74	12,476.54
1618	10,521.34	11,048.27	11,599.47	12,180.14	12,788.54
1619	10,784.80	11,323.87	11,890.67	12,485.20	13,109.20
1620	11,055.20	11,606.40	12,187.07	12,797.20	13,436.80
1621	11,330.80	11,897.60	12,492.14	13,116.14	13,773.07
1622	11,613.34	12,194.00	12,804.14	13,443.74	14,116.27
1623	11,904.54	12,499.07	13,124.80	13,780.00	14,469.87
1624	12,202.67	12,811.07	13,452.40	14,124.94	14,830.40
1625	12,507.74	13,131.74	13,788.67	14,478.54	15,201.34
1626	12,819.74	13,461.07	14,133.60	14,840.80	15,582.67
1627	13,140.40	13,797.34	14,487.20	15,211.74	15,970.94
1628	13,468.00	14,142.27	14,849.47	15,591.34	16,371.34
1629	13,806.00	14,495.87	15,220.40	15,981.34	16,780.40
1630	14,150.94	14,858.14	15,600.00	16,380.00	17,199.87
1631	14,504.54	15,229.07	15,990.00	16,790.80	17,629.74
1632	14,866.80	15,610.40	16,390.40	17,210.27	18,070.00
1633	15,237.74	16,000.40	16,799.47	17,640.14	18,522.40
1634	15,619.07	16,400.80	17,220.67	18,080.40	18,985.20
1635	16,009.07	16,809.87	17,650.54	18,532.80	19,460.14
1636	16,409.47	17,231.07	18,092.54	18,995.60	19,945.47
1637	16,820.27	17,660.94	18,543.20	19,470.54	20,444.67
1638	17,239.74	18,102.94	19,007.74	19,957.60	20,956.00
1639	17,671.34	18,555.34	19,482.67	20,456.80	21,479.47
1640	18,113.34	19,018.14	19,969.74	20,968.14	22,016.80

EXHIBIT 16B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/18/24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
Effective June 18, 2024

	HOURLY				
Range Number	Step A	Step B	Step C	Step D	Step E
1601	41.87	43.98	46.18	48.49	50.91
1602	42.93	45.08	47.33	49.70	52.18
1603	44.01	46.21	48.52	50.94	53.49
1604	45.11	47.36	49.73	52.21	54.82
1605	46.23	48.54	50.97	53.52	56.20
1606	47.39	49.76	52.25	54.86	57.60
1607	48.57	51.00	53.55	56.23	59.04
1608	49.79	52.28	54.89	57.63	60.52
1609	51.03	53.58	56.26	59.07	62.03
1610	52.31	54.92	57.67	60.55	63.58
1611	53.61	56.30	59.11	62.07	65.17
1612	54.96	57.70	60.59	63.62	66.80
1613	56.33	59.15	62.10	65.21	68.47
1614	57.74	60.62	63.65	66.84	70.18
1615	59.18	62.14	65.25	68.51	71.93
1616	60.66	63.69	66.88	70.22	73.73
1617	62.18	65.28	68.55	71.98	75.57
1618	63.73	66.92	70.26	73.78	77.46
1619	65.32	68.59	72.02	75.62	79.40
1620	66.96	70.30	73.82	77.51	81.38
1621	68.63	72.06	75.66	79.45	83.42
1622	70.35	73.86	77.56	81.43	85.50
1623	72.10	75.71	79.49	83.47	87.64
1624	73.91	77.60	81.48	85.56	89.83
1625	75.75	79.54	83.52	87.69	92.08
1626	77.65	81.53	85.61	89.89	94.38
1627	79.59	83.57	87.75	92.13	96.74
1628	81.58	85.66	89.94	94.44	99.16
1629	83.62	87.80	92.19	96.80	101.64
1630	85.71	89.99	94.49	99.22	104.18
1631	87.85	92.24	96.86	101.70	106.78
1632	90.05	94.55	99.28	104.24	109.45
1633	92.30	96.91	101.76	106.85	112.19
1634	94.61	99.34	104.30	109.52	114.99
1635	96.97	101.82	106.91	112.25	117.87
1636	99.39	104.36	109.58	115.06	120.81
1637	101.88	106.97	112.32	117.94	123.83
1638	104.43	109.65	115.13	120.89	126.93
1639	107.04	112.39	118.01	123.91	130.10
1640	109.71	115.20	120.96	127.01	133.36

	BIWEEKLY				
Range Number	Step A	Step B	Step C	Step D	Step E
1601	3,349.92	3,518.40	3,694.40	3,879.20	4,072.80
1602	3,434.40	3,606.40	3,786.40	3,976.00	4,174.40
1603	3,520.80	3,696.80	3,881.60	4,075.20	4,279.20
1604	3,608.80	3,788.80	3,978.40	4,176.80	4,385.60
1605	3,698.40	3,883.20	4,077.60	4,281.60	4,496.00
1606	3,791.20	3,980.80	4,180.00	4,388.80	4,608.00
1607	3,885.60	4,080.00	4,284.00	4,498.40	4,723.20
1608	3,983.20	4,182.40	4,391.20	4,610.40	4,841.60
1609	4,082.40	4,286.40	4,500.80	4,725.60	4,962.40
1610	4,184.80	4,393.60	4,613.60	4,844.00	5,086.40
1611	4,288.80	4,504.00	4,728.80	4,965.60	5,213.60
1612	4,396.80	4,616.00	4,847.20	5,089.60	5,344.00
1613	4,506.40	4,732.00	4,968.00	5,216.80	5,477.60
1614	4,619.20	4,849.60	5,092.00	5,347.20	5,614.40
1615	4,734.40	4,971.20	5,220.00	5,480.80	5,754.40
1616	4,852.80	5,095.20	5,350.40	5,617.60	5,898.40
1617	4,974.40	5,222.40	5,484.00	5,758.40	6,045.60
1618	5,098.40	5,353.60	5,620.80	5,902.40	6,196.80
1619	5,225.60	5,487.20	5,761.60	6,049.60	6,352.00
1620	5,356.80	5,624.00	5,905.60	6,200.80	6,510.40
1621	5,490.40	5,764.80	6,052.80	6,356.00	6,673.60
1622	5,628.00	5,908.80	6,204.80	6,514.40	6,840.00
1623	5,768.00	6,056.80	6,359.20	6,677.60	7,011.20
1624	5,912.80	6,208.00	6,518.40	6,844.80	7,186.40
1625	6,060.00	6,363.20	6,681.60	7,015.20	7,366.40
1626	6,212.00	6,522.40	6,848.80	7,191.20	7,550.40
1627	6,367.20	6,685.60	7,020.00	7,370.40	7,739.20
1628	6,526.40	6,852.80	7,195.20	7,555.20	7,932.80
1629	6,689.60	7,024.00	7,375.20	7,744.00	8,131.20
1630	6,856.80	7,199.20	7,559.20	7,937.60	8,334.40
1631	7,028.00	7,379.20	7,748.80	8,136.00	8,542.40
1632	7,204.00	7,564.00	7,942.40	8,339.20	8,756.00
1633	7,384.00	7,752.80	8,140.80	8,548.00	8,975.20
1634	7,568.80	7,947.20	8,344.00	8,761.60	9,199.20
1635	7,757.60	8,145.60	8,552.80	8,980.00	9,429.60
1636	7,951.20	8,348.80	8,766.40	9,204.80	9,664.80
1637	8,150.40	8,557.60	8,985.60	9,435.20	9,906.40
1638	8,354.40	8,772.00	9,210.40	9,671.20	10,154.40
1639	8,563.20	8,991.20	9,440.80	9,912.80	10,408.00
1640	8,776.80	9,216.00	9,676.80	10,160.80	10,668.80

	MONTHLY				
Range Number	Step A	Step B	Step C	Step D	Step E
1601	7,258.16	7,623.20	8,004.54	8,404.94	8,824.40
1602	7,441.20	7,813.87	8,203.87	8,614.67	9,044.54
1603	7,628.40	8,009.74	8,410.14	8,829.60	9,271.60
1604	7,819.07	8,209.07	8,619.87	9,049.74	9,502.14
1605	8,013.20	8,413.60	8,834.80	9,276.80	9,741.34
1606	8,214.27	8,625.07	9,056.67	9,509.07	9,984.00
1607	8,418.80	8,840.00	9,282.00	9,746.54	10,233.60
1608	8,630.27	9,061.87	9,514.27	9,989.20	10,490.14
1609	8,845.20	9,287.20	9,751.74	10,238.80	10,751.87
1610	9,067.07	9,519.47	9,996.14	10,495.34	11,020.54
1611	9,292.40	9,758.67	10,245.74	10,758.80	11,296.14
1612	9,526.40	10,001.34	10,502.27	11,027.47	11,578.67
1613	9,763.87	10,252.67	10,764.00	11,303.07	11,868.14
1614	10,008.27	10,507.47	11,032.67	11,585.60	12,164.54
1615	10,257.87	10,770.94	11,310.00	11,875.07	12,467.87
1616	10,514.40	11,039.60	11,592.54	12,171.47	12,779.87
1617	10,777.87	11,315.20	11,882.00	12,476.54	13,098.80
1618	11,046.54	11,599.47	12,178.40	12,788.54	13,426.40
1619	11,322.14	11,888.94	12,483.47	13,107.47	13,762.67
1620	11,606.40	12,185.34	12,795.47	13,435.07	14,105.87
1621	11,895.87	12,490.40	13,114.40	13,771.34	14,459.47
1622	12,194.00	12,802.40	13,443.74	14,114.54	14,820.00
1623	12,497.34	13,123.07	13,778.27	14,468.14	15,190.94
1624	12,811.07	13,450.67	14,123.20	14,830.40	15,570.54
1625	13,130.00	13,786.94	14,476.80	15,199.60	15,960.54
1626	13,459.34	14,131.87	14,839.07	15,580.94	16,359.20
1627	13,795.60	14,485.47	15,210.00	15,969.20	16,768.27
1628	14,140.54	14,847.74	15,589.60	16,369.60	17,187.74
1629	14,494.14	15,218.67	15,979.60	16,778.67	17,617.60
1630	14,856.40	15,598.27	16,378.27	17,198.14	18,057.87
1631	15,227.34	15,988.27	16,789.07	17,628.00	18,508.54
1632	15,608.67	16,388.67	17,208.54	18,068.27	18,971.34
1633	15,998.67	16,797.74	17,638.40	18,520.67	19,446.27
1634	16,399.07	17,218.94	18,078.67	18,983.47	19,931.60
1635	16,808.14	17,648.80	18,531.07	19,456.67	20,430.80
1636	17,227.60	18,089.07	18,993.87	19,943.74	20,940.40
1637	17,659.20	18,541.47	19,468.80	20,442.94	21,463.87
1638	18,101.20	19,006.00	19,955.87	20,954.27	22,001.20
1639	18,553.60	19,480.94	20,455.07	21,477.74	22,550.67
1640	19,016.40	19,968.00	20,966.40	22,015.07	23,115.74

EXHIBIT 16C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 7/1/25

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: July 1, 2025

	HOURLY					
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1601	43.13	45.29	47.56	49.93	52.43	55.05
1602	44.21	46.42	48.74	51.18	53.74	56.43
1603	45.32	47.58	49.96	52.46	55.08	57.84
1604	46.45	48.77	51.21	53.77	56.46	59.28
1605	47.61	49.99	52.49	55.12	57.87	60.77
1606	48.80	51.24	53.80	56.49	59.32	62.28
1607	50.02	52.52	55.15	57.91	60.80	63.84
1608	51.27	53.84	56.53	59.35	62.32	65.44
1609	52.55	55.18	57.94	60.84	63.88	67.07
1610	53.87	56.56	59.39	62.36	65.48	68.75
1611	55.22	57.98	60.87	63.92	67.11	70.47
1612	56.60	59.42	62.40	65.52	68.79	72.23
1613	58.01	60.91	63.96	67.15	70.51	74.04
1614	59.46	62.43	65.55	68.83	72.27	75.89
1615	60.95	63.99	67.19	70.55	74.08	77.78
1616	62.47	65.59	68.87	72.32	75.93	79.73
1617	64.03	67.23	70.59	74.12	77.83	81.72
1618	65.63	68.91	72.36	75.98	79.78	83.76
1619	67.27	70.64	74.17	77.88	81.77	85.86
1620	68.95	72.40	76.02	79.82	83.81	88.00
1621	70.68	74.21	77.92	81.82	85.91	90.20
1622	72.45	76.07	79.87	83.86	88.06	92.46
1623	74.26	77.97	81.87	85.96	90.26	94.77
1624	76.11	79.92	83.91	88.11	92.51	97.14
1625	78.02	81.92	86.01	90.31	94.83	99.57
1626	79.97	83.96	88.16	92.57	97.20	102.06
1627	81.96	86.06	90.37	94.88	99.63	104.61
1628	84.01	88.21	92.62	97.26	102.12	107.22
1629	86.11	90.42	94.94	99.69	104.67	109.90
1630	88.27	92.68	97.31	102.18	107.29	112.65
1631	90.47	95.00	99.75	104.73	109.97	115.47
1632	92.73	97.37	102.24	107.35	112.72	118.35
1633	95.05	99.81	104.80	110.03	115.54	121.31
1634	97.43	102.30	107.42	112.79	118.42	124.35
1635	99.86	104.86	110.10	115.61	121.39	127.45
1636	102.36	107.48	112.85	118.50	124.42	130.64
1637	104.92	110.17	115.67	121.46	127.53	133.91
1638	107.54	112.92	118.57	124.49	130.72	137.25
1639	110.23	115.74	121.53	127.61	133.99	140.69
1640	112.99	118.64	124.57	130.80	137.34	144.20

	BIWEEKLY					
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1601	3,450.09	3,623.20	3,804.80	3,994.40	4,194.40	4,404.00
1602	3,536.80	3,713.60	3,899.20	4,094.40	4,299.20	4,514.40
1603	3,625.60	3,806.40	3,996.80	4,196.80	4,406.40	4,627.20
1604	3,716.00	3,901.60	4,096.80	4,301.60	4,516.80	4,742.40
1605	3,808.80	3,999.20	4,199.20	4,409.60	4,629.60	4,861.60
1606	3,904.00	4,099.20	4,304.00	4,519.20	4,745.60	4,982.40
1607	4,001.60	4,201.60	4,412.00	4,632.80	4,864.00	5,107.20
1608	4,101.60	4,307.20	4,522.40	4,748.00	4,985.60	5,235.20
1609	4,204.00	4,414.40	4,635.20	4,867.20	5,110.40	5,365.60
1610	4,309.60	4,524.80	4,751.20	4,988.80	5,238.40	5,500.00
1611	4,417.60	4,638.40	4,869.60	5,113.60	5,368.80	5,637.60
1612	4,528.00	4,753.60	4,992.00	5,241.60	5,503.20	5,778.40
1613	4,640.80	4,872.80	5,116.80	5,372.00	5,640.80	5,923.20
1614	4,756.80	4,994.40	5,244.00	5,506.40	5,781.60	6,071.20
1615	4,876.00	5,119.20	5,375.20	5,644.00	5,926.40	6,222.40
1616	4,997.60	5,247.20	5,509.60	5,785.60	6,074.40	6,378.40
1617	5,122.40	5,378.40	5,647.20	5,929.60	6,226.40	6,537.60
1618	5,250.40	5,512.80	5,788.80	6,078.40	6,382.40	6,700.80
1619	5,381.60	5,651.20	5,933.60	6,230.40	6,541.60	6,868.80
1620	5,516.00	5,792.00	6,081.60	6,385.60	6,704.80	7,040.00
1621	5,654.40	5,936.80	6,233.60	6,545.60	6,872.80	7,216.00
1622	5,796.00	6,085.60	6,389.60	6,708.80	7,044.80	7,396.80
1623	5,940.80	6,237.60	6,549.60	6,876.80	7,220.80	7,581.60
1624	6,088.80	6,393.60	6,712.80	7,048.80	7,400.80	7,771.20
1625	6,241.60	6,553.60	6,880.80	7,224.80	7,586.40	7,965.60
1626	6,397.60	6,716.80	7,052.80	7,405.60	7,776.00	8,164.80
1627	6,556.80	6,884.80	7,229.60	7,590.40	7,970.40	8,368.80
1628	6,720.80	7,056.80	7,409.60	7,780.80	8,169.60	8,577.60
1629	6,888.80	7,233.60	7,595.20	7,975.20	8,373.60	8,792.00
1630	7,061.60	7,414.40	7,784.80	8,174.40	8,583.20	9,012.00
1631	7,237.60	7,600.00	7,980.00	8,378.40	8,797.60	9,237.60
1632	7,418.40	7,789.60	8,179.20	8,588.00	9,017.60	9,468.00
1633	7,604.00	7,984.80	8,384.00	8,802.40	9,243.20	9,704.80
1634	7,794.40	8,184.00	8,593.60	9,023.20	9,473.60	9,948.00
1635	7,988.80	8,388.80	8,808.00	9,248.80	9,711.20	10,196.00
1636	8,188.80	8,598.40	9,028.00	9,480.00	9,953.60	10,451.20
1637	8,393.60	8,813.60	9,253.60	9,716.80	10,202.40	10,712.80
1638	8,603.20	9,033.60	9,485.60	9,959.20	10,457.60	10,980.00
1639	8,818.40	9,259.20	9,722.40	10,208.80	10,719.20	11,255.20
1640	9,039.20	9,491.20	9,965.60	10,464.00	10,987.20	11,536.00

	MONTHLY					
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1601	7,475.20	7,850.27	8,243.74	8,654.54	9,087.87	9,542.00
1602	7,663.07	8,046.14	8,448.27	8,871.20	9,314.94	9,781.20
1603	7,855.47	8,247.20	8,659.74	9,093.07	9,547.20	10,025.60
1604	8,051.34	8,453.47	8,876.40	9,320.14	9,786.40	10,275.20
1605	8,252.40	8,664.94	9,098.27	9,554.14	10,030.80	10,533.47
1606	8,458.67	8,881.60	9,325.34	9,791.60	10,282.14	10,795.20
1607	8,670.14	9,103.47	9,559.34	10,037.74	10,538.67	11,065.60
1608	8,886.80	9,332.27	9,798.54	10,287.34	10,802.14	11,342.94
1609	9,108.67	9,564.54	10,042.94	10,545.60	11,072.54	11,625.47
1610	9,337.47	9,803.74	10,294.27	10,809.07	11,349.87	11,916.67
1611	9,571.47	10,049.87	10,550.80	11,079.47	11,632.40	12,214.80
1612	9,810.67	10,299.47	10,816.00	11,356.80	11,923.60	12,519.87
1613	10,055.07	10,557.74	11,086.40	11,639.34	12,221.74	12,833.60
1614	10,306.40	10,821.20	11,362.00	11,930.54	12,526.80	13,154.27
1615	10,564.67	11,091.60	11,646.27	12,228.67	12,840.54	13,481.87
1616	10,828.14	11,368.94	11,937.47	12,535.47	13,161.20	13,819.87
1617	11,098.54	11,653.20	12,235.60	12,847.47	13,490.54	14,164.80
1618	11,375.87	11,944.40	12,542.40	13,169.87	13,828.54	14,518.40
1619	11,660.14	12,244.27	12,856.14	13,499.20	14,173.47	14,882.40
1620	11,951.34	12,549.34	13,176.80	13,835.47	14,527.07	15,253.34
1621	12,251.20	12,863.07	13,506.14	14,182.14	14,891.07	15,634.67
1622	12,558.00	13,185.47	13,844.14	14,535.74	15,263.74	16,026.40
1623	12,871.74	13,514.80	14,190.80	14,899.74	15,645.07	16,426.80
1624	13,192.40	13,852.80	14,544.40	15,272.40	16,035.07	16,837.60
1625	13,523.47	14,199.47	14,908.40	15,653.74	16,437.20	17,258.80
1626	13,861.47	14,553.07	15,281.07	16,045.47	16,848.00	17,690.40
1627	14,206.40	14,917.07	15,664.14	16,445.87	17,269.20	18,132.40
1628	14,561.74	15,289.74	16,054.14	16,858.40	17,700.80	18,584.80
1629	14,925.74	15,672.80	16,456.27	17,279.60	18,142.80	19,049.34
1630	15,300.14	16,064.54	16,867.07	17,711.20	18,596.94	19,526.00
1631	15,681.47	16,466.67	17,290.00	18,153.20	19,061.47	20,014.80
1632	16,073.20	16,877.47	17,721.60	18,607.34	19,538.14	20,514.00
1633	16,475.34	17,300.40	18,165.34	19,071.87	20,026.94	21,027.07
1634	16,887.87	17,732.00	18,619.47	19,550.27	20,526.14	21,554.00
1635	17,309.07	18,175.74	19,084.00	20,039.07	21,040.94	22,091.34
1636	17,742.40	18,629.87	19,560.67	20,540.00	21,566.14	22,644.27
1637	18,186.14	19,096.14	20,049.47	21,053.07	22,105.20	23,211.07
1638	18,640.27	19,572.80	20,552.14	21,578.27	22,658.14	23,790.00
1639	19,106.54	20,061.60	21,065.20	22,119.07	23,224.94	24,386.27
1640	19,584.94	20,564.27	21,592.14	22,672.00	23,805.60	24,994.67

EXHIBIT 16D: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/30/26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: June 30, 2026

	HOURLY					
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1601	44.86	47.11	49.46	51.94	54.53	57.26
1602	45.99	48.29	50.70	53.23	55.90	58.69
1603	47.14	49.49	51.97	54.57	57.29	60.16
1604	48.31	50.73	53.27	55.93	58.73	61.66
1605	49.52	52.00	54.60	57.33	60.19	63.20
1606	50.76	53.30	55.96	58.76	61.70	64.78
1607	52.03	54.63	57.36	60.23	63.24	66.40
1608	53.33	56.00	58.80	61.73	64.82	68.06
1609	54.66	57.40	60.26	63.28	66.44	69.76
1610	56.03	58.83	61.77	64.86	68.10	71.51
1611	57.43	60.30	63.32	66.48	69.80	73.29
1612	58.87	61.81	64.90	68.14	71.55	75.13
1613	60.34	63.35	66.52	69.85	73.34	77.01
1614	61.85	64.94	68.18	71.59	75.17	78.93
1615	63.39	66.56	69.89	73.38	77.05	80.90
1616	64.98	68.22	71.64	75.22	78.98	82.93
1617	66.60	69.93	73.43	77.10	80.95	85.00
1618	68.26	71.68	75.26	79.02	82.98	87.12
1619	69.97	73.47	77.14	81.00	85.05	89.30
1620	71.72	75.31	79.07	83.02	87.18	91.53
1621	73.51	77.19	81.05	85.10	89.35	93.82
1622	75.35	79.12	83.07	87.23	91.59	96.17
1623	77.23	81.10	85.15	89.41	93.88	98.57
1624	79.17	83.12	87.28	91.64	96.23	101.04
1625	81.14	85.20	89.46	93.93	98.63	103.56
1626	83.17	87.33	91.70	96.28	101.10	106.15
1627	85.25	89.51	93.99	98.69	103.62	108.80
1628	87.38	91.75	96.34	101.16	106.21	111.52
1629	89.57	94.05	98.75	103.69	108.87	114.31
1630	91.81	96.40	101.22	106.28	111.59	117.17
1631	94.10	98.81	103.75	108.93	114.38	120.10
1632	96.45	101.28	106.34	111.66	117.24	123.10
1633	98.87	103.81	109.00	114.45	120.17	126.18
1634	101.34	106.40	111.72	117.31	123.17	129.33
1635	103.87	109.06	114.52	120.24	126.25	132.57
1636	106.47	111.79	117.38	123.25	129.41	135.88
1637	109.13	114.58	120.31	126.33	132.65	139.28
1638	111.86	117.45	123.32	129.49	135.96	142.76
1639	114.65	120.39	126.40	132.72	139.36	146.33
1640	117.52	123.39	129.56	136.04	142.84	149.99

	BIWEEKLY					
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1601	3,588.42	3,768.80	3,956.80	4,155.20	4,362.40	4,580.80
1602	3,679.20	3,863.20	4,056.00	4,258.40	4,472.00	4,695.20
1603	3,771.20	3,959.20	4,157.60	4,365.60	4,583.20	4,812.80
1604	3,864.80	4,058.40	4,261.60	4,474.40	4,698.40	4,932.80
1605	3,961.60	4,160.00	4,368.00	4,586.40	4,815.20	5,056.00
1606	4,060.80	4,264.00	4,476.80	4,700.80	4,936.00	5,182.40
1607	4,162.40	4,370.40	4,588.80	4,818.40	5,059.20	5,312.00
1608	4,266.40	4,480.00	4,704.00	4,938.40	5,185.60	5,444.80
1609	4,372.80	4,592.00	4,820.80	5,062.40	5,315.20	5,580.80
1610	4,482.40	4,706.40	4,941.60	5,188.80	5,448.00	5,720.80
1611	4,594.40	4,824.00	5,065.60	5,318.40	5,584.00	5,863.20
1612	4,709.60	4,944.80	5,192.00	5,451.20	5,724.00	6,010.40
1613	4,827.20	5,068.00	5,321.60	5,588.00	5,867.20	6,160.80
1614	4,948.00	5,195.20	5,454.40	5,727.20	6,013.60	6,314.40
1615	5,071.20	5,324.80	5,591.20	5,870.40	6,164.00	6,472.00
1616	5,198.40	5,457.60	5,731.20	6,017.60	6,318.40	6,634.40
1617	5,328.00	5,594.40	5,874.40	6,168.00	6,476.00	6,800.00
1618	5,460.80	5,734.40	6,020.80	6,321.60	6,638.40	6,969.60
1619	5,597.60	5,877.60	6,171.20	6,480.00	6,804.00	7,144.00
1620	5,737.60	6,024.80	6,325.60	6,641.60	6,974.40	7,322.40
1621	5,880.80	6,175.20	6,484.00	6,808.00	7,148.00	7,505.60
1622	6,028.00	6,329.60	6,645.60	6,978.40	7,327.20	7,693.60
1623	6,178.40	6,488.00	6,812.00	7,152.80	7,510.40	7,885.60
1624	6,333.60	6,649.60	6,982.40	7,331.20	7,698.40	8,083.20
1625	6,491.20	6,816.00	7,156.80	7,514.40	7,890.40	8,284.80
1626	6,653.60	6,986.40	7,336.00	7,702.40	8,088.00	8,492.00
1627	6,820.00	7,160.80	7,519.20	7,895.20	8,289.60	8,704.00
1628	6,990.40	7,340.00	7,707.20	8,092.80	8,496.80	8,921.60
1629	7,165.60	7,524.00	7,900.00	8,295.20	8,709.60	9,144.80
1630	7,344.80	7,712.00	8,097.60	8,502.40	8,927.20	9,373.60
1631	7,528.00	7,904.80	8,300.00	8,714.40	9,150.40	9,608.00
1632	7,716.00	8,102.40	8,507.20	8,932.80	9,379.20	9,848.00
1633	7,909.60	8,304.80	8,720.00	9,156.00	9,613.60	10,094.40
1634	8,107.20	8,512.00	8,937.60	9,384.80	9,853.60	10,346.40
1635	8,309.60	8,724.80	9,161.60	9,619.20	10,100.00	10,605.60
1636	8,517.60	8,943.20	9,390.40	9,860.00	10,352.80	10,870.40
1637	8,730.40	9,166.40	9,624.80	10,106.40	10,612.00	11,142.40
1638	8,948.80	9,396.00	9,865.60	10,359.20	10,876.80	11,420.80
1639	9,172.00	9,631.20	10,112.00	10,617.60	11,148.80	11,706.40
1640	9,401.60	9,871.20	10,364.80	10,883.20	11,427.20	11,999.20

	MONTHLY					
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1601	7,774.91	8,165.74	8,573.07	9,002.94	9,451.87	9,925.07
1602	7,971.60	8,370.27	8,788.00	9,226.54	9,689.34	10,172.94
1603	8,170.94	8,578.27	9,008.14	9,458.80	9,930.27	10,427.74
1604	8,373.74	8,793.20	9,233.47	9,694.54	10,179.87	10,687.74
1605	8,583.47	9,013.34	9,464.00	9,937.20	10,432.94	10,954.67
1606	8,798.40	9,238.67	9,699.74	10,185.07	10,694.67	11,228.54
1607	9,018.54	9,469.20	9,942.40	10,439.87	10,961.60	11,509.34
1608	9,243.87	9,706.67	10,192.00	10,699.87	11,235.47	11,797.07
1609	9,474.40	9,949.34	10,445.07	10,968.54	11,516.27	12,091.74
1610	9,711.87	10,197.20	10,706.80	11,242.40	11,804.00	12,395.07
1611	9,954.54	10,452.00	10,975.47	11,523.20	12,098.67	12,703.60
1612	10,204.14	10,713.74	11,249.34	11,810.94	12,402.00	13,022.54
1613	10,458.94	10,980.67	11,530.14	12,107.34	12,712.27	13,348.40
1614	10,720.67	11,256.27	11,817.87	12,408.94	13,029.47	13,681.20
1615	10,987.60	11,537.07	12,114.27	12,719.20	13,355.34	14,022.67
1616	11,263.20	11,824.80	12,417.60	13,038.14	13,689.87	14,374.54
1617	11,544.00	12,121.20	12,727.87	13,364.00	14,031.34	14,733.34
1618	11,831.74	12,424.54	13,045.07	13,696.80	14,383.20	15,100.80
1619	12,128.14	12,734.80	13,370.94	14,040.00	14,742.00	15,478.67
1620	12,431.47	13,053.74	13,705.47	14,390.14	15,111.20	15,865.20
1621	12,741.74	13,379.60	14,048.67	14,750.67	15,487.34	16,262.14
1622	13,060.67	13,714.14	14,398.80	15,119.87	15,875.60	16,669.47
1623	13,386.54	14,057.34	14,759.34	15,497.74	16,272.54	17,085.47
1624	13,722.80	14,407.47	15,128.54	15,884.27	16,679.87	17,513.60
1625	14,064.27	14,768.00	15,506.40	16,281.20	17,095.87	17,950.40
1626	14,416.14	15,137.20	15,894.67	16,688.54	17,524.00	18,399.34
1627	14,776.67	15,515.07	16,291.60	17,106.27	17,960.80	18,858.67
1628	15,145.87	15,903.34	16,698.94	17,534.40	18,409.74	19,330.14
1629	15,525.47	16,302.00	17,116.67	17,972.94	18,870.80	19,813.74
1630	15,913.74	16,709.34	17,544.80	18,421.87	19,342.27	20,309.47
1631	16,310.67	17,127.07	17,983.34	18,881.20	19,825.87	20,817.34
1632	16,718.00	17,555.20	18,432.27	19,354.40	20,321.60	21,337.34
1633	17,137.47	17,993.74	18,893.34	19,838.00	20,829.47	21,871.20
1634	17,565.60	18,442.67	19,364.80	20,333.74	21,349.47	22,417.20
1635	18,004.14	18,903.74	19,850.14	20,841.60	21,883.34	22,978.80
1636	18,454.80	19,376.94	20,345.87	21,363.34	22,431.07	23,552.54
1637	18,915.87	19,860.54	20,853.74	21,897.20	22,992.67	24,141.87
1638	19,389.07	20,358.00	21,375.47	22,444.94	23,566.40	24,745.07
1639	19,872.67	20,867.60	21,909.34	23,004.80	24,155.74	25,363.87
1640	20,370.14	21,387.60	22,457.07	23,580.27	24,758.94	25,998.27

EXHIBIT 17A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/20/23

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 20, 2023

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		47.06	58.82	3,764.45	4,705.60	8,156.31	10,195.47
1506		48.24	60.29	3,859.20	4,823.20	8,361.60	10,450.27
1507		49.44	61.80	3,955.20	4,944.00	8,569.60	10,712.00
1508		50.68	63.35	4,054.40	5,068.00	8,784.54	10,980.67
1509		51.95	64.93	4,156.00	5,194.40	9,004.67	11,254.54
1510		53.24	66.55	4,259.20	5,324.00	9,228.27	11,535.34
1511		54.58	68.22	4,366.40	5,457.60	9,460.54	11,824.80
1512		55.94	69.92	4,475.20	5,593.60	9,696.27	12,119.47
1513		57.34	71.67	4,587.20	5,733.60	9,938.94	12,422.80
1514		58.77	73.46	4,701.60	5,876.80	10,186.80	12,733.07
1515		60.24	75.30	4,819.20	6,024.00	10,441.60	13,052.00
1516		61.75	77.18	4,940.00	6,174.40	10,703.34	13,377.87
1517		63.29	79.11	5,063.20	6,328.80	10,970.27	13,712.40
1518		64.87	81.09	5,189.60	6,487.20	11,244.14	14,055.60
1519		66.49	83.12	5,319.20	6,649.60	11,524.94	14,407.47
1520		68.16	85.19	5,452.80	6,815.20	11,814.40	14,766.27
1521		69.86	87.32	5,588.80	6,985.60	12,109.07	15,135.47
1522		71.61	89.51	5,728.80	7,160.80	12,412.40	15,515.07
1523		73.40	91.74	5,872.00	7,339.20	12,722.67	15,901.60
1524		75.23	94.04	6,018.40	7,523.20	13,039.87	16,300.27
1525		77.11	96.39	6,168.80	7,711.20	13,365.74	16,707.60
1526		79.04	98.80	6,323.20	7,904.00	13,700.27	17,125.34
1527		81.01	101.27	6,480.80	8,101.60	14,041.74	17,553.47
1528		83.04	103.80	6,643.20	8,304.00	14,393.60	17,992.00
1529		85.12	106.39	6,809.60	8,511.20	14,754.14	18,440.94
1530		87.24	109.05	6,979.20	8,724.00	15,121.60	18,902.00
1531	Chief of Police	89.42	111.78	7,153.60	8,942.40	15,499.47	19,375.20
1532		91.66	114.57	7,332.80	9,165.60	15,887.74	19,858.80
1533		93.95	117.44	7,516.00	9,395.20	16,284.67	20,356.27
1534		96.30	120.37	7,704.00	9,629.60	16,692.00	20,864.14
1535		98.71	123.38	7,896.80	9,870.40	17,109.74	21,385.87
1536		101.17	126.47	8,093.60	10,117.60	17,536.14	21,921.47
1537		103.70	129.63	8,296.00	10,370.40	17,974.67	22,469.20
1538		106.30	132.87	8,504.00	10,629.60	18,425.34	23,030.80
1539		108.95	136.19	8,716.00	10,895.20	18,884.67	23,606.27
1540		111.68	139.60	8,934.40	11,168.00	19,357.87	24,197.34
1541		114.47	143.09	9,157.60	11,447.20	19,841.47	24,802.27

EXHIBIT 17B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/18/24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 18, 2024

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		49.41	61.77	3,953.04	4,941.60	8,564.92	10,706.80
1506		50.65	63.32	4,052.00	5,065.60	8,779.34	10,975.47
1507		51.92	64.90	4,153.60	5,192.00	8,999.47	11,249.34
1508		53.22	66.52	4,257.60	5,321.60	9,224.80	11,530.14
1509		54.55	68.18	4,364.00	5,454.40	9,455.34	11,817.87
1510		55.91	69.89	4,472.80	5,591.20	9,691.07	12,114.27
1511		57.31	71.63	4,584.80	5,730.40	9,933.74	12,415.87
1512		58.74	73.43	4,699.20	5,874.40	10,181.60	12,727.87
1513		60.21	75.26	4,816.80	6,020.80	10,436.40	13,045.07
1514		61.72	77.14	4,937.60	6,171.20	10,698.14	13,370.94
1515		63.26	79.07	5,060.80	6,325.60	10,965.07	13,705.47
1516		64.84	81.05	5,187.20	6,484.00	11,238.94	14,048.67
1517		66.46	83.07	5,316.80	6,645.60	11,519.74	14,398.80
1518		68.12	85.15	5,449.60	6,812.00	11,807.47	14,759.34
1519		69.82	87.28	5,585.60	6,982.40	12,102.14	15,128.54
1520		71.57	89.46	5,725.60	7,156.80	12,405.47	15,506.40
1521		73.36	91.70	5,868.80	7,336.00	12,715.74	15,894.67
1522		75.19	93.99	6,015.20	7,519.20	13,032.94	16,291.60
1523		77.07	96.34	6,165.60	7,707.20	13,358.80	16,698.94
1524		79.00	98.75	6,320.00	7,900.00	13,693.34	17,116.67
1525		80.97	101.22	6,477.60	8,097.60	14,034.80	17,544.80
1526		83.00	103.75	6,640.00	8,300.00	14,386.67	17,983.34
1527		85.07	106.34	6,805.60	8,507.20	14,745.47	18,432.27
1528		87.20	109.00	6,976.00	8,720.00	15,114.67	18,893.34
1529		89.38	111.72	7,150.40	8,937.60	15,492.54	19,364.80
1530		91.61	114.52	7,328.80	9,161.60	15,879.07	19,850.14
1531	Chief of Police	93.90	117.38	7,512.00	9,390.40	16,276.00	20,345.87
1532		96.25	120.31	7,700.00	9,624.80	16,683.34	20,853.74
1533		98.66	123.32	7,892.80	9,865.60	17,101.07	21,375.47
1534		101.12	126.40	8,089.60	10,112.00	17,527.47	21,909.34
1535		103.65	129.56	8,292.00	10,364.80	17,966.00	22,457.07
1536		106.24	132.80	8,499.20	10,624.00	18,414.94	23,018.67
1537		108.90	136.12	8,712.00	10,889.60	18,876.00	23,594.14
1538		111.62	139.53	8,929.60	11,162.40	19,347.47	24,185.20
1539		114.41	143.01	9,152.80	11,440.80	19,831.07	24,788.40
1540		117.27	146.59	9,381.60	11,727.20	20,326.80	25,408.94
1541		120.20	150.25	9,616.00	12,020.00	20,834.67	26,043.34

EXHIBIT 17C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 07/01/2025

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JULY 1, 2025

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		50.89	66.16	4,071.38	5,292.80	8,821.34	11,467.74
1506		52.17	67.82	4,173.60	5,425.60	9,042.80	11,755.47
1507		53.47	69.51	4,277.60	5,560.80	9,268.14	12,048.40
1508		54.81	71.25	4,384.80	5,700.00	9,500.40	12,350.00
1509		56.18	73.03	4,494.40	5,842.40	9,737.87	12,658.54
1510		57.58	74.86	4,606.40	5,988.80	9,980.54	12,975.74
1511		59.02	76.73	4,721.60	6,138.40	10,230.14	13,299.87
1512		60.50	78.65	4,840.00	6,292.00	10,486.67	13,632.67
1513		62.01	80.61	4,960.80	6,448.80	10,748.40	13,972.40
1514		63.56	82.63	5,084.80	6,610.40	11,017.07	14,322.54
1515		65.15	84.70	5,212.00	6,776.00	11,292.67	14,681.34
1516		66.78	86.81	5,342.40	6,944.80	11,575.20	15,047.07
1517		68.45	88.98	5,476.00	7,118.40	11,864.67	15,423.20
1518		70.16	91.21	5,612.80	7,296.80	12,161.07	15,809.74
1519		71.91	93.49	5,752.80	7,479.20	12,464.40	16,204.94
1520		73.71	95.82	5,896.80	7,665.60	12,776.40	16,608.80
1521		75.55	98.22	6,044.00	7,857.60	13,095.34	17,024.80
1522		77.44	100.68	6,195.20	8,054.40	13,422.94	17,451.20
1523		79.38	103.19	6,350.40	8,255.20	13,759.20	17,886.27
1524		81.36	105.77	6,508.80	8,461.60	14,102.40	18,333.47
1525		83.40	108.42	6,672.00	8,673.60	14,456.00	18,792.80
1526		85.48	111.13	6,838.40	8,890.40	14,816.54	19,262.54
1527		87.62	113.90	7,009.60	9,112.00	15,187.47	19,742.67
1528		89.81	116.75	7,184.80	9,340.00	15,567.07	20,236.67
1529		92.06	119.67	7,364.80	9,573.60	15,957.07	20,742.80
1530		94.36	122.66	7,548.80	9,812.80	16,355.74	21,261.07
1531	Chief of Police	96.72	125.73	7,737.60	10,058.40	16,764.80	21,793.20
1532		99.13	128.87	7,930.40	10,309.60	17,182.54	22,337.47
1533		101.61	132.09	8,128.80	10,567.20	17,612.40	22,895.60
1534		104.15	135.40	8,332.00	10,832.00	18,052.67	23,469.34
1535		106.76	138.78	8,540.80	11,102.40	18,505.07	24,055.20
1536		109.42	142.25	8,753.60	11,380.00	18,966.14	24,656.67
1537		112.16	145.81	8,972.80	11,664.80	19,441.07	25,273.74
1538		114.96	149.45	9,196.80	11,956.00	19,926.40	25,904.67
1539		117.84	153.19	9,427.20	12,255.20	20,425.60	26,552.94
1540		120.78	157.02	9,662.40	12,561.60	20,935.20	27,216.80
1541		123.80	160.94	9,904.00	12,875.20	21,458.67	27,896.27

EXHIBIT 17D: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 06/30/26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 30, 2026

		Hourly		Biweekly		Monthly	
Range Number	Title	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		52.93	68.81	4,234.05	5,504.80	9,173.78	11,927.07
1506		54.25	70.53	4,340.00	5,642.40	9,403.34	12,225.20
1507		55.61	72.29	4,448.80	5,783.20	9,639.07	12,530.27
1508		57.00	74.10	4,560.00	5,928.00	9,880.00	12,844.00
1509		58.42	75.95	4,673.60	6,076.00	10,126.14	13,164.67
1510		59.89	77.85	4,791.20	6,228.00	10,380.94	13,494.00
1511		61.38	79.80	4,910.40	6,384.00	10,639.20	13,832.00
1512		62.92	81.79	5,033.60	6,543.20	10,906.14	14,176.94
1513		64.49	83.84	5,159.20	6,707.20	11,178.27	14,532.27
1514		66.10	85.93	5,288.00	6,874.40	11,457.34	14,894.54
1515		67.75	88.08	5,420.00	7,046.40	11,743.34	15,267.20
1516		69.45	90.28	5,556.00	7,222.40	12,038.00	15,648.54
1517		71.18	92.54	5,694.40	7,403.20	12,337.87	16,040.27
1518		72.96	94.85	5,836.80	7,588.00	12,646.40	16,440.67
1519		74.79	97.22	5,983.20	7,777.60	12,963.60	16,851.47
1520		76.66	99.65	6,132.80	7,972.00	13,287.74	17,272.67
1521		78.57	102.14	6,285.60	8,171.20	13,618.80	17,704.27
1522		80.54	104.70	6,443.20	8,376.00	13,960.27	18,148.00
1523		82.55	107.31	6,604.00	8,584.80	14,308.67	18,600.40
1524		84.61	110.00	6,768.80	8,800.00	14,665.74	19,066.67
1525		86.73	112.75	6,938.40	9,020.00	15,033.20	19,543.34
1526		88.90	115.57	7,112.00	9,245.60	15,409.34	20,032.14
1527		91.12	118.45	7,289.60	9,476.00	15,794.14	20,531.34
1528		93.40	121.42	7,472.00	9,713.60	16,189.34	21,046.14
1529		95.73	124.45	7,658.40	9,956.00	16,593.20	21,571.34
1530		98.13	127.56	7,850.40	10,204.80	17,009.20	22,110.40
1531	Chief of Police	100.58	130.75	8,046.40	10,460.00	17,433.87	22,663.34
1532		103.09	134.02	8,247.20	10,721.60	17,868.94	23,230.14
1533		105.67	137.37	8,453.60	10,989.60	18,316.14	23,810.80
1534		108.31	140.80	8,664.80	11,264.00	18,773.74	24,405.34
1535		111.02	144.32	8,881.60	11,545.60	19,243.47	25,015.47
1536		113.80	147.93	9,104.00	11,834.40	19,725.34	25,641.20
1537		116.64	151.63	9,331.20	12,130.40	20,217.60	26,282.54
1538		119.56	155.42	9,564.80	12,433.60	20,723.74	26,939.47
1539		122.54	159.31	9,803.20	12,744.80	21,240.27	27,613.74
1540		125.61	163.29	10,048.80	13,063.20	21,772.40	28,303.60
1541		128.75	167.37	10,300.00	13,389.60	22,316.67	29,010.80

EXHIBIT 18: CLASS RANGE TABLE FOR UNREPRESENTED POLICE CHIEF EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
SWORN POLICE EXECUTIVE MANAGEMENT
Effective June 20, 2023

Range Number	Title
1532	Chief of Police

EXHIBIT X: UNREPRESENTED MARKET ADJUSTMENTS

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Assistant City Attorney	10.0%	2.5%	7.5%
Budget Manager	5.0%	2.5%	2.5%
Chief Information Officer	5.0%	2.5%	2.5%
City Manager	7.5%	2.5%	5.0%
Deputy City Attorney I	10.0%	2.5%	7.5%
Deputy City Attorney II	10.0%	2.5%	7.5%
Deputy City Attorney III	10.0%	2.5%	7.5%
Deputy City Manager	7.5%	2.5%	5.0%
Director of Community and Economic Development	7.5%	2.5%	5.0%
Director of Engineering Services	7.5%	2.5%	5.0%
Director of Finance	5.0%	2.5%	2.5%
Director of Human Resources	5.0%	2.5%	2.5%
Director of Parks Recreation & Neighborhoods	5.0%	2.5%	2.5%
Director of Public Works	7.5%	2.5%	5.0%
Director of Utilities	7.5%	2.5%	5.0%
Senior Deputy City Attorney	10.0%	2.5%	7.5%

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-322

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR UNREPRESENTED SWORN POLICE MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING EXECUTIVES CONSISTENT WITH THOSE IN REPRESENTED UNITS AS SET FORTH IN ATTACHED EXHIBIT A, "SUMMARY OF BENEFIT OFFERINGS FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES"; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 13, 2023, by Resolution No 2023-287 Council approved benefit changes to Unrepresented Management Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Police Management employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit, and

WHEREAS, a Summary Of Benefit Offerings For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives includes the changes below, as set forth in the following exhibit and shall be attached hereto as and made a part hereof:

SECTION 16. POST CERTIFICATION PAY. Effective June 18, 2024, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for twelve percent (12%). Effective June 18, 2024, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for twelve percent (12%) Management POST Certificate pay. Effective June 18, 2024, Police Chief shall be

eligible for twelve percent (12.0%) Executive POST pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is twelve percent (12.0%).

WHEREAS, the Summary Of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives set forth in the following exhibit which are attached hereto and made a part hereof shall supersede Resolution No. 2023-287.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to take the necessary administrative action 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Ana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

SUMMARY OF BENEFIT OFFERINGS FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES

Effective June 20, 2023

Table of Contents

SECTION 1. PROBATIONARY PERIOD. 3

SECTION 2. COMPENSATORY TIME OFF CAP. 4

SECTION 3. HOLIDAY CAP. 4

SECTION 4 MANAGEMENT LEAVE. 4

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT. 4

SECTION 6. MEDICAL LEAVES OF ABSENCE. 4

SECTION 7. CATASTROPHIC LEAVE. 5

SECTION 8. NEGATIVE VACATION. 5

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. 5

SECTION 10. SICK LEAVE. 5

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. 6

SECTION 12. PROMOTION. 6

SECTION 13. REGISTRATION AND CERTIFICATION FEES. 6

SECTION 14. VEHICLE ALLOWANCE. 6

SECTION 15. UNIFORM ALLOWANCES. 7

SECTION 16. POST CERTIFICATION PAY. 7

SECTION 17. BONUS PAY FOR UNREPRESENTED POLICE MANAGEMENT. .... **Error! Bookmark not defined.**

SECTION 18. HAZARDOUS MATERIALS CERTIFICATION PAY. 7

SECTION 19. ALS PARAMEDIC PAY. 8

SECTION 20. FIRE CHIEF OFFICER SHIFT STIPEND. 8

SECTION 21. ASSIGNMENT PAY. 8

SECTION 22. MUTUAL AID ASSIGNMENT. 8

SECTION 23. DEFERRED COMPENSATION 457 PLAN. 9

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS. 9

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS. 9

SECTION 26. DOMESTIC PARTNERS. 10

SECTION 27. RETIREE HEALTH INSURANCE. 10

SECTION 28. PAYCHECK ADVICES. 14

SECTION 29. EDUCATION INCENTIVE PAY. 14

SECTION 30. CERTIFICATION INCENTIVE PAY. 15

SECTION 31. LONGEVITY INCENTIVE PAY. 16

SECTION 32. UNFUNDED LIABILITY. 16

SECTION 33. FURLOUGH. 18

SECTION 34. LEAVE BANK PURCHASE OPTION. 19

Nothing in this document shall create an express or implied covenant or contract or create a property right or tenure for any person appointed to unrepresented classifications covered by this Summary.

The City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit.

Further, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto City Fire Fighters Association (MCFFA) bargaining unit and for Unrepresented Sworn Police employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit.

By Resolution No 2022-268, Council approved updated the benefit offerings for unrepresented sworn management and non-sworn management and confidential employees, including charter officers and executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes.

By Resolution 2023-____ , Council approved this Summary Of Benefit Offerings For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes as follows:

SECTION 1. PROBATIONARY PERIOD.

All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP.

Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP.

Holiday time for unpresented non-sworn employees may accrue up to a maximum of 40 hours. When the employee reaches the 40-hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 4 MANAGEMENT LEAVE.

Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) in January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave. In the even of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT.

The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Assistant Police Chief, Police Captains, Fire Battalion Chiefs, Fire Deputy Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 6. MEDICAL LEAVES OF ABSENCE.

Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE.

Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long-term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION.

Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire Management employees in the classification of Fire Battalion Chief, Fire Deputy Chief and Fire Chief working a 40-hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56-hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one- half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE.

NON-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfather sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank – Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank – remaining sick leave balance as of promotion date not grandfathered. When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) into a Health Saving Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must meet the following requirements: Must have a balance of no less than 240 hours of regular sick leave (360 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule).

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfather sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In Addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 12. PROMOTION.

For employees promoted on or after November 17, 2015, prior to their promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfather compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. REGISTRATION AND CERTIFICATION FEES.

Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 14. VEHICLE ALLOWANCE.

Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of $300/month. The City Manager is also authorized to

grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 15. UNIFORM ALLOWANCES.

Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform are as follows:

Positions	Effective Date	Allowance
Sworn Police Management	February 1, 2015	$101.67
Sworn Fire Management	April 16, 2019	$105.00

SECTION 16. POST CERTIFICATION PAY.

Effective March 7, 2017, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for ten percent (10%) Supervisory POST Certificate pay. Effective March 7, 2017, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for ten percent (10%) Management POST Certificate pay. Effective January 10, 2016, Police Chief shall be eligible for ten percent (10%) Executive POST Certificate pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10%).

Effective June 18, 2024, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for twelve percent (12%) Supervisory POST Certificate pay. Effective June 18, 2024, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for twelve percent (12%) Management POST Certificate pay. Effective June 18, 2024, Police Chief shall be eligible for twelve percent (12%) Executive POST Certificate pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is twelve percent (12%).

SECTION 18. HAZARDOUS MATERIALS CERTIFICATION PAY.

Effective July 1, 2003, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 19. ALS PARAMEDIC PAY.

Effective July 14, 2015, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized ten percent (10%) ALS Paramedic pay, while assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 20. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 2, 2014, Fire Battalion Chiefs and Fire Deputy Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Deputy Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 21. ASSIGNMENT PAY.

Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Deputy Chief to the assignment of Fire Assistant Chief and shall be paid ten percent (10%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at any time and such employee shall return to an assignment as Fire Deputy Chief. Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Battalion Chief to the assignment of Fire Division Chief and shall be paid five percent (5%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at anytime and such employee shall return to an assignment as Fire Battalion Chief.

SECTION 22. MUTUAL AID ASSIGNMENT.

Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Deputy Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24-hour period. Fire Deputy Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a twenty-four 24-hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 23. DEFERRED COMPENSATION 457 PLAN.

The City shall provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the City shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the City for nine (9) or more years, the City shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS.

The 401 (a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of (5%) for Charter Officers, (3%) for Executives other than Charter Officers, and (2%) for all other unrepresented Management and Confidential employees.

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS.

The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives and Unrepresented Sworn Fire and Police Management and, shall be a three- tier system as follows and the City monthly contribution (excluding opt out) shall increase on January 1, 2024 as listed below and by four (4) percent annually thereafter, as follows:

Coverage Level	2023	2024	2025	2026	2027
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00	$450.00
Employee only	$673.00	$690.00	$718.00	$748.00	$778.00
Employee plus one	$1,204.00	$1,380.00	$1,436.00	$1,494.00	$1,554.00
Employee plus family	$1,701.00	$1,950.00	$2,028.00	$2,110.00	$2,194.00

The City shall pay in cash any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City- sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall pay in cash any balance of the above contribution not needed to pay for the employee's combined premium.

SECTION 26. DOMESTIC PARTNERS.

Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 27. RETIREE HEALTH INSURANCE.

Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under the City -authorized plan and are responsible for all cost.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City prior to October 23, 2012 five (5) year of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision

premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56 hour schedule, shall have hours at a retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the city on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Medicare Retiree and Number of Dependents	Medicare Eligible Recipient Contribution
Retiree Only	$250
Retiree plus one Dependent	$500
Retiree plus two or more	$500

Non-Medicare Retiree and Number of Dependents	Non-Medicare Eligible Recipient Contribution
Retiree Only	$500
Retiree plus one Dependent	$1,000
Retiree plus two or more	$1,000

Combined Contributions for Retirees

One Non-Medicare plus one Medicare coverage equals $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree plus one or Retiree plus family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Savings Account (RHS) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement.

Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution- a semi-annual years' worth of contributions will be made on a semi-annual basis no later than January 31st (for months January – June) and July 31st (for months July- December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year.

Failure to provide proof of coverage will result in the retiree losing a City Contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July Contribution. Loss of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree plus one on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the even of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be

deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the even of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retirement Health Savings account (RHS). For non-sworn employees, effective July 2, 2013, the City shall contribute $25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute $25.00 per month. For a full-time employee, this equates to a maximum of $300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City RHS by an additional ten dollars ($10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be $100. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retirement Health Savings (RHS) account. An employee is eligible to receive a City RHS contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the City shall deposit $2,400 into an RHS account established in the employee's name. Employees in regular position budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute $100 per month for each eligible full-time employee.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for

any sick leave conversion towards retiree medical premiums of any sort. The City's contributions under this section represents the entre contribution towards employee retiree medical.

Beginning January 1, 2024, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2027, by an additional $10 per month, per year, per employee each January. The defined City contribution shall be a maximum contribution of $140 per month by January 2027. For all employees regardless of date of hire by January 1, 2024, the City will increase the City contribution to the City RHS by an additional ten dollars ($10.00) monthly per employee effective January 1, 2024; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2025; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2026; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2027. The contribution effective January 1, 2027 will be $140. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month.

SECTION 28. PAYCHECK ADVICES.

All employees who have direct deposit will no longer receive hard copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service. Employees are responsible to view their pay advices, including their annual W-2s. Employees have the option to elect to be paid via direct deposit or debit card. Pay advices are available for viewing anytime on payday. Current and historical pay slips can be printed utilizing city computer workstation.

SECTION 29. EDUCATION INCENTIVE PAY.

Master's Degree Incentive Pay. Effective June 20, 2023, employees who possess a Bachelor's Degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a two- and one-half percent (2.5%) Educational Incentive Pay. The maximum pay differential for employees who possess a bachelor's degree is 2.5% regardless of the number of degrees obtained. Employees who possess a Master's Degree or Juris Doctor from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for five percent (5.0%) Educational Incentive Pay. The maximum pay differential for Educational Incentive is five percent (5.0%), regardless of the number of Degrees obtained. Effective June 25, 2019, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted four percent (4.0%) Masters Pay.

Effective June 22, 2022, Sworn Fire Management employees in the classification of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

Degree	Educational Incentive Pay Percentage
AA/A	2.50%
BA/BS	5.00%

Qualifying certificates and degrees:

1. Associates Degree in Fire Science, Fire Technology, or a related field, OR a Bachelor's Degree in Fire Science, Fire Management, Public Safety Administration or a related field. Fire Chief reserves the right to determine qualifying degrees.

Education incentives are not stackable or cumulative. Employees receive pay for the highest certification or degree earned. Employee is responsible for submitting request for educational incentive. Educational incentive will be effective in the same pay period that verification of education is received by the City from the employee.

SECTION 30. CERTIFICATION INCENTIVE PAY.

Effective June 22, 2022, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Education Incentive Pay for certificates identified in (b) below. Employee is responsible for submitting request for certificate incentive. Certificate incentive will be effective in the same pay period that verification of certificate is received by the City from the employee.

a) Employees shall receive one half percent (0.5%) for each qualifying certificate listed below, for up to a maximum of two-and one-half percent (2.5%) certification incentive pay.

b) Qualifying certificates

   Certificates below held from the Office of the California State Fire Marshal or the equivalent California Joint Apprentice Committee Program shall be eligible for compensation:

   - Fire Investigator – 1A, 1B, 1C
   - Fire Inspector (or Prevention) – 1A, 1B, 1C, 1D
   - Fire Instructor – 1A, 1B, or I, II, III
   - Fire Command – 1A, 1B, 1C
   - Fire Management I
   - Plans Examiner (or Checker) – 1A, 1B, 1C
   - Fire and Life Safety Educator – 1A, 1B, 1C
   - Fire Science or Fire Technology Certificate

- Rescue Tech 2
- Rope Rescue Technician
- Boat Operator
- Wildland Firefighter – Equivalent courses in series.
- Fire Apparatus Driver/ Operator or Engineer or Equivalent (Equivalent to completion of 1A and 1B)
- Driver Operator 1A
- Driver Operator 1B
- Fire Control 5 (ARFF – Aircraft Rescue and Fire Fighting)
- Company Officer – 2A, 2B, 2C, 2D, 2E
- Fire Marshal – 1A, 1B, 1C, 1D, 1E
- Chief Officer – 3A, 3B, 3C, 3D

SECTION 31. LONGEVITY INCENTIVE PAY.

Effective July 1, 2023, non-sworn unrepresented management and confidential employees, including charter officers and executives with ten (10) years of service with the City shall be eligible for two- and one-half percent (2.5%) Longevity Incentive Pay.

Effective June 22, 2022, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

Years of Service	Longevity Incentive Pay Percentage
10	2.00%
15	3.50%
20	5.00%

Longevity incentives are not stable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 32. UNFUNDED LIABILITY.

1. Effective April 16, 2019, each unrepresented Fire Management employee shall contribute one percent (1.0%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.
2. Effective July 21, 2020, each unrepresented Fire Management employee shall contribute an additional three percent (3.0%) of salary for a total of four percent (4%).

a. Effective July 21, 2020 through June 7, 2021, the four (4%) contribution shall be used to fund a portion of the Employer Share of the normal cost versus being contributed to an agreed upon Base on the CalPERS Safety Schedule Amortization.

b. Effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue to until such liability is paid in full. To the extent possible, the City shall ensure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

c. Effective June 21, 2022, employees shall receive a two and one-half percent (2.5%) salary increase pursuant to 2 (b) above, and the employee will contribute an additional two and one-half percent (2.5%) for a total of six and one-half percent (6.5%) as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specially related to fire employees.

d. In contributing to their statutorily required retirement contributions, PERPA employees shall not exceed the agreed upon additional contribution levels noted above; sixteen percent (16.0%) for June 2021 and eighteen and one-half percent (18.5%) for June 2022. During the stated timelines, should the PERPA contribution exceed the percentages noted above, PERPA employees shall have their additional contributions to the City's Base account adjusted downward accordingly. The cap of eighteen and one-half percent (18.5%) shall remain in effect from July 1, 2022 through June 30, 2024.

e. If any other City employee group which has agreed to concessions, salary reductions, furloughs, postponed salary increases or any similar "give back" reversed, the three percent (3.0%) raise diversion noted in 3 (a) above shall immediately cease and shall revert to the employee's three percent (3.0%) base wage increase.

3. Effective June 21, 2021, the three percent increase shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases.

4. Effective June 25, 2019, each Unrepresented Sworn Police Management employee shall contribute one- and one-half percent (1.5%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 33. FURLOUGH.

1. Effective the pay period beginning July 7, 2020, and for a total of 24 periods, each Unrepresented Sworn Police Management and Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the twenty-four (24) pay periods. Unrepresented Sworn Police Management employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours.
3. Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all Sworn Police Management exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.
4. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all Non-Sworn employees exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.
5. Non-Sworn employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Employees who elect this option will, effective July 7, 2020 for a total of 24 pay period, have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.
6. All employees shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.
7. Non-sworn employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.
8. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
9. The City has the sole discretion to assign overtime and that employees will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, there may be occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.
10. If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed $147,000,000 for Fiscal Year 20/21,

furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions effective the pay period following such a determination.

11. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in above, the employee will not be reimbursed for using such leave.
12. For Sworn Police Management, during this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS, as referenced in Section 31 above, shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with above, the 1.5% furlough deduction shall resume.
13. For Sworn Police Management, during this designated furlough usage period, the vacation accrual cap shall be temporarily suspended. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension at the discretion of the Police Chief and City Manager.

SECTION 34. LEAVE BANK PURCHASE OPTION.

1. The City shall allow Non-Sworn Unrepresented Management and Confidential employees, including Charter Officers and Executives to independently apply for the leave bank purchase option plan.
2. The allowance is not to be viewed as a precedent or the establishment of a past practice.
3. Eligible employees may elect a leave bank purchase option of forty-eight (48) hours.
4. The City shall create for each eligible employee an additional leave bank of 48 hours annually, during the pay period that contains July 1st. All eligible employees must exhaust the purchased leave bank no later than the pay period preceding the pay period that contains July 1st in the following year.
5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period that contains July 1st and ending after the 24th pay period following, during each year from July 1, 2023 through June 30, 2027.
6. Eligible employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt employees shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.
8. During the designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees; deductions go to UAL payment by making additional direct payments (ADP).

The Council of the City of Modesto approved the above benefit offerings by Resolution No. 2023-____ on June 13, 2023.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-323

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL OPERATING BUDGET FOR THE NECESSARY ADJUSTMENTS REQUIRED TO APPROPRIATE THE FUNDS FOR THE APPROVED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO CITY POLICE OFFICERS ASSOCIATION (MPOA) FOR THE TERM OF JULY 1, 2023, THROUGH JUNE 30, 2027; AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, the policing profession has become increasingly difficult in recent years and Police Officers are consistently under scrutiny regarding their ability to perform their duties and must balance the perception of the public and reform has been subject of many discussions throughout the United States, exploring better ways to deliver public safety and where this has led to a reduction in those interested in entering the field, and

WHEREAS, the shortage of qualified candidates in the policing profession, has led to local government agencies competing for the same talent which has led to difficulties filling vacancies as well as losing talent to neighboring agencies, and

WHEREAS, the City must position itself to be competitive within the labor market in order to be effective in service delivery and low staffing levels lead to long wait times for calls for service from community members and overworked employees who must focus on difficult situations and recruitment and retention must be addressed for the City to be effective, and

WHEREAS, the current memorandum of understanding (MOU) expires June 30, 2023, between the City of Modesto and the Modesto Police Officer's Association (MPOA), and

WHEREAS, staff began meeting with MPOA and established a new tentative agreement between the City of Modesto and MPOA totaling $3,991,181 in the first year of the agreement for all funds and $31,723,450 for all funds for the four year term of the agreement, and

WHEREAS, there are necessary budget adjustments to implement the approved actions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating Budget for the necessary adjustments required to appropriate the funds for the approved Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Police Officers Association (MPOA) for the term of July 1, 2023, through June 30, 2027 for each agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager or his designee are authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-324

RESOLUTION APPROVING THE APPOINTMENTS OF YELITZA PENA TO THE ROLE OF EVENT PLANNING AND MARKETING SPECIALIST AND MICHELLE BUER TO THE ROLE OF ALTNERATE NON-PERMIT HOLDER TO THE ENTERTAINMENT COMMISSION FOR A FOUR-YEAR TERM WITH TERM EXPIRATIONS OF JUNE 30, 2027

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

WHEREAS, the Entertainment Commission is a seven-member advisory commission on matters pertaining to entertainment-related permits for the City of Modesto; and

WHEREAS, the Event Planning and Marketing Specialist role was left vacant following the resignation of former member, Julia Washington; and

WHEREAS, the Alternate Non-Permit Holder role was left vacant due to a commission vote to lapse in Commissioner Qualification; and

WHEREAS, on May 24, 2023, the Appointments Committee recommended the appointment of Yelitza Pena and Michelle Buer to serve on the Entertainment Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints to the Entertainment Commission Yelitza Pena in an Event Planning and Marketing Specialist position and Michelle Buer as an Alternate Non-Permit Holder to serve a four-year term ending on June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-325

RESOLUTION APPROVING A LEGAL SERVICES AGREEMENT WITH NORTON ROSE FULBRIGHT US LLP, FOR CONTINUED REPRESENTATION IN RELATION TO FINANCING MATTERS, FOR AN AGREEMENT TOTAL NOT TO EXCEED $450,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is in need of outside counsel services that relate to bond financing matters; and

WHEREAS, Norton Rose Fulbright US LLP has represented the City in bond financing matters since December of 2016; and

WHEREAS, in the upcoming fiscal years, the City anticipates additional bond funding will be needed for the Water and Sewer Funds for various Capital Improvement projects; and

WHEREAS, in addition, with the delay in addressing major deferred maintenance projects for aged public facilities City staff anticipates bond financing will be an option to address the long-term financing for these projects; and

WHEREAS, the City Attorney's office has drafted a Legal Services Agreement with Norton Rose Fulbright US LLP to continue services; and

WHEREAS, City staff anticipates this new Agreement for bond counsel services will be sufficient to address these future bond financing needs for at least three fiscal years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Legal Services Agreement with Norton Rose Fulbright US LLP, for continued representation in relation to financing matters, for an agreement total not to exceed $450,000 to continue representing the City in finance matters, as provided in

Exhibit A attached hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

LEGAL SERVICES AGREEMENT

This Agreement for Legal Services (this "**Agreement**") is made and entered into on the 11th day of July, 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**CITY**"), located at 1010 Tenth Street, Sixth Floor, Modesto, California 95353 and **NORTON ROSE FULBRIGHT US LLP**, a Texas limited liability partnership ("**Attorney**"), located at 555 California Street, Suite 3300, San Francisco, CA 94104. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as a "**Party**."

RECITALS

WHEREAS, City desires to obtain Attorney's services with respect to providing legal advice, representation and assistance to City in relation to financing matters; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by this Agreement.

NOW, THEREFORE it is hereby agreed as follows:

1. Services.

a. Scope of Work: Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services ("**Services**"):

Attorney will serve as bond counsel, and in some cases disclosure counsel, in connection with the various financing projects of the City. Services will include providing ongoing advice on an ad hoc basis as to financing matters, as well as advice for specific bond issuances.

Attorney shall not be compensated for services outside the scope of work identified under this Section unless prior to the commencement of such services: (i) Attorney notifies City and City agrees that such services are outside the scope of work under this Section; (ii) Attorney estimates the additional compensation required for these additional services; and (iii) City, after notice, approves in writing a Supplemental Agreement specifying the additional services and amount of compensation therefor.

b. Term: This Agreement shall become effective on the Effective Date, and shall continue in effect until both Parties have fully performed their respective obligations under this Agreement unless sooner terminated as provided in Section

7.

c. **Attorney in Charge:** The attorney in charge of the work under this Agreement will be Eric D. Tashman. Stepan A. Haytayan, a Senior Counsel, will also be assigned to the City's financing transactions, and will work on a day-to-day basis with the City. Attorney will utilize experienced associate attorneys and paralegals under attorney's supervision. Eric D. Tashman will be the contact person for City and will make himself/herself and Stepan Haytayan reasonably available to respond to questions from the City Attorney or City Staff.

2. Fees and Costs.

a. Hourly Rates:

Attorney shall charge on hourly "blended rate" of Seven Hundred Twenty-Five Dollars ($725) for all attorney time, and Three Hundred Ten Dollars ($310) for Paralegal time. At least fifty percent (50%) of the attorney services provided for under this Agreement (determined on an aggregate and not task-by-task basis) shall be provided by a Partner of Attorney.

The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the "**Services**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed the total sum of four-hundred and fifty thousand dollars ($450,000)**.**

b. **Reimbursable Expenses.** City shall reimburse Attorney for the actual, reasonable and necessary expense of travel out of the Modesto metropolitan area, approved in advance, at $0.65 per mile. Attorney will not charge City for the cost of telephone calls. Litigation costs and expenses for statutory fees, witness fees, reporters' per diem and stenographic transcriptions, jury fees, and the expenses of serving process shall be advanced by Attorney and reimbursed by City. Expert consultants and witnesses may be retained by Attorney on terms acceptable to City, approved in advance by email or letter by the City Representative (as defined hereafter), in which case City shall reimburse Attorney or pay such consultants or experts directly.

c. **Billing:**

i. Legal billings shall be submitted to City every thirty (30) days unless otherwise advised. Bills shall be submitted to:

City Attorney

1010 Tenth Street, Suite 6300

Modesto, CA 95354

ii. Each task shall be distinctly and completely identified. City will not pay invoices that contain block billing. Each billing entry must contain the initials of the individual performing the task, the nature of the task, the date it was performed, and the length of time it took.

iii. Costs under $1,000.00 shall be paid by Attorney and submitted with their normal billing.

iv. City reserves the right to audit all invoices.

v. Payments to Attorney shall be made within a reasonable time after receipt of Attorney's invoice, generally within sixty (60) days of receipt. Attorney shall be responsible for supplying all documentation necessary to verify the monthly billings to the satisfaction of City.

vi. In addition to the provisions stated elsewhere in this Agreement regarding the payment of fees, billing and budgeting, the following guidelines for billing apply:

(1) City expects each individual working on the matter for which Attorney is retained to have the necessary experience to perform the services required to protect or pursue City's interests in the matter in a cost effective manner, consistent with high professional and ethical standards.

(2) City expects Attorney to select the individual most suitable for the task required and the specific needs of the matter, and to use the maximum efficiencies available. Billings for services performed by the inappropriate level of personnel will be reduced by City based on rate adjustments for the appropriate level of personnel.

(3) City will not pay for unnecessary review of texts, codes, rules of court, or other fundamental references. City will pay the hourly rate for specific legal research which is unique to the matter, assuming that Attorney has used maximum efficiencies and that Attorney has not already recently performed research in the same or very similar areas of law.

(4) City acknowledges the benefit of communications between attorneys in the firm. City does, however, expect that intra-office conferences will only be held as needed, and will be kept to a minimum. Intra-office conferences shall be for the purpose of discussing strategy and legal issues which directly further the

matter. City will not pay for conferences which are supervisorial, instructional or administrative. Any invoice which lists an intra-office conference that does not meet these guidelines must contain a full explanation and is subject to reduction by City. City will not pay for "team meetings" and City will scrutinize all intra-office conferences for "value added" to the matter by the conference, for the number of individuals attending the conference, the length of the conference, the subjects discussed at the conference and who participated in it, and will, in City's sole discretion, determine if such value has been added.

(5) City will not pay for local telephone calls, incoming facsimiles, postage, time spent on filing, calendaring, indexing pleadings, conferences with Clerks of court or court reporters, proofreading, re-drafting due to substandard work, or opening, organizing or closing files. City will not pay for time billed by summer interns or associates, time for more than one individual to attend a trial, hearing, court appearance, arbitration, mediation, deposition, third party meeting, conference call or similar event, unless otherwise approved by City in advance.

(6) Vague billing which does not contain sufficient information to allow City's reviewer of the invoice to determine the nature of the task, the reason for the task, and the individual performing the task is subject to reduction by City.

(7) City will not reimburse for overtime, word processing, supplies, anything identified on an invoice as "miscellaneous," or any other unidentified charges.

d. Budget:

i. Within ten (10) days of the Effective Date, Attorney shall provide City with a proposed budget for the Services to be rendered pursuant to this Agreement. If Services involve tasks that have not yet been assigned by City, Attorney shall provide City with a proposed budget for all assigned new tasks with ten (10) days of receiving written notice from the City assigning Attorney the new task. Total compensation for all tasks under this Agreement shall not exceed the total compensation under Section 2 of this Agreement. The budget shall include all projected fees and costs to be incurred by Attorney and necessary for completion of the Services necessary to conclude the representation. The budget shall be a good faith estimate and shall be as complete and detailed as reasonable possible, including such things as discovery and motions for trial, preparation of documents for transactional services, and anticipated research and

investigations. The proposed budget shall identify the projected total hours that will be billed to each task, and the individual that are anticipated to be performing the task. Any deviation from the budget in excess of ten percent (10%), must be approved in advance by the City Attorney or designee. Notwithstanding the foregoing, Should it become reasonably apparent to Attorney that the actual billings will exceed Attorney's initial estimate of anticipated legal costs and fees, Attorney shall immediately notify City thereof in advance and shall submit a revised written estimate for City's approval.

3. Reporting.

a. Attorney shall provide City with a preliminary status report and evaluation within thirty (30) days of the Effective Date and the assignment of such task which report shall include an evaluation of the likelihood the City will prevail, the total exposure to the City if it loses, major strengths and weaknesses in the City's defense, and a budget of the anticipated total costs and fees for Attorney and experts through trial. Thereafter, Attorney shall provide a status update to the City representative, as defined in Section 4, every sixty (60) days on any matter under this Agreement.

b. Attorney shall provide to City representative an electronic version of all agreement, pleadings, motions, and discovery documents filed or propounded by Attorney in a Microsoft Word format compatible with that used by the City Attorney's office.

c. In the event that Attorney's handling of the above-designated matter exceeds a period of twenty-four (24) months, Attorney shall, in addition to providing regular status reports to City, also report directly to the City representative on an annual basis and no later than March 30th of each year, setting forth in detail the status of the matter, and Attorney's plan for further handling of the matter, and the estimated length of time to conclude the matter.

4. City Representative. The City Attorney, or the City Attorney's designee, shall be the "City Representative" under this Agreement and shall administer this Agreement for City, including any payments hereunder. All Attorney questions pertaining to this Agreement shall be referred to the City Representative or the Representative's designee.

5. Insurance Requirements. During the entire term of this Agreement, Attorney shall maintain the following insurance:

a. Minimum Scope of Insurance: Coverage should be at least as broad as:

i. Insurance Services Office Form No. CG 0001 (Commercial General Liability);

ii. Insurance Services Office Form No. CA 0001 (Ed. 1/87) (Automobile Liability, Code "any auto");

iii. Workers' Compensation as required by the Labor Code of the State of California, and Employers' Liability Insurance:

iv. Professional Liability (Errors and Omissions) insurance against loss due to error, omission or malpractice.

b. **Minimum Limits of Insurance:** Attorney shall maintain limits no less than:

i. **Commercial General Liability:** $1,000,000 combined single limit per occurrence, including endorsements for contractual liabilities, broad form property damage and personal injury.

ii. **Automobile Liability:** $1,000,000 combined single limit per accident for personal injury and property damage arising from owned, hired and non-owned vehicles.

iii. **Workers' Compensation and Employers' Liability:** Workers' compensation limits as required by the Labor Code of the State of California and Employers' Liability limits of $1,000,000 per accident.

iv. **Professional Liability (Errors and Omissions)**: $2,000,000 combined single limit per occurrence.

c. **Deductibles and Self-Insured Retentions:** Any deductibles or self-insured retentions must be declared to and approved by the City.

d. **Other Insurance Provisions:** The policies are to contain, or be endorsed to contain, the following provisions:

i. **General Liability and Automobile Liability Coverages:**

(1) The General Liability and Automobile Liability policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as additional insureds. Such policy(ies) of insurance shall be endorsed so that Attorney's insurance shall be primary and any insurance or self-insurance maintained by City, its officials, employees or volunteers shall be in excess of Attorney's insurance and shall not contribute with it.

(2) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its officials, employees or volunteers.

(3) Coverage shall state that Attorney's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

ii. All Coverages:

(1) Each insurance policy required by this Agreement shall be endorsed to state that coverages shall not be canceled except after thirty (30) days prior written notice has been given to City. In addition, Attorney agrees that it shall not reduce its coverage or limits on any such policy except after thirty (30) days prior written notice has been given to City and City approves the reduction in coverage or limits. Attorney further agrees that it shall not increase any deductibles or self-insured retentions on any such policy except after thirty (30) days prior written notice has been given to City and City approves such increase.

(2) In the event claims made forms are used for any Professional Liability coverage, either (i) the policy(ies) shall be endorsed to provide not less than a five (5) year discovery period, or (ii) the coverage shall be maintained for a minimum of five (5) years following the termination of this Agreement and the requirements of this section relating to such coverage shall survive termination or expiration of this Agreement. Attorney shall furnish City with the certificate(s) and applicable endorsements for ALL required insurance prior to City's execution of this Agreement.

e. Acceptability of Insurers: Insurance shall be placed with insurers with a Bests' rating of no less than A:VII. This requirement may, however, be waived in individual cases for Errors and Omissions Coverages only; provided, however, that in no event shall a carrier with a rating below B:IX be acceptable.

f. Verification of Coverage: Attorney shall furnish City with certificates of insurance showing compliance with the above requirements and with original endorsements affecting all coverages required by this Agreement both prior to the execution of this Agreement, and during the pendency of this Agreement at any time upon request by City. The certificates and/or endorsements shall set forth a valid policy number for City, and shall indicate the Issue Date, Effective Date and Expiration Date. The certificates and endorsements for each insurance policy shall be signed by a person authorized by the insurer to bind coverage on its behalf. The certificates and endorsements shall be forwarded to the City Representative.

g. Payment Withhold: City shall withhold payments to Attorney if the certificates of insurance and endorsements required in this section are canceled or Attorney

otherwise ceases to be insured as required herein.

6. Indemnification.

a. Indemnity: Attorney shall fully indemnify and save harmless, City, its officers and employees, including without limitation the City Attorney, and each and every one of them, from and against all actions, damages, costs, liability, claims, losses, judgments, penalties and expenses of every type and description, including, but not limited to, any fees and/or costs reasonably incurred by City's staff attorneys or outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "**Liabilities**"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of Attorney, its subcontractors or agents, and their respective officers and employees, in connection with the performance or nonperformance of this Agreement, whether or not the City, its officers or employees reviewed, accepted or approved any service or work product performed or provided by the Attorney, and whether or not such Liabilities are litigated, settled or reduced to judgment.

b. Obligation to Defend: Attorney shall, upon City's request, defend at Attorney's sole cost any action, claim, suit, cause of action or portion thereof which asserts or alleges Liabilities to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of Attorney, its sub-attorneys, subcontractors or agents, and their respective officers and employees, in connection with the performance or nonperformance of this Agreement, whether such action, claim, suit, cause of action or portion thereof is well founded or not.

c. Insurance Policies; Intellectual Property Claims: The existence or acceptance by City of any of the insurance policies or coverages described in this Agreement shall not affect or limit any of City's rights under this section, nor shall the limits of such insurance limit the liability of Attorney hereunder. This section shall not apply to any intellectual property claims, actions, lawsuits or other proceedings subject to the provisions of Section 4 (Confidentiality of City Information) above. The provisions of this section shall survive any expiration or termination of this Agreement.

7. Termination.

a. By City. City may terminate this Agreement at any time by written notice. After receiving such notice, Attorney will cease providing services. Attorney will cooperate with City in the orderly transfer of all related files and records to your new counsel.

b. By Attorney. Attorney may terminate this Agreement at any time with City's consent or for good cause. Attorney may terminate this Agreement for any reason

by giving to City Attorney not less than sixty (60) days prior written notice of termination. The notice shall specify the effective date of and reason for the termination. Good cause exists if (a) any statement is not paid within ninety (90) days of its receipt; (b) City fails to meet any other obligation under this Agreement and continues in that failure for 15 days after Attorney sends written notice to City; (c) City has misrepresented or failed to disclose material facts to Attorney, refused to cooperate with Attorney, refused to follow Attorney's advice on a material matter, or otherwise made Attorney's representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If Attorney terminates Services, City agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of this Agreement, whether by City or by Attorney, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

8. General Provisions.

a. Independent Contractor.

i. It is understood and agreed that Attorney (including Attorney's employees) is an independent contractor and that no relationship of employer-employee exists between the Parties hereto for any purpose whatsoever. Neither Attorney nor Attorney's assigned personnel shall be entitled to any benefits payable to employees of City. City is not required to make any deductions or withholdings from the compensation payable to Attorney under the provisions of this Agreement, and Attorney shall be issued an IRS Form 1099 for its services hereunder. As an independent contractor, Attorney hereby agrees to indemnify and hold City harmless from any and all claims that may be made against City based upon any contention by any of Attorney's employees or by any third party, including but not limited to any state or federal agency, that an employer-employee relationship or a substitute therefor exists for any purpose whatsoever by reason of this Agreement or by reason of the nature and/or performance of any Services under this Agreement.

ii. It is further understood and agreed by the Parties hereto that Attorney, in the performance of its obligations hereunder, is subject to the control and direction of City as to the designation of tasks to be performed and the results to be accomplished by the Services agreed to be rendered and performed under this Agreement, but not as to the means, methods, or sequence used by Attorney for accomplishing such results. To the extent that Attorney obtains permission to, and does, use City facilities, space,

equipment or support services in the performance of this Agreement, this use shall be at the Attorney's sole discretion based on the Attorney's determination that such use will promote Attorney's efficiency and effectiveness. Except as may be specifically provided elsewhere in this Agreement, the City does not require that Attorney use City facilities, equipment or support services or work in City locations in the performance of this Agreement.

iii. If, in the performance of this Agreement, any third persons are employed by Attorney, such persons shall be entirely and exclusively under the direction, supervision, and control of Attorney. Except as may be specifically provided elsewhere in this Agreement, all terms of employment, including hours, wages, working conditions, discipline, hiring, and discharging, or any other terms of employment or requirements of law, shall be determined by Attorney. It is further understood and agreed that Attorney shall issue W-2 or 1099 Forms for income and employment tax purposes, for all of Attorney's assigned personnel and subcontractors.

b. **Licenses; Permits, Etc.:** Attorney represents and warrants that Attorney has all licenses, permits, City Business Operations Tax Certificate, qualifications, and approvals of whatsoever nature which are legally required for Attorney to practice its profession or provide any services under the Agreement.

_____
Attorney's Initial

Attorney represents and warrants that Attorney shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Attorney to practice its profession or provide such Services. Without limiting the generality of the foregoing, if Attorney is an out-of-state corporation, Attorney warrants and represents that it possesses a valid certificate of qualification to transact business in the State of California issued by the California Secretary of State pursuant to Section 2105 of the California Corporations Code.

c. **Conflicts of Interest.** Attorney represents and warrants that they have made a diligent effort to determine whether there are any actual or potential conflicts of interest that would preclude or interfere with Attorney's performance of this Agreement, and that no such conflict of interest exists. Attorney shall indemnify and hold harmless City from and against any and all liability, loss, expense and obligation arising directly or indirectly out of any breach of the foregoing representation and warranty. Attorney agrees to avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City at all times during the performance of this Agreement.

d. **Confidentiality of City Information.** Attorney understands and agrees that during the course performing the services required by this Agreement, or in contemplation thereof, Attorney may have access to private or confidential information which may be owned or controlled by City and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to City. Attorney agree that all information disclosed by City to Attorney shall be held in confidence and used only in performance of the services required by this Agreement. A violation of this section shall be a material violation of this Agreement and shall justify legal and/or equitable relief.

e. **Publicity.** The City Representative shall serve as the point of contact for press information regarding all matters performed by Attorney under this Agreement. If any publicity is generated by the subject matter of this representation, Attorney will consult with and obtain approval of the City Representative before making any statement to any media outlet (whether radio, print, internet or television) about the content and timing of such statement.

f. **Disqualification of Judges.** At the option of the City Attorney, judges may be disqualified from hearing City litigation, and Attorney shall adhere to such decision of the City Attorney. In the event that Attorney is of the opinion that a judge ought to be disqualified, the City Attorney must be consulted in advance by Attorney, and Attorney must obtain the City Attorney's written consent to such disqualification.

g. **Equal Employment Opportunity.** During the performance of this Agreement, Attorney, for itself, its assignees and successors in interest, agrees as follows:

i. **Compliance With Regulations:** Attorney shall comply with the Executive Order 11246 entitled "Equal Opportunity in Federal Employment", as amended by Executive Order 11375 and 12086, and as supplemented in Department of Labor regulations (41 CFR Chapter 60), hereinafter collectively referred to as the "Regulations."

ii. **Nondiscrimination:** Attorney, with regards to the work performed pursuant to this Agreement, shall not discriminate on the ground of race, color, religion, sex, national origin, age, marital status, physical handicap or sexual orientation in selection and retention of subcontractors, including procurement of materials and leases of equipment. Attorney shall not participate either directly or indirectly in discrimination prohibited by the Regulations.

h. **Severability.** If any portion of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

i. **Waiver.** Neither City acceptance of, or payment for, any Service or Additional Service performed by Attorney, nor any waiver by either Party of any default, breach or condition precedent, shall be construed as a waiver of any provision of this Agreement, nor as a waiver of any other default, breach or condition precedent or any other right hereunder.

j. **Enforcement of Agreement.** This Agreement shall be governed, construed and enforced in accordance with the laws of the State of California. Venue of any litigation arising out of or connected with this Agreement shall lie exclusively in the state trial court or Federal District Court located in Stanislaus County in the State of California, and the Parties consent to jurisdiction over their persons and over the subject matter of any such litigation in such courts, and consent to service of process issued by such courts.

k. **Attorneys' Fees.** In any action to enforce the terms of this Agreement, the prevailing Party shall recover its reasonable attorneys' fees.

l. **Assignment Prohibited.** The expertise and experience of Attorney are material considerations for this Agreement. City has a strong interest in the qualifications and capability of the persons and entities who will fulfill the obligations imposed on Attorney under this Agreement. In recognition of this interest, Attorney shall not assign any right or obligation pursuant to this Agreement without the written consent of the City. Any attempted or purported assignment without City's written consent shall be void and of no effect.

m. **Notice.** Any notice, demand, request, consent, approval, communication either Party desires or is required to give the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail to the address set forth below. Either Party may change its address by notifying the other Party of the change of address in writing. Notice shall be deemed communicated forty-eight (48) hours from the time of mailing if mailed as provided in this section.

To: City of Modesto:

Attention: City Attorney
Contact Information:
1010 Tenth Street, Suite 6300
Modesto, CA 95353
Phone: (209) 577-5288

To: Norton Rose Fulbright US LLP
Attention: Eric Tashman
Contact Information:
555 California Street, Suite 3300
San Francisco, CA 94104
Phone: 866-385-2744 x 16803

9. **Entire Agreement.** This document, including all Exhibits, contains the entire agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Agreement. No alteration to the terms of this

Agreement shall be valid unless approved in writing by Attorney, and by City, in accordance with applicable provision of the Modesto City Code.

10. **Authority.** The person signing this Agreement for Attorney hereby represents and warrants that he/she is fully authorized to sign this Agreement on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

11. **Exhibits.** All exhibits referred to herein are attached hereto and are by this reference incorporated as if set forth fully herein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____
Print name**:** Joseph P. Lopez
Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Nayares-Perez, CMC City Clerk

_____
Joe Rodriguez, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
NORTON ROSE FULBRIGHT US LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
__X___ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

*Clerical Error

MODESTO CITY COUNCIL
RESOLUTION NO. *2023-326

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN, P.C. IN THE AMOUNT OF $75,000, FOR A REVISED AGREEMENT TOTAL NOT TO EXCEED $292,300, FOR CONTINUED REPRESENTATION IN WATER RELATED MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 6, 2016, by Resolution No. 2016-479, Council approved an agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide legal services for the State Water Resources Control Board Substitute Environmental Document, in the amount of $57,300; and

WHEREAS, on July 11, 2017, by Resolution No. 2017-282, Council approved a First Amendment to the Legal Services Agreement with BKS for continued services in an amount of $35,000, for a total agreement not to exceed $92,300; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-367, Council approved a Second Amendment for continued services in the amount of $50,000, for a total agreement not to exceed $142,300; and

WHEREAS, on May 3, 2022, by Resolution 2022-202, Council approved a Third Amendment to the Legal Services Agreement in the amount of $75,000, for a total not to exceed $217,300 for continued representation; and

WHEREAS, on February 14, 2023, by Resolution No. 2023-46, Council approved a Fourth Amendment to the Legal Services Agreement to adjust hourly rates; and

WHEREAS, the City is currently seeking to overturn the State Water Resources Control Board's action in approving the Bay-Delta Plan; and

WHEREAS, this is the suit challenging the State Water Board's approval of regulatory changes that require that about 40% of the flow of the Tuolumne River remain in the stream for fish; the regulations are known locally as the "water grab"; and

WHEREAS, the City Attorney's office has drafted a Fifth Amendment to the Legal Services agreement with Bartkiewicz, Kronick & Shanahan, P.C., to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fifth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan, P.C., in the amount of $75,000, for a revised agreement total not to exceed $292,300 for continued representation in water related matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

FIFTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fifth Amendment to the Legal Services (this "**Fifth Amendment**"), is made and entered into on this 11th day of July 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BARTKIEWICZ, KRONICK & SHANAHAN, P.C.** ("**Attorney**"), located at 1011 22nd Street, Sacramento, California 95816. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal services for the State Water Resources Control Board Substitute Environmental Document; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $217,300 to $292,300.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Bartkiewicz, Kronick & Shanahan, P.C. dated December 6, 2016, and amended by Resolutions No. 2017-282, 2019-367, 2022-202 and 2023-46 is amended as follows:

1. Paragraph No. 3 "Compensation" is amended to state as follows:

"Consultant Services specifies the sum of **TWO HUNDRED NINETY-TWO THOUSAND AND THREE HUNDRED DOLLARS ($292,300)** as the total compensation, Consultant agrees to accept for performing all services and furnishing all staffing and materials for the project as well as performance by Consultant of all of its duties and obligations required in the Original Agreement."

2. **Entire Agreement**. The parties to this Fifth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 6, 2016, remain in full force and effect to the extent they are not in conflict with this Fifth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fifth Amendment. No alteration to the terms of this Fifth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Fifth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fifth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fifth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Nayares-Perez, CMC City Clerk

_____
Joe Rodriguez, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
BARTKIEWICZ, KRONICK & SHANAHAN, P.C.

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-327

RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $150,000 is necessary in the General Fund (0100) Community & Economic Development operating budget to reduce operating expenditures and to establish a transfer to the Economic Development/Strategic Plan Fund (1800) Econ Development Strategic Plan Project 101505. The budget will be allocated to the Economic Development Strategic Plan Project for the purpose of:

    1. Defining and articulating a pragmatic Economic Development Strategy that reflects Modesto's unique character, strengths and weaknesses, natural opportunities, and values.

    2. Linking and leveraging Modesto's Economic Development Strategy to and with the emerging Stanislaus County-wide Economic Development Strategy, Stanislaus2030. Illuminating potential opportunities and hurdles for the City of Modesto arising from the trend toward increasingly regionalized economic development.

    3. Providing clear implementation guidance for five years with aspirational, transformative direction for another five to ten years.

    4. Providing recommendations for traditional and emerging economic development practices that harmonize business and talent development.

- A budget adjustment in the amount of $3,555,000 necessary in the Capital Grants – Streets CIP Projects Fund 3160 for Project 101042 – Paradise Road Active Transportation Plan. The project was recently approved for an Amendment Modification Summary E-76 by the Department of Transportation (CalTrans) on June 25, 2023, which awarded additional funding. As a result, the projects revenue and expense budget are being increased. The project is also funded by a local match from Measure L Local Streets and Roads funds.

- A budget adjustment in the amount of $2,000,000 necessary in the Capital Grants – Streets CIP Projects Fund 3160 for Project 101271 – Briggsmore/SR-99 Interchange. The project was recently awarded additional Regional Measure L funds by Stanislaus Council of Governments (StanCOG) Policy Board on June 21, 2023. As a result, the projects revenue and expense budget are being increased. The project is also funded with Regional Surface Transportation Program (RSTP) grant funds.

HUMAN RESOURCES

- A budget adjustment in the amount of $1,500,000 is needed in the Liability Insurance Fund (5330) to pay for a settlement payment that was approved on April 4, 2023, as part of closed session. The increase in budget will come from the Liability Insurance Fund reserves.

- A budget adjustment in the amount of $394,496 is needed in the Liability Insurance Fund (5330) to pay for the increase in insurance premiums due to the Fiscal Year 2022-23 updated retrospective rating calculation. The increase in budget will come from the Liability Insurance Fund reserves.

MEASURE L - COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment is necessary to recognize actual revenue received in the Measure L Fund (1410) for the fiscal year FY 2022-23. The additional revenue to recognize is in an amount up to $4,500,000 for the Local Streets & Roads (14625), Traffic Management (14626), and Bike & Pedestrian (14627) cost centers.

NON-DEPARTMENTAL

- A budget adjustment is necessary to increase the Transfer Out from the Police Department Capital Facility Fee Fund 3440 to the General Fund 0100 in the amount of $185,000. There is additional fund balance available in the Police Department Capital Facility Fee fund that can be transferred for repayment on the Police Department Headquarters (7000).

- A budget adjustment is necessary to increase the Transfer Out from the Fire Department Capital Facility Fee Fund 3450 to the General Fund 0100 in the amount of $105,000. There is additional fund balance available in the Fire Department Capital Facility Fee fund that can be transferred for repayment on the loan for Fire Station #11.

- A budget adjustment is necessary to increase the Transfer Out from the General Government Capital Facility Fee Fund 3470 to the General Fund 0100 in the amount of $100,000. There is additional fund balance available in the General Government Capital Facility Fee fund that can be transferred for repayment on the Tenth Street Plan Project (7000).

POLICE DEPARTMENT

- A budget adjustment in the amount of $370,172 is necessary in the Traffic Safety Fund (1600) reserves to fund the purchase of the airplane that was approved by Council on February 28, 2023, per resolution 2023-087. The purchase was to be split 50/50 between the Traffic Safety Fund and Supplemental Law Enforcement Services funds (SLESF). There are two projects that make up the SLESF portion that have funds available, however, a budget resolution was not included when the item was approved to establish the budget from the Traffic Safety Fund reserves.

PUBLIC WORKS

- A budget adjustment is necessary to establish a transfer from the Surface Transportation Fund – Measure L/SB 1 Maintenance of Effort (MOE) Fund (1420) to the Surface

Transportation Fund (1700) in the amount of $1,219,826 to offset transportation operations in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement.

- A budget adjustment in the amount of $186,033 is necessary to establish a transfer out of the Green Waste Fund (Fund 4892) to the Urban Forest Management Project (101440) in Fund 1341, for the In-Kind portion of the project funding.

UTILITIES

- A budget adjustment in the amount of $15,000,000 is required from the Water Fund (4100) to the Water CIP Fund (4180) for capital project expenditures related to the Water Fund. For tracking purposes, Capital projects are all expensed out of Water CIP Fund (4180) and at end of the fiscal year, a transfer from the Water Fund (4100) is needed to cover the expenses in the Water CIP Fund.

- A budget adjustment in the amount of $515,000 is necessary in the Water Fund – CIP Projects Fund (4180) Project 100576 – Residential Meter Installation – South Modesto to fund the project expenditures. The project has now been completed and prior to closing the project expenditure budget needs to be adjusted. The increase in the project budget will be covered by the Water Fund (4100) reserves.

- A budget adjustment in the amount of $13,025,000 is necessary in the Water CIP Fund (4180) to create and establish the expense budget for Project 101504 - Empire Strengthen & Replace Water Mains/Phase 2 & 3. This project will improve system reliability and upgrade existing infrastructure to meet City Standard Specifications. The project will be funded with Water Fund reserves and there are sufficient funds available.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-328

RESOLUTION APPROVING A TEN-YEAR LEASE AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) IN THE AMOUNT OF $1 PER YEAR, FOR THE PROPERTY LOCATED AT 308 LOCUST STREET, FOR THE OPERATION OF AFFORDABLE HOUSING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 1988 the City received the property at 308 Locust Street during the foreclosure process on a housing rehabilitation loan, and

WHEREAS, in 1997 the City began leasing the home to Stanislaus County Affordable Housing Corporation (STANCO) at the cost of $1.00 per year, and

WHEREAS, the lease terms have required that STANCO operate the property as transitional housing specifically for County Behavioral Health and Recovery Services (County) clients, and

WHEREAS, for the last five years, the property has served three households with a total of 12 unique individuals (including 7 children, and 5 adults) and has supported each household with transitioning into permanent housing, and

WHEREAS, the service partnership for this property is between STANCO and County Behavioral Health and Recovery Services (BHRS) and is restricted to households with at least one person who has a serious mental illness and are either homeless or at risk of homelessness as defined by criteria in the Mental Health Service Act, and

WHEREAS, STANCO has expressed interest in renewing the least that expired on June 30, 2022, and

WHEREAS, the property was built prior to 1978, as such the HUD lead-based paint operating procedures must be adhered to protect the environment, workers, and

residents, and

WHEREAS, as the property owner, the City of Modesto is responsible for adhering to HUD's lead-based paint standards and providing a lead clearance report prior to tenancy, and

WHEREAS, STANCO inspected the property and noted that there were concerns regarding chipping paint on the exterior walls of the property and confirmed there was a lead-based paint hazard, and

WHEREAS, due to the need for repairs the lease between the City of Modesto and STANCO effective June 30, 2022 was not extended, and

WHEREAS, the City has completed the appropriate measures to remove the lead-based paint on the exterior of a one-story single-family property of 1,100 square feet, and

WHEREAS, with the lead-based paint now removed, City staff recommends renewing a ten-year lease in the amount of $1 annually with automatic renewal options and authorizing STANCO to resume housing activities at this location, and

WHEREAS, the Citizens Housing and Community Development Committee met on June 22, 2023 and considered a ten-year lease agreement with STANCO in the amount of $1 per year for the property located at 308 Locust Street, for the operation of affordable housing, and

WHEREAS, the lease agreement is exempt from the Surplus Land Act pursuant to Government Code sections 54221(f)(1)(A) and 37364.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a ten-year lease agreement with Stanislaus County Affordable

Housing Corporation (STANCO) in the amount of $1 per year for the property located at 308 Locust Street, for the operation of affordable housing.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement with Stanislaus County Affordable Housing Corporation, in a form approved by the City Attorney

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-329

RESOLUTION APPROVING AN AGREEMENT WITH THE STANISLAUS COMMUNITY FOUNDATION FOR THE IMPLEMENTATION OF THE STANISLAUS 2030 INVESTMENT BLUEPRINT FOR A TOTAL AMOUNT NOT TO EXCEED $225,000 OVER THREE YEARS AND APPROVING AN AGREEMENT WITH DIGITAL NEST TO PROVIDE TECHNICAL AND PROFESSIONAL SKILLS TO UNDERSERVED YOUTH FOR A TOTAL AMOUNT NOT TO EXCEED $150,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, at the heart of Stanislaus 2030 economic development study, were two essential questions: how a more resilient economy for more residents to experience financial well-being be built and how can industry and small business growth in the next decade and beyond be supported; and

WHEREAS, the Stanislaus 2030 effort was co-led by local business leaders, higher education and government partners alongside labor and community-based organizations, Stanislaus 2030 articulates a concrete plan for community members to achieve economic mobility by building an economy that is diverse, inclusive, connected, vibrant, and sustainable; and

WHEREAS, the study includes a comprehensive market assessment and governance report developed by advisors from the Brookings Institution, from Washington DC. Stanislaus 2030 used frameworks for both drivers of resilient economies (talent, innovation, traded sectors) and analyzed the enablers of economic vibrancy (infrastructure and governance); and

WHEREAS, to deliver on the Stanislaus 2030 Investment Blueprint, the creation of a neutral project management intermediary is essential and recommended; and

WHEREAS, the Stanislaus 2030 Intermediary will lead and drive economic and

workforce initiatives identified in the Stanislaus 2030 Investment Blueprint across various actors, institutions, and interests; and

WHEREAS, to achieve the desired impact, Stanislaus 2030 will require distributed leadership and the participation of multiple organizations in the delivery of projects and programs; and

WHEREAS, Stanislaus 2030 prioritized projects for year one; Talent Development, Childcare Expansion, Small Business and Entrepreneurship; and

WHEREAS, a key finding from the Stanislaus 2030 Investment Blueprint is, based on the composition of families in the County, jobs with an hourly wage of $28.58 would offer enough opportunity for those workers to achieve self-sufficiency and economic mobility; and

WHEREAS, to help achieve the deliverables, Stanislaus 2030 is requesting ARPA funding in the amount of $75,000 annually for the next 3 years for a total of $225,000 for the implementation of the Investment Blueprint; and

WHEREAS, the City's ARPA spending plan includes $1 million for small business support and expansion, of which approximately $610,000 is remaining that the City has committed for the implementation of the Stanislaus 2030 deliverables; and

WHEREAS, to help promote social mobility for low-income and disadvantaged youth, Digital Nest, with support from the Stanislaus Community Foundation, has approached the City of Modesto for a request in the amount of $50,000 annually and $150,000 throughout a three-year contract term from the City's allotment of American Rescue Plan Act funds; and

WHEREAS, Digital Nest is a tech center based out of Salinas, California. Since 2014, Digital Nest has welcomed thousands of youths from working-class, farmworker

communities in an effort to help youth develop technical and professional skills needed to join the workforce; and

WHEREAS, the center focuses on technology and empowerment through three main programs, Digital Arts & Technology, Web & Information Technology, and People Projects & Leadership; and

WHEREAS, Digital Nest has confirmed that funding from the City of Modesto will not be requested after the initial three-year contract. Digital Nest has a sustainability plan to fund their operation through increases to their program revenue, fundraising and foundation contributions following their initial three-year plan; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Stanislaus 2030 for the implementation of the Stanislaus 2030 Investment Blueprint for a total amount not to exceed $225,000 over three years.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Digital Nest to provide Technical and Professional Skills to Underserved Youth for a total amount not to exceed $150,000 over three years.

BE IT FURTHER RESOLVED, that the City Manager or his designee to execute

the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-330

RESOLUTION APPROVING A FUNDING COMMITMENT FOR THE DEVELOPMENT OF 45 UNITS AT MORRIS VILLAGE (APN: 111005073) BY SELF-HELP ENTERPRISES FOR AN AMOUNT NOT TO EXCEED $3,500,000 IN LOANS, $100,000 IN ACTIVITY DELIVERY COSTS FOR A GRAND TOTAL OF $3,600,000 TO APPLY FOR THE STATE OF CALIFORNIA MULTIFAMILY HOUSING PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTATION TO SUPPORT THE CITY'S COMMITMENT

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP) and the City also qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA), each designated to fund components of the development of affordable housing; and

WHEREAS, despite multiple affordable housing agencies and the availability of housing vouchers and rental subsidy programs there is a shortage of housing units in the City; and

WHEREAS, to help address this shortage, the City of Modesto (City) released a Request for Proposals for Affordable Housing projects on December 14, 2022, to solicit proposals that could qualify for the various funding sources that the City receives as an Entitlement community that can be used for the development of affordable housing; and

WHEREAS, Self Help Enterprises (SHE) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023, for a project located on East Morris Avenue (APN: 111005073) for development of a 45-unit affordable rental housing project in partnership

with Stanislaus Equity Partners (STEP) and the Stanislaus Behavioral Health and Recovery Services (BHRS) and in coordination with the with the City; and

WHEREAS, this project was submitted to the City for a funding commitment in order to leverage for additional funding through the State of California's Multifamily Finance Super NOTA's Multifamily Housing Program; and

WHEREAS, the Morris Village development will sit on 1.03 acres and the project is comprised of four buildings with three stories each, for a total of 45-housing units with a mix of (39) one and (6) two-bedroom units; and

WHEREAS, staff proposes the project be allocated as a PLHA funded Loan in an amount not to exceed $700,000, HOME ARP funded loan in an amount not to exceed $2,800,000; and

WHEREAS, the City commits to fund this project in an amount not to exceed $3,500,000 for the development of the project; and

WHEREAS, if Self-Help Enterprises is awarded funding through the State of California's Multifamily Finance Super NOFA's Multifamily Housing Program, the exemption of the City's Capital Facilities Fees and project funding commitment agreements will return to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a funding commitment for the development of 45 units at Morris Village (APN: 111005073) by Self-Help Enterprises for the amount not to exceed $3,500,000 in loans, $100,000 for a grand total of $3,600,000 to apply for the State of California Multifamily Housing Program

BE IT FURTHER RESOLVED that the City Manager or his designee to execute any documentation to support the City's commitment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-331

RESOLUTION APPROVING THE CONSULTANT SERVICES AGREEMENT WITH DE NOVO PLANNING GROUP FOR ENVIRONMENTAL PLANNING SERVICES, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR A TOTAL AMOUNT NOT TO EXCEED $900,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONSULTANT SERVICES AGREEMENT

WHEREAS, the City of Modesto's Planning Division has experienced significant staff turnover since 2022, and is having to deal with ongoing vacancies for critical planning positions; and

WHEREAS, in Fiscal Year 2008-2009, the Planning Division was comprised of nineteen (19) staff members, including a Planning Division Manager, two Principal Planners, four Senior Planners, four Assistant/Associate Planners, two Planning Assistants, and six administrative support staff; and

WHEREAS, there are currently twelve (12) vacancies, including a Planning Division Manager, one Principal Planner, two Senior Planners, two Assistant/Associate Planners, two Planning Assistants, and five administrative support staff; and

WHEREAS, the Planning Division continues to be impacted by unanticipated staffing shortages despite ongoing recruitment for several positions. To continue providing uninterrupted planning services, the Community and Economic Development determined the need to contract with a private firm to assist in Environmental Planning Services; and

WHEREAS, through an informal Request for Qualifications (RFQ) process, staff received two (2) Statement of Qualifications (SOQs) for consideration; and

WHEREAS, City staff members from the Community and Economic Development Department reviewed the proposals and selected De Novo Planning Group

for Environmental Planning Services; and

WHEREAS, having a contract with the De Novo Planning Group for Environmental Planning Services eliminates the need to send out repetitive Request for Proposals (RFPs) for projects or services of similar size as well as reducing staff time and project costs; and

WHEREAS, the City will assign projects to De Novo Planning Group as determined by the City based on the work needed for the submitted project; and

WHERAS, in accordance with Modesto Municipal Code 8-3.204 (a), "Exceptions to Formal Bidding Requirements", the agreement is for professional services and, therefore, exempt from the bidding requirements; and

WHEREAS, the approval for this consultant service conforms to Modesto Municipal Code 8-3.204, subsection (a) as De Novo Planning Group is providing professional services for on-call consultant support services, including the review of development applications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with De Novo Planning Group for Environmental Planning Services, for two (2) years with three (3) one-year extension options, for a total amount not to exceed $900,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-332

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KOSMONT COMPANIES, FOR AN ENHANCED INFRASTRUCTURE FINANCING DISTRICT (EFID) FEASIBILITY STUDY, INCREASING THE NOT TO EXCEED AMOUNT OF THE AGREEMENT BY $150,266 FROM $49,734 FOR A NEW TOTAL AMOUNT OF $200,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, in 2014 the members of the California Legislature authorized the formation of Enhanced Infrastructure Financing Districts to provide funding for municipal infrastructure investments after the dissolution of Redevelopment Agencies in 2012; and

WHEREAS, President Joe Biden signed the American Rescue Plan Act (ARPA) (March 2021) providing $47 million in funding for Modesto's recovery from COVID-19 beyond the $10.6 million relief received from the CARES Act (March 2020); and

WHEREAS, on May 25, 2021, the City Council allocated $200,000 in ARPA funding to the feasibility assessment and formation of an Enhanced Infrastructure Financing District (EIFD); and

WHEREAS, on September 29, 2021, the City posted a Request for Proposals INF-22-02 for an Enhanced Infrastructure Financing District Feasibility Study to qualified companies that was reviewed by nineteen prospective bidders; and

WHEREAS, the City received one proposal from Kosmont Companies; and

WHEREAS, the City accepted the Kosmont Companies proposal because of their demonstrated experience in EIFD feasibility analysis and formation, and

WHEREAS, under City Manager's authority the City entered into a Professional Services Agreement with Kosmont Companies on February 8, 2022 for a fixed price of $49,734 to conduct an EIFD feasibility study; and

WHEREAS, the City worked closely with Kosmont Companies to complete the Scope of Work for the EIFD Feasibility Study including proposing district boundaries, estimating tax increment generation and bonding capacity analysis, listing potential infrastructure investment projects, identifying complementary sources of capital, and laying out next steps to form an EIFD; and

WHEREAS, further exploration of EIFD boundary definitions including participation by Stanislaus County has been requested by the City Manager; and

WHEREAS, the City has requested and received a proposed Scope of Work from Kosmont Companies to further explore EIFD boundary definition and taxing entity fiscal analysis with the City and Stanislaus County; and

WHEREAS, based on these findings, the City recommends moving forward with an amendment to the Professional Services Agreement with Kosmont Companies to perform tasks necessary to prepare for and form an EIFD; and

WHEREAS, the Municipal Code generally requires contracts over $50,000 to comply with formal bidding procedures. This agreement is for professional services and is therefore exempt from the public bidding requirement pursuant to Modesto Municipal Code section 8-3.204(a); and

WHEREAS, to continue work under this agreement to expand EIFD feasibility analysis and prepare for EIFD formation, the City requires a First Amendment to the

Kosmont Companies Professional Services Agreement dated February 8, 2022, increasing the agreement amount by up to $150,266 from $49,734 for a total of $200,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the First Amendment to the Professional Services Agreement with Kosmont Companies, for an Enhanced Infrastructure Financing District (EIFD) Feasibility Study, increasing the not to exceed amount of the Agreement by $150,266 from $49,734 for a new total amount of $200,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-333

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR VILLA D'ESTE SUBDIVISION, LOCATED EAST OF ROSELLE AVENUE AND NORTH OF KODIAK DRIVE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, Kimberly Kuppens ("OWNER") received approval from the City of Modesto to subdivide a tract of land consisting of 7.15 acres being subdivided into 32 residential lots and 1 remainder lot situated in the City of Modesto, known as the VILLA D'ESTE ("SUBDIVISION"); and

WHEREAS, OWNER subsequently sold the SUBDIVISION to DR Horton CA3, Inc. who completed the required PUBLIC IMPROVEMENTS; and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, sidewalk and ADA ramps, streets, curbs and gutters, and street lights; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $47,257.65 for VILLA D'ESTE SUBDIVISION; and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released; and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Improvements of Villa D'Este Subdivision located in Village One, east of Roselle Avenue and north of Kodiak Drive are hereby accepted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office and release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-334

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR WOODGLEN SUBDIVISION VILLAGE ONE SUBDIVISION, LOCATED AN AREA BOUNDED BY PELANDALE AVENUE, CARVER ROAD, BANGS AVENUE, AND TULLY ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, Fitzpatrick Land Development, LLC, a California limited liability company ("SUBDIVIDER") has developed a tract of land consisting of 80.8 acres being subdivided into 367 residential lots, two open space/storm basin lots, one park lot, and ten landscape lots situated in the City of Modesto, known as the Woodglen Subdivision; and

WHEREAS, Fitzpatrick Land Development, LLC, the owner of WOODGLEN SUBDIVISION VILLAGE ONE ("SUBDIVISION"), has requested to divide 11.29 acres into 49 single-family residential lots, 2 landscape lots, and 2.82 acres of right-of-way offered for dedication; and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, street lights and other improvements; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $1,355,807.20 for WOODGLEN SUBDIVISION VILLAGE ONE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $677,903.60 for WOODGLEN SUBDIVISION VILLAGE ONE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $135,580.82 for WOODGLEN SUBDIVISION VILLAGE ONE SUBDIVISION; and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released; and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the PUBLIC IMPROVEMENTS for Woodglen Subdivision Village One Subdivision, located an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue and Tully Road, constructed by the SUBDIVIDER are hereby accepted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office and release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-335

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR WOODGLEN SUBDIVISION VILLAGE THREE SUBDIVISION, LOCATED AN AREA BOUNDED BY PELANDALE AVENUE, CARVER ROAD, BANGS AVENUE, AND TULLY ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, Modesto Roselle, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 80.8 acres being subdivided into 367 residential lots, two open space/storm basin lots, one park lot, and ten landscape lots situated in the City of Modesto, known as the Woodglen Subdivision; and

WHEREAS, Modesto Roselle, LLC, the owner of WOODGLEN SUBDIVISION VILLAGE THREE ("SUBDIVISION"), has requested to divide 9.31 acres into 49 single-family residential lots, 2 landscape lots, and 1.86 acres of right-of-way offered for dedication; and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, street lights and other improvements; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $924,012.65 for WOODGLEN SUBDIVISION VILLAGE THREE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $462,006.33 for WOODGLEN SUBDIVISION VILLAGE THREE SUBDIVISION; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $92,401.27 for WOODGLEN SUBDIVISION VILLAGE THREE SUBDIVISION; and

WHEREAS, the SUBDIVIDER has requested that the improvements be accepted and the securities be released; and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the PUBLIC IMPROVEMENTS for Woodglen Subdivision Village Three Subdivision, located an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue and Tully Road, constructed by the SUBDIVIDER are hereby accepted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file a Notice of Completion with the Stanislaus County Recorder's Office and release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-336

RESOLUTION APPROVING THE AMENDED AND RESTATED MEASURE L REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT WITH STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PAED) PHASES OF THE STANDIFORD AVENUE AT STATE ROUTE 99 INTERCHANGE IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 99/Standiford Interchange Project (Project) has been constructed incrementally in response to changing demands and available funding over time; and

WHEREAS, the purpose of this Project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Standiford Avenue interchange through reconstruction; and

WHEREAS, the first phase of the Project is termed Project Initiation Document (PID) phase and the Project Approval and Environmental Documentation (PAED); and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule; and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PAED; and

WHEREAS, the Project Approval and Environmental Document (PAED) phase develops and establishes the State and Federal approvals necessary for the Project to move to the final PS&E project phase; and

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO) and the designated Council of Governments for Stanislaus County; and

WHEREAS, in November, 2016 Stanislaus County voters approved Measure L, a 25-year, ½ cent sales tax to maintain and improve transportation systems; and

WHEREAS, the Measure L Strategic Plan designates the Project as a priority project for delivery in Measure L's first 10 years; and

WHEREAS, the 2019 Strategic Plan Update designated this project to receive up to $7,141,000 of regional Measure L funds over the next several years; and

WHEREAS, StanCOG has agreed to provide funding for the PAED and PID phase of the Project in accordance with the terms and conditions set forth in the Agreement between the City and StanCOG, **attached** hereto; and

WHEREAS, StanCOG's Policy Board approved the original Agreement on June 17, 2020 with an end date of July 2023; and

WHEREAS, the Amended and Restated Measure L Regional Control Project Cooperative Agreement has been created to update the terms and conditions for delivery of the project; and

WHEREAS, the StanCOG's Policy Board approved Amended and Restated Measure L Regional Control Project Cooperative Agreement on June 21, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the

Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Standiford Avenue at State Route 99 Interchange Improvement Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

AMENDED AND RESTATED
MEASURE L
REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE STANDIFORD AT STATE ROUTE 99 (SR 99) INTERCHANGE RECONSTRUCTION PROJECT CITY OF MODESTO

This Amended and Restated Cooperative Agreement ("Agreement") is made and entered into on June ____, 2023 by and between the CITY OF MODESTO ("Sponsor") and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

RECITALS

A. WHEREAS, Authority and Sponsor entered into a Cooperative Agreement, dated September 1, 2020 ("2020 Agreement"), for funding of the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) and for associated support services described in Exhibit "A", attached hereto and incorporated herein, pursuant to the authority provided by Measure "L" Local Roads First Transportation Funding Measure Ordinance and Expenditure Plan ("Measure L"), which was approved by the voters of Stanislaus County on November 8, 2016; and

B. WHEREAS, Sponsor desires to receive funding from the Authority for the PID arid PA&ED Phases of the transportation improvement project entitled "Standiford at State Route 99 (SR 99) Interchange Reconstruction Project", the PID and PA&ED phases of which are described in Exhibit "A", and are referred to respectively herein as the "PID" and "PA&ED" phases and collectively the "Project"; and

C. WHEREAS, the Project is an eligible project of the Regional Control category of Measure L; and

D. WHEREAS, the Project is identified in the 2022 Measure L Strategic Plan Update; and

E. WHEREAS, the Authority is authorized to issue Measure L funds to the Sponsor; and

F. WHEREAS, Authority shall issue Measure L reimbursement payments as provided in Section 2.1 to the Sponsor pursuant to a request for reimbursement submitted by

the Sponsor; however, the Sponsor understands that in no event shall reimbursement payments for eligible expenses under this Agreement, when aggregated with the previously approved reimbursement requests, exceed the amount identified in Section 2.1.; and

G. WHEREAS, any cost savings which result in less than Reimbursable Amount, defined below, being spent on the Project will be retained by the Authority and may be re-programmed for other Measure L eligible projects; and

H. WHEREAS, the Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure L funds; and

I. WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor's Project according to the terms and conditions set forth herein; and

J. WHEREAS, the Authority and Sponsor desire to amend and restate the 2020 Agreement to extend the timeline for Project completion.

K. WHEREAS, the Parties desire that this Agreement, as set forth in Section 3.7, will amend, restate, supersede and replace in its entirety the 2020 Agreement.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

AGREEMENT

SECTION I
Covenants of Sponsor

1.1. Project Application. The complete Project description, scope of work, delivery schedule, estimate of cost by activity, anticipated amount and type of funds that will supplement Measure L funds, and the anticipated timing for release of Measure L funds are specified in the application, which is attached as Exhibit "A," and incorporated herein by this reference.

1.2. Change In Project Scope. A change in the Project scope as described in Exhibit "A" may not be implemented until it has been approved in writing by the Authority. Changes in scope implemented prior to Authority approval will not be eligible for reimbursement and in no event will a change in scope result in the Authority reimbursing more than **$1,098,000** ("**Reimbursable Amount**").

1.3. Eligible Reimbursement Costs. Eligible reimbursement costs are the costs as specified in Exhibit "A" or as may be approved from time to time by the Authority pursuant to Section 1.2. In no event shall expenses incurred by Sponsor prior to the execution of this Agreement be considered eligible reimbursement costs.

1.4. Invoices and Progress Repmts. Starting one month after the execution of this Agreement, Sponsor will submit monthly progress reports and invoices for activities conducted over the prior unbilled month. These documents will include the following specified information:

1.4.1. Invoices. Sponsor will provide the Authority with one (1) copy of all invoices submitted to Sponsor by every contractor, subcontractor, consultant, or subconsultant performing work related to the Project, timecards reflecting hours invoiced for reimbursement by Sponsor's employees and staff, and invoices supporting direct expenses billed to project by Sponsor.

1.4.2. Progress Reports. The monthly progress reports will include a brief description of the status of the Project including the work completed to date. This summary may be included on the invoices submitted to the Authority or be attached to those invoices.

1.5. Use of Funds. Sponsor will use existing Measure L funds consistent with the Project scope of work described in Exhibit "A" or approved by the Authority pursuant to Section 1.2. Sponsor shall encumber the funds no later than the Project schedule as listed in Exhibit "A." Sponsor may submit extension requests which will be considered and evaluated by Authority.

1.6. Submittal of Documents. Sponsor will provide copies to the Authority of all executed contracts which relate to the Project scope as described in Exhibit "A" or approved by the Authority pursuant to Section 1.2. Sponsor will retain records pertaining to the Project for a five (5) year period following completion of the Project.

1.7. Completion of Project. Sponsor will be responsible for the timely completion of the Project, including meeting any timely use of funds deadlines, if applicable, set forth in Exhibit "A" and provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of work. Since Sponsor is responsible for the Project management and oversight, any and all costs which exceed the Reimbursable Amount, as set forth in Exhibit "A" shall be the sole responsibility of Sponsor. This provision shall apply in all instances, including situations where a change in scope has been approved by the Authority pursuant to Section 1.2.

1.7.1. Letter of PID and PA&ED Completion. Sponsor will submit to Authority a "Letter of PID and PA&ED Completion" which includes final costs of the PID

and PA&ED Phases. This letter shall accompany the final invoice for payment from the Authority to Sponsor and will act as notice of account closing by Authority for the PID and PA&ED Phases of the Project.

1.8. Cost Savings and Excess Costs.

1.8.1. Cost Savings. After payment of the final invoice by the Authority, any positive difference between the cost, as listed in Exhibit "A" or approved by the Authority pursuant to Section 1.2, and the total amount invoiced to the Authority shall be considered cost savings. One Hundred Percent (100%) of the cost savings will be re-credited to the Measure L program for re-programming by the Authority on other eligible projects.

1.8.2. Excess Costs. In the event the actual Project cost exceeds the estimate shown in Exhibit "A," this amount will be considered an excess cost. Sponsor is solely responsible for all costs over the amount identified in Section 1.2.

1.8.3. Reconciliation of Excess Costs. Excess project costs to complete a project are not eligible for reimbursement. The amount of Measure L funds as identified in Section 1.2 are the 'maximum' funds available for reimbursement to the Sponsor and will not be exceeded by the Sponsor without an approved amendment to this Agreement. The Sponsor shall request an amendment if needed for this purpose in writing to the Authority. Such amended Agreement shall be effective only if approved by the governing body of and signed by the duly authorized representatives of both the Authority and the Sponsor.

1.9. Errors and Omissions. Sponsor shall diligently monitor and manage all aspects of the Project and shall aggressively pursue any and all remedies, including full restitution and damages from any consultant, contractor or sub-contractor and their insureds and sureties suspected of any acts, errors, or omissions committed during business activities that economically or legally damage the Project.

SECTION II
Covenants of Authority

2.1. Reimbursement Payments. The Authority shall make reimbursement payments to Sponsor for eligible Project costs as specified in Exhibit "A". To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.1. Deadline to Submit Reimbursement Requests. All invoices and progress repmts shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Copies of invoices must be complete and legible, or the Reimbursement Request will be returned.

Reimbursement requests should be accompanied by a cover letter stating the time period for which reimbursement is requested, name of the project, total amount requested and contact name and telephone number. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals. Invoices are deemed ineligible without the accompanying progress reports. The Authority reserves the right to stop reimbursement payments of invoices without progress reports.

2.1.2. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.1, above, then Authority may provide reimbursement payments for late submittals in the following calendar month.

2.1.3. Ineligible Costs. The Authority reserves the right to adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible costs. Measure L funds will not be used to reimburse costs if funding sources, other than Measure L, have been secured, granted, committed or provided to fund that specific cost or element as such costs are deemed ineligible costs.

2.1.4. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall not exceed the Reimbursable Amount of eligible expenditures submitted to the Authority as specified in Exhibit "A". All reimbursements will be made subject to available Measure L program cash-flow. Reimbursement of expenditures may be spread over three fiscal years consistent with the adopted Measure L Strategic Plan.

2.1.5. Suspension of Reimbursement. If the Authority determines that any costs in an invoice are not allowable, or the lack of supporting documentation or progress reports, the Authority shall return the invoice to Sponsor, with an invoice dispute notice outlining the reason for the return and the proposed remedy, if one exists, which would make the invoice acceptable for payment. Sponsor may re-submit the invoice for payment after reviewing the invoice dispute notice and making any necessary corrections. Sponsor may also immediately submit a new invoice representing only the amounts which are not in dispute, while setting aside the disputed amounts for review in accordance with the provisions set forth in this Section 2.1.

2.1.5.1. Meeting. Once a dispute has occorred, the Authority shall arrange a meeting between the Authority and the Sponsor staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.5.2. Executive Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the

Authority's Executive Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter is reached.

2.1.5.3. Authority's Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Executive Committee then the dispute shall be submitted to the Authority's Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost.

2.1.5.4. Reservation of Rights. By utilizing the above procedures, the Sponsor does not surrender any rights to pursue available legal remedies if the Sponsor disagrees with the Board decision.

2.1.5.5. Acceptance of Work Does Not Result In Waiver. Neither acceptance of the work nor issuance of reimbursement payments will result in a waiver of the right of the Authority to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsors' records pertaining to the Project at any time during the course of the Project and up to a five (5) year period after completion of the Project. For purposes of audit, the date of completion of the Agreement shall be the date of the Authority's payment of Sponsor's final billing (so noted on the invoice) under this Agreement. This audit provision shall extend to and/or be included in contracts with Sponsor's contractors.

2.3. Maximum Obligation. Authority's maximum obligation for all costs under this Agreement shall not exceed One Million Ninety-Eight Thousand Dollars ($1,098,000.00), unless such maximum obligation is increased by an amendment to this Agreement. The parties agree that Measure L funds shall not be used for reimbursement of expenses incurred by the Sponsor for the Project that are not covered by this Agreement.

SECTION III
Mutual Covenants

3.1. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.15.

3.2. Discharge. This Agreement shall be subject to discharge as follows:

3.2.1. Termination by Mutual Consent. This Agreement may be terminated at any time only by mutual consent of the parties.

3.2.2. Discharge Upon Completion of Project. Except as to any rights or obligations which survive discharge as specified in Section 3.15, this Agreement shall be discharged, and the parties shall have no further obligation to each other, upon completion of the Project and payment of the final invoice by the Authority.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.1. Sponsor shall fully defend, indemnify and hold harmless Authority, and any officer or employee of Authority, against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3.2. Authority shall fully defend, indemnify and hold harmless Sponsor, and any officer or employee of Sponsor, against any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under the Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Liability. As Authority is not the primary or responsible agency for carrying out the Project herein identified, the Authority is not liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of the acts or omissions of Sponsor or its agents, contractors, consultants, engineers, or representatives. Nor shall the Authority be liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of Authority's provision of funds which may be utilized in, but not limited to the acquisition of, the design, implementation, or construction of the Project herein described.

3.5. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY: 1111 "I" Street, Suite 308 Modesto, CA 95354 Attention: Executive Director	TO SPONSOR P.O. Box 642 Modesto, CA 95353 Attention: Joseph Lopez, City Manager

Either party may change its address by giving notice of such change to the other party in the manner provided in this Section 3.5. All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after deposit in the United States mail.

3.6. Additional Acts and Documents. Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.7. Amended and Restated Agreement. This Agreement amends, restates, supersedes and replaces in its entirety the 2020 Agreement.

3.8. Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.9. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.10. Independent Agency. Sponsor and Authority renders services under this Agreement each as an independent agency under the terms of this Agreement. None of the Sponsor's agents or employees shall be agents or employees of the Authority and none of the Authority's agents or employees shall be agents or employees of Sponsor.

3.11. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

3.12. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or Sponsor, as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.13. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such

determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised pmtion, be reasonably inte1preted to give effect to the intentions of the parties.

3.14. Counterparts. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.

3.15. Survival. The following provisions in this Agreement shall survive discharge:

3.15.1. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.5 (obligation to apply funds to Project), Section 1.6 (obligation to provide copies and retain records), Section 1.7 (obligation to continue to manage Project).

3.15.2. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.15.3. Both Parties. As to both parties, the following section shall survive discharge: Section 3.3. (mutual indemnities).

3.16. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure L and the availability of Measure L funds from which reimbursement can be made. If for any reason the Authority's right or ability to collect or expend such sales tax proceeds is terminated or suspended in whole or part, or the amount of sales tax proceeds declines such that it materially affects the Authority's ability to fund the Project, the Authority shall promptly notify Sponsor, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund this Project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.17. Attorneys' Fees. Should any litigation commence between the parties concerning the rights and duties of any party pursuant to, related to, or arising from, this Agreement, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.18. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.19. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.20. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.21. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the construction or interpretation of any of its provisions.

3.22. No Continuing Waiver. The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.23. No Rights in Third Parties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.

3.24. Signator's Wananty. Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other party.

****** Signatures contained on next page ******

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IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY OF MODESTO

By:_____
Joseph Lopez
City Manager

ATTEST:

_____
Diane Nayares-Perez
City Clerk

APPROVED AS TO FORM:

By:_____
Jose M. Sanchez
City Attorney

STANISLAUS COUNCIL OF GOVERNMENTS, acting as the LOCAL TRANSPORTATION AUTHORITY

By:_____
Javier Lopez
Chairperson

ATTEST:

By:_____
Rosa De León Park
Executive Director

APPROVED AS TO FORM:

By:_____
Monica Streeter
General Counsel

EXHIBIT A
PROJECT SCOPE, COST, SCHEDULE AND FUNDING PLAN

Project Name: STANDIFORD AT STATE ROUTE 99 (SR 99) INTERCHANGE RECONSTRUCTION PROJECT CITY OF MODESTO

Project Contact: Toby Wells, City Engineer, City of Modesto

PROJECT SCOPE

Responsible Agency: City of Modesto

Project Limits:

Project Phase:
Project Initiation Document (PID) and
Project Approval and Environmental Document (PA&ED)

Project Phase Scope:

In coordination with Caltrans and StanCOG, the City of Modesto will perform preliminary engineering studies and draft project report, perform environmental studies and prepare draft environmental documents, circulate draft environmental documents and select preferred project alternative, prepare and approve project report and final environmental documents, obtain permits, and agreements.

Project Purpose:

The purpose of this project is to complete the project initiation document (PID) and project approval and environmental document (PA&ED) phases of the Standiford at State Route 99 (SR 99) Interchange Reconstruction Project City of Modesto.

PROJECT COST AND FUNDING PLAN

Fund Source	Fund Amount
Measure L Regional Funds	$1,098,000
• Project Initiation Document	$100,000
• Project Approval and Environmental Document	$998,000
City CFF Funds	$6,000,000
TOTAL PID and PA&ED FUNDS	**$7,098,000**

PROJECT SCHEDULE

Project Phase	Start*	End	Timely Use of Funds Deadline (if applicable)
PID	07/01/2020	12/31/2026	N/A
PA&ED	07/01/2020	12/31/2026	N/A

**Start date from 2020 Agreement*

Measure L Project Cooperative Agreement Form

NOTE: The purpose of this form is to assist StanCOG and the Local Agency with the development of a cooperative agreement or coop. amendment for a Measure L Regional, Community Connections, or Rail Services project. Once the form is sufficiently filled out by Local Agency staff, an initial draft coop. or coop. amendment can be produced by StanCOG based on the cooperative agreement template approved by the StanCOG board. The initial draft coop. or coop. amendment will be submitted to the Local Agency for review and circulated for review within StanCOG before being submitted to the respective policy bodies for adoption.

Local Agency Information

Local Agency Name City of Modesto
Contact Name Toby Wells Job Title City Engineer
Street Address 1010 Tenth Street
City Modesto State CA ZIP Code 95353

Office Phone (209) 571-5542 Email Address twells@modestogov.com

Who will sign\approve this Agreement for Local Agency?

Name Joseph P Lopez Title City Manager

Who will witness or attest on behalf of the Local Agency?

Name Diane Nayares-Perez Title City Clerk

Attorney for Local Agency?

Name Jose M. Sanchez

Title Acting City Attorney

Is there more than one Local Agency involved? Yes ☐ No ☒

Name of other Local Agency N/A

Project Information

Project Name Standiford@SR99 Interchange Reconstruction Project

Measure L Project Category: (circle one) **Regional** \ *Community Connections* \ *Rail Services*

Previous cooperative agreements with StanCOG for this PROJECT **None**

Coop No.: Sept. 1,2020 Phase:PID & PAED
Coop No.: Phase:
Coop No.: Phase:

Deliverables completed to date:
(Check all that apply)

Completed by (*CALTRANS or Local Agency*)?

- ☐ Project Initiation Document — **None**
- ☐ Project Report
- ☐ Environmental Document
- ☐ Plans, Specifications and Estimate
- ☐ Right of Way Certification

Is this a request to amend a prior agreement or a request for a new agreement? New Agreement

X Amendment to a Previous Agreement Coop No. Sept 1, 2020 Agr

FILL OUT PAGES 1 and 2 ONLY FOR AMENDMENTS

What aspect(s) of the prior agreement needs to be amended and why?

Request for time extension from original agreement. New completion date is 12/31/2026.

New Cooperative Agreement (*select all phases that apply below*)

- PID
- PA&ED
- ☐ PS&E
- ☐ R/W Capital
- ☐ R/W Support
- ☐ Construction

FILL OUT ALL SIX PAGES FOR NEW AGREEMENTS

Agreement Information

Project description: Even if this agreement is only for one phase of work, please describe the project that is proposed to be built.

City proposes to reconstruct the Standiford/Beckwith over crossing of State Route 99 and the Union Pacific Rail Road. This will include an analysis of the area traffic within a 1 mile radius of the existing interchange.

Estimated Term of Cooperative Agreement:

Begin Date July 1 2020

End Date December 31, 2026

Scheduling

Describe any special schedule conditions or restraints that need to be documented:

None

Identification of Funding Commitments

The parties responsible for fully funding all commitments under this agreement. (*If more than one Sponsor, indicate the percent distribution. The total sum must equal 100%).*

X StanCOG \ Measure L _____%

X City CFF_____%

_____% Please name "other" funding agencies:_____

Maintenance

Describe the maintenance arrangement required as a result of the project.

The Local Agency will assume full responsibility for maintenance ..... ☐

The Local Agency will amend an existing maintenance agreement with a Partner Agency. ☐

An existing maintenance agreement exists and will NOT require amendment…..... ☐

The Local Agency will execute a new maintenance agreement with a Partner Agency ..... ✠

Caltrans will assume full responsibility for maintenance after work is complete… ..... ☐

Scope Summary / Delegation of Activities

What **work is being done in this cooperative agreement, and** ***Who*** **is doing it?**
If any of the activities below are shared, check all the appropriate parties and define the arrangement in the section on the next page.

	Project Delivery Workplan Standards Activity Description	Who is doing the work?			
		Caltrans	Local Agency		
Environmental (PA&ED)	PERFORM PRELIMINARY ENGINEERING STUDIES AND DRAFT PROJECT REPORT		X		
	PERFORM ENVIRONMENTAL STUDIES AND PREPARE DRAFT ENVIRONMENTAL DOCUMENT		X		
	CIRCULATE DRAFT ENVIRONMENTAL DOCUMENT AND SELECT PREFERRED PROJECT ALTERNATIVE IDENTIFICATION		X		
	PREPARE AND APPROVE PROJECT REPORT AND FINAL ENVIRONMENTAL DOCUMENT		X		
	OBTAIN PERMITS, AGREEMENTS, AND ROUTE ADOPTIONS		X		
Design (PS&E)	PREPARE BASE MAPS AND PLAN SHEETS				
	STRUCTURES GENERAL PLANS AND PRELIMINARY DESIGN DATA				
	PREPARE DRAFT PS&E				
	MITIGATE ENVIRONMENTAL IMPACTS AND CLEAN UP HAZARDOUS WASTE				
	DRAFT STRUCTURES PS&E				
	PREPARE FINAL STRUCTURES PS&E PACKAGE				
	CIRCULATE, REVIEW AND PREPARE FINAL DISTRICT PS&E PACKAGE				
	CONTRACT BID DOCUMENTS READY TO LIST				
Right of Way (R/W)	RIGHT OF WAY PROPERTY MANAGEMENT AND EXCESS LAND				
	UTILITY RELOCATION				
	PERFORM RIGHT OF WAY ENGINEERING				
	OBTAIN RIGHT OF WAY INTERESTS FOR PROJECT RIGHT OF WAY CERTIFICATION*				
	POST RIGHT OF WAY CERTIFICATION WORK*				
	PERFORM FINAL RIGHT OF WAY ENGINEERING ACTIVITIES				

	WBS Code	Project Delivery Workplan Standards Activity Description	Who is doing the work?			
			Caltrans	Local Agency		
Construction	3.265	AWARDED AND APPROVED CONSTRUCTION CONTRACT				
	5.270	CONSTRUCTION ENGINEERING AND GENERAL CONTRACT ADMINISTRATION**				
	5.285	CONTRACT CHANGE ORDER ADMINISTRATION				
	5.290	RESOLVE CONTRACT CLAIMS				
	5.295	ACCEPT CONTRACT, PREPARE FINAL CONSTRUCTION ESTIMATE AND FINAL REPORT				

Identify and described any activities that will be shared:

None

Funding Information (Note: A spreadsheet format is available for the table below.)

Fund Type *match:_(type)_*	**Fund Source**	**PID**	**PA&ED**	**PS&E**	**R/W Capital**	**R/W Support**	**CON Capital**	**CON Support**	**Total**
Measure L – Regional	Regional	$100k	$998,000						$1,098,000
Measure L – Community Connections	Regional								
Measure L – Rail Services	Regional								
Measure L – Local Roads	Regional								
City CFF	Local		~~$3,000,000~~ 6,000,000						~~$3,000,000~~ $6,000,000
STIP/RIP	State								
STIP/IIP	State								
SHOPP	State								
Minor A Funds	State								
Minor B Funds	State								
SB-1 Active Transportation	State								
SB-1 Local Streets & Roads	State								
SB-1 Local Partnership	State								
SB-1 Congested Corridors	State								
SB-1 Trade Corridors	Federal								
RSTP	Federal								
CMAQ	Federal								
DEMO-HPP	Federal								
Other:									
Other:									
Other:									
Other:									
Other:									
Total		$100k	$6,998,000						$7,098,000

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-337

RESOLUTION APPROVING AMENDED AND RESTATED MEASURE L REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT WITH STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE BRIGGSMORE AT STATE ROUTE 99 INTERCHANGE RECONSTRUCTION PROJECT, INCLUDING ADDITIONAL $2,000,000 IN REGIONAL MEASURE L FUNDING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND AUTHORIZING ALL TASK ITEMS OF WORK FOR THE AECOM DESIGN SERVICES AGREEMENT

WHEREAS, the State Route 99/Briggsmore Interchange Project (Project) has been constructed incrementally in response to changing demands and available funding over time; and

WHEREAS, the purpose of this Project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the SR99 highway and within the vicinity of the local transportation network of the SR99/Briggsmore Avenue interchange through reconstruction; and

WHEREAS, the first phase of the Project is termed Project Initiation Document (PID) phase; and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule; and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to being the environmental project phase or PAED; and

WHEREAS, the Project Approval and Environmental Document (PAED) phase develops and establishes the State and Federal approvals necessary for the Project to move to the final PS&E project phase; and

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO) and the designated Council of Governments for Stanislaus County; and

WHEREAS, in November, 2016 Stanislaus County voters approved Measure L, a 25-year, ½ cent sales tax to maintain and improve transportation systems; and

WHEREAS, the Measure L Strategic Plan designates the Project as a priority project for delivery in Measure L's first 10 years; and

WHEREAS, the 2019 Strategic Plan Update designated this project to receive up to $14,832,000 of regional Measure L funds over the next several years; and

WHEREAS, StanCOG has agreed to provide funding for the PAED and PID phase of the Project in accordance with the terms and conditions set forth in the Agreement between the City and StanCOG, **attached** hereto; and

WHEREAS, StanCOG's Policy Board approved the Agreement on June 17, 2020 with an end date of July 2023; and

WHEREAS, the Amended and Restated Measure L Regional Control Project Cooperative Agreement has been created to update the terms and conditions for delivery of the project and allocate additional funding to full fund the PID and PAED phase of the project; and

WHEREAS, the StanCOG's Policy Board approved Amended and Restated Measure L Regional Control Project Cooperative Agreement on June 21, 2023; and

WHEREAS, on May 2, 2023, by Resolution No. 2023-195, Council approved a Design Services Agreement with AECOM of Sacramento for the Briggsmore Avenue at State Route 99 Interchange Improvement Project in the amount of $6,380,010, plus $638,001 for additional services, if needed, for a total amount not to exceed $7,018,011; and

WHEREAS, City Council Resolution 2023-195 approving the AECOM agreement included a provision requiring additional Council approval of the final task item in the AECOM agreement; and

WHEREAS, the execution of the attached Amended and Restated Measure L Regional Control Project Cooperative Agreement provides the full funding required to complete all task items in the AECOM agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Measure L Regional Control Project Cooperative Agreement with Stanislaus Council of Governments (StanCOG) for the Project Initiation Document (PID) and Project Approval and Environmental Document (PAED) Phases of the Briggsmore Avenue at State Route 99 Interchange Reconstruction Project, including additional $2,000,000 in regional Measure L funding, and authorizing all task items of work for the AECOM Design Services Agreement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to provide the notice to proceed for all task items for the AECOM Design Services Agreement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to take the necessary steps to implement the provisions of this resolution and the adjustments to recognize the additional funding pursuant to the Amended and Restated Measure L Regional Control Project Cooperative Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

AMENDED AND RESTATED
MEASURE L
REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT FOR THE PROJECT INITIATION DOCUMENT (PID) AND PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASES OF THE BRIGGSMORE AT STATE ROUTE 99 (SR 99) INTERCHANGE RECONSTRUCTION PROJECT CITY OF MODESTO

This Amended and Restated Cooperative Agreement ("Agreement") is made and entered into on June _____ , 2023, by and between the CITY OF MODESTO ("Sponsor") and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

RECITALS

A. WHEREAS, Authority and Sponsor entered into a Cooperative Agreement, dated September 1, 2020 ("2020 Agreement"), for funding of the Project Initiation Document (PID); Project Approval and Environmental Document (PA&ED) and for associated support services described in Exhibit "A", attached hereto and incorporated herein, pursuant to the authority provided by Measure "L" Local Roads First Transportation Funding Measure Ordinance and Expenditure Plan ("Measure L"), which was approved by the voters of Stanislaus County on November 8, 2016; and

B. WHEREAS, Sponsor desires to receive funding from the Authority for the PID and PA &ED Phases of the transportation improvement project entitled "Briggsmore at State Route 99 (SR 99) Interchange Reconstruction Project", the PID and PA&ED phases of which are described in Exhibit "A" and are referred to respectively herein as the "PID" and "PA&ED" phases and collectively the "Project"; and

C. WHEREAS, the Project is an eligible project of the Regional Control category of Measure L; and

D. WHEREAS, the Project is identified in the 2022 Measure L Strategic Plan Update; and

E. WHEREAS, the Authority is authorized to issue Measure L funds to the Sponsor; and

F. WHEREAS, Authority shall issue Measure L reimbursement payments as provided in Section 2.1 to the Sponsor pursuant to a request for reimbursement submitted by the Sponsor; however, the Sponsor understands that in no event shall reimbursement payments for eligible expenses under this Agreement, when aggregated with the previously

approved reimbursement requests, exceed the amount identified in Section 2.1; and

G. WHEREAS, any cost savings which result in less than the Reimbursable Amount, defined below, being spent on the Project will be retained by the Authority and may be re-programmed for other Measure L eligible projects; and

H. WHEREAS, the Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure L funds; and

I. WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor's Project according to the terms and conditions set forth herein; and

J. WHEREAS, the Sponsor and Authority desire to amend the 2020 Agreement to identify additional Measure L funding for the Project and to extend the timeline for Project completion.

K. WHEREAS, the Parties desire that this Agreement, as set forth in Section 3.7, will amend, restate, supercede and replace in its entirety the 2020 Agreement.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

AGREEMENT

SECTION I
Covenants of Sponsor

1.1. Project Application. The complete Project description, scope of work, delivery schedule, estimate of cost by activity, anticipated amount and type of funds that will supplement Measure L funds, and the anticipated timing for release of Measure L funds are specified in the application, which is attached as Exhibit "A," and incorporated herein by this reference.

1.2. Change In Project Scope. A change in the Project scope as described in Exhibit "A" may not be implemented until it has been approved in writing by the Authority. Changes in scope implemented prior to Authority approval will not be eligible for reimbursement and in no event will a change in scope result in the Authority reimbursing more than **$2,549,000** ("**Reimbursable Amount**").

1.3. Eligible Reimbursement Costs. Eligible reimbursement costs are the costs as specified in Exhibit "A" or as may be approved from time to time by the Authority pursuant to Section 1.2. In no event shall expenses incurred by Sponsor prior to the execution of this

Agreement be considered eligible reimbursement costs.

1.4. Invoices and Progress Reports. Starting one month after the execution of this Agreement, Sponsor will submit monthly progress reports and invoices for activities conducted over the prior unbilled month. These documents will include the following specified information:

1.4.1. Invoices. Sponsor will provide the Authority with one (1) copy of all invoices submitted to Sponsor by every contractor, subcontractor, consultant, or subconsultant performing work related to the Project, timecards reflecting hours invoiced for reimbursement by Sponsor's employees and staff, and invoices supporting direct expenses billed to project by Sponsor.

1.4.2. Progress Reports. The monthly progress reports will include a brief description of the status of the Project including the work completed to date. This summary may be included on the invoices submitted to the Authority or be attached to those invoices.

1.5. Use of Funds. Sponsor will use existing Measure L funds consistent with the Project scope of work described in Exhibit "A" or approved by the Authority pursuant to Section 1.2. Sponsor shall encumber the funds no later than the Project schedule as listed in Exhibit "A." Sponsor may submit extension requests which will be considered and evaluated by Authority.

1.6. Submittal of Documents. Sponsor will provide copies to the Authority of all executed contracts which relate to the Project scope as described in Exhibit "A" or approved by the Authority pursuant to Section 1.2. Sponsor will retain records pertaining to the Project for a five (5) year period following completion of the Project.

1.7. Completion of Project. Sponsor will be responsible for the timely completion of the Project, including meeting any timely use of funds deadlines, if applicable, set forth in Exhibit "A" and provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of work. Since Sponsor is responsible for the Project management and oversight, any and all costs which exceed the Reimbursable Amount, as set forth in Exhibit "A" shall be the sole responsibility of Sponsor. This provision shall apply in all instances, including situations where a change in scope has been approved by the Authority pursuant to Section 1.2.

1.7.1. Letter of PID and PA&ED Completion. Sponsor will submit to Authority a "Letter of PID and PA&ED Completion" which includes final costs of the PID and PE&AD Phases. This letter shall accompany the final invoice for payment from the Authority to Sponsor and will act as notice of account closing by Authority for the PID and PA&ED Phases of the Project.

1.8. Cost Savings and Excess Costs.

1.8.1. Cost Savings. After payment of the final invoice by the Authority, any positive difference between the cost, as listed in Exhibit "A" or approved by the Authority pursuant to Section 1.2, and the total amount invoiced to the Authority shall be considered cost savings. One Hundred Percent (100%) of the cost savings will be re-credited to the Measure L program for re-programming by the Authority on other eligible projects.

1.8.2. Excess Costs. In the event the actual Project cost exceeds the estimate shown in Exhibit "A," this amount will be considered an excess cost. Sponsor is solely responsible for all costs over the amount identified in Section 1.2.

1.8.3. Reconciliation of Excess Costs. Excess project costs to complete a project are not eligible for reimbursement. The amount of Measure L funds as identified in Section 1.2 are the 'maximum' funds available for reimbursement to the Sponsor and will not be exceeded by the Sponsor without an approved amendment to this Agreement. The Sponsor shall request an amendment if needed for this purpose in writing to the Authority. Such amended Agreement shall be effective only if approved by the governing body of and signed by the duly authorized representatives of both the Authority and the Sponsor.

1.9. Errors and Omissions. Sponsor shall diligently monitor and manage all aspects of the Project and shall aggressively pursue any and all remedies, including full restitution and damages from any consultant, contractor or sub-contractor and their insureds and sureties suspected of any acts, errors, or omissions committed during business activities that economically or legally damage the Project.

SECTION II
Covenants of Authority

2.1. Reimbursement Payments. The Authority shall make reimbursement payments to Sponsor for eligible Project costs as specified in Exhibit "A". To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.1. Deadline to Submit Reimbursement Requests. All invoices and progress reports shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Copies of invoices must be complete and legible, or the Reimbursement Request will be returned. Reimbursement requests should be accompanied by a cover letter stating the time period

for which reimbursement is requested, name of the project, total amount requested and contact name and telephone number. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals. Invoices are deemed ineligible without the accompanying progress reports. The Authority reserves the right to stop reimbursement payments of invoices without progress reports.

2.1.2. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.1, above, then Authority may provide reimbursement payments for late submittals in the following calendar month.

2.1.3. Ineligible Costs. The Authority reserves the right to adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible costs. Measure L funds will not be used to reimburse costs if funding sources, other than Measure L, have been secured, granted, committed or provided to fund that specific cost or element as such costs are deemed ineligible costs.

2.1.4. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall not exceed the Reimbursable Amount of eligible expenditures submitted to the Authority as specified in Exhibit "A". All reimbursements will be made subject to available Measure L program cash-flow. Reimbursement of expenditures may be spread over three fiscal years consistent with the adopted Measure L Strategic Plan.

2.1.5. Suspension of Reimbursement. If the Authority determines that any costs in an invoice are not allowable, or the lack of supporting documentation or progress reports, the Authority shall return the invoice to Sponsor, with an invoice dispute notice outlining the reason for the return and the proposed remedy, if one exists, which would make the invoice acceptable for payment. Sponsor may re-submit the invoice for payment after reviewing the invoice dispute notice and making any necessary corrections. Sponsor may also immediately submit a new invoice representing only the amounts which are not in dispute, while setting aside the disputed amounts for review in accordance with the provisions set forth in this Section 2.1.

2.1.5.1. Meeting. Once a dispute has occurred, the Authority shall arrange a meeting between the Authority and the Sponsor staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.5.2. Executive Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the Authority's Executive Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter

is reached.

2.1.5.3. Authority's Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Executive Committee then the dispute shall be submitted to the Authority's Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost.

2.1.5.4. Reservation of Rights. By utilizing the above procedures, the Sponsor does not surrender any rights to pursue available legal remedies if the Sponsor disagrees with the Board decision.

2.1.5.5. Acceptance of Work Does Not Result In Waiver. Neither acceptance of the work nor issuance of reimbursement payments will result in a waiver of the right of the Authority to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsors' records pertaining to the Project at any time during the course of the Project and up to a five (5) year period after completion of the Project. For purposes of audit, the date of completion of the Agreement shall be the date of the Authority's payment of Sponsor's final billing (so noted on the invoice) under this Agreement. This audit provision shall extend to and/or be included in contracts with Sponsor's contractors.

2.3. Maximum Obligation. Authority's maximum obligation for all costs under this Agreement shall not exceed Two Million Five Hundred Forty-Nine Thousand Dollars ($2,549,000.00) unless such maximum obligation is increased by an amendment to this Agreement. The parties agree that Measure L funds shall not be used for reimbursement of expenses incurred by the Sponsor for the Project that are not covered by this Agreement.

SECTION III
Mutual Covenants

3.1. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.15.

3.2. Discharge. This Agreement shall be subject to discharge as follows:

3.2.1. Termination by Mutual Consent. This Agreement may be terminated at any time only by mutual consent of the parties.

3.2.2. Discharge Upon Completion of Project. Except as to any rights or obligations which survive discharge as specified in Section 3.14, this Agreement shall be discharged, and the parties shall have no further obligation to each other, upon completion of the Project and payment of the final invoice by the Authority.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.1. Sponsor shall fully defend, indemnify and hold harmless Authority, and any officer or employee of Authority, against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3.2. Authority shall fully defend, indemnify and hold harmless Sponsor, and any officer or employee of Sponsor, against any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under the Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Liability. As Authority is not the primary or responsible agency for carrying out the Project herein identified, the Authority is not liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of the acts or omissions of Sponsor or its agents, contractors, consultants, engineers, or representatives. Nor shall the Authority be liable for any loss, cost, liability, damage, claim, lien, action, cause of action, demand or expense which may arise as a result of Authority's provision of funds which may be utilized in, but not limited to the acquisition of, the design, implementation, or construction of the Project herein described.

3.5. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY:
1111 “I” Street, Suite 308
Modesto, CA 95354
Attention: Executive Director

TO SPONSOR:
1010 Tenth Street, Suite 3100
Modesto, CA 95354
Attention: Joseph Lopez, City Manager

Either party may change its address by giving notice of such change to the other party in the manner provided in this Section 3.5. All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after deposit in the United States mail.

3.6. Additional Acts and Documents. Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.7. Amended and Restated Agreement. This Agreement amends, restates, supercedes and replaces in its entirety the 2020 Agreement.

3.8. Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.9. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.9. Independent Agency. Sponsor and Authority render services under this Agreement each as an independent agency under the terms of this Agreement. None of the Sponsor's agents or employees shall be agents or employees of the Authority and none of the Authority's agents or employees shall be agents or employees of Sponsor.

3.10. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

3.11. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or Sponsor, as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.12. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

3.13. Counterparts and Electronic Signatures. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all

counterparts shall constitute a single document. Each party agrees that this Agreement and any other documents to be delivered in connection herewith may be electronically signed, and that any electronic signatures appearing on this Agreement or such other documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

3.14. Survival. The following provisions in this Agreement shall survive discharge:

3.14.1. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.5 (obligation to apply funds to Project), Section 1.6 (obligation to provide copies and retain records), Section 1.7 (obligation to continue to manage Project).

3.14.2. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.14.3. Both Parties. As to both parties, the following section shall survive discharge: Section 3.3. (mutual indemnities).

3.15. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure L and the availability of Measure L funds from which reimbursement can be made. If for any reason the Authority's right or ability to collect or expend such sales tax proceeds is terminated or suspended in whole or part, or the amount of sales tax proceeds declines such that it materially affects the Authority's ability to fund the Project, the Authority shall promptly notify Sponsor, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund this Project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.16. Attorneys' Fees. Should any litigation commence between the parties concerning the rights and duties of any party pursuant to, related to, or arising from, this Agreement, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.17. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.18. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.19. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.20. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the construction or interpretation of any of its provisions.

3.21. No Continuing Waiver. The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.22. No Rights in Third Patties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.

3.23. Signator's Warranty. Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other party.

****** Signatures contained on next page******

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IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY OF MODESTO

By:_____
Joseph Lopez
City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

By:_____
Jose Sanchez
City Attorney

STANISLAUS COUNCIL OF GOVERNMENTS, acting as the LOCAL TRANSPORTATION AUTHORITY

By:_____
Javier Lopez
Chairperson

ATTEST:

By:_____
Rosa De León Park
Executive Director

APPROVED AS TO FORM:

By:_____
Monica Streeter
General Counsel

EXHIBIT A
PROJECT SCOPE, COST, SCHEDULE AND FUNDING PLAN

Project Name: BRIGGSMORE AT STATE ROUTE 99 (SR 99) INTERCHANGE RECONSTRUCTION PROJECT CITY *OF* MODESTO

Project Contact: Toby Wells, City Engineer, City of Modesto

PROJECT SCOPE

Responsible Agency: City of Modesto

Project Limits:

Project Phase:

Project Initiation Document (PID) and
Project Approval and Environmental Document (PA&ED)

Project Phase Scope:

In coordination with Caltrans and StanCOG, the City of Modesto will perfo1m preliminary engineering studies and draft project report, perfo1m environmental studies and prepare draft environmental documents, circulate draft environmental documents and select preferred project alternative identification, prepare and approve project report and final environmental documents, obtain permits, agreements, and route adoptions.

Project Purpose:

The purpose of this project is to complete the project initiation document (PID) and project approval and environmental document (PA&ED) phases of the Briggsmore at State Route 99 (SR 99) Interchange Reconstruction Project City of Modesto.

PROJECT COST AND FUNDING PLAN

Fund Source	Fund Amount
Measure L Regional Funds	$2,549,000
• Project Initiation Document	$100,000
• Project Approval and Environmental Document	$2,449,000
RSTP Funds	$5,113,482
TOTAL PID and PA&ED FUNDS	**$7,662,482**

PROJECT SCHEDULE

Project Phase	Start*	End	Timely Use of Funds Deadline (if applicable)
PID	07/01/2020	03/01/2029	N/A
PA&ED	07/01/2020	03/01/2029	N/A

**Start date from 2020 Agreement*

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-338

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR LAND SURVEYING SERVICES, WITH SIEGFRIED ENGINEERING, INC., FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED $75,000, AND A TOTAL AMOUNT NOT TO EXCEED $225,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's survey staff is part of the Construction Administration Division housed within the Engineering Services Department and serves as the designated responsible Land Surveyor for the City, and

WHEREAS, from time-to-time, project workloads and permit workloads require more resources than the city survey staff has available internally, and

WHEREAS, for those times, the Construction Administration Division staff will utilize the services of a professional land surveying firm, and

WHEREAS, land surveying services are required on public works projects, including but not limited to the construction of public buildings, parks, trails, streets, bridges, utility pipelines, storm drain and sanitary sewer lift stations, water well pump stations, water tanks, drainage basins, and wastewater treatment facilities, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirement, and

WHEREAS, furthermore, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals (RFQ/RFP) was formally advertised through Planet Bids on November 22, 2022, for On-

Call Land Surveying Services for Various Capital Improvement projects, and ten firms submitted responses to the RFQ-RFP, and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that Siegfried Engineering, Inc., was one of three most qualified firms, and

WHEREAS, staff recommends that the City enter into On-Call Agreements with Siegfried Engineering, Inc., for a one-year 75,000 per consultant, and a total amount not to exceed $225,000 over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with Siegfried Engineering, Inc., for On-Call Land Surveying Services for Various Capital Improvement projects,, for a one-year agreement with two one-year extension options, for an annual cost not to exceed $75,000, and a total not to exceed amount of $225,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-339

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR LAND SURVEYING SERVICES, WITH NORTHSTAR ENGINEERING, INC., FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED $75,000, AND A TOTAL AMOUNT NOT TO EXCEED $225,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's survey staff is part of the Construction Administration Division housed within the Engineering Services Department and serves as the designated responsible Land Surveyor for the City, and

WHEREAS, from time-to-time, project workloads and permit workloads require more resources than the city survey staff has available internally, and

WHEREAS, for those times, the Construction Administration Division staff will utilize the services of a professional land surveying firm, and

WHEREAS, land surveying services are required on public works projects, including but not limited to the construction of public buildings, parks, trails, streets, bridges, utility pipelines, storm drain and sanitary sewer lift stations, water well pump stations, water tanks, drainage basins, and wastewater treatment facilities, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirement, and

WHEREAS, furthermore, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals (RFQ/RFP) was formally advertised through Planet Bids on November 22, 2022, for On-

Call Land Surveying Services for Various Capital Improvement projects, and ten firms submitted responses to the RFQ-RFP, and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that NorthStar Engineering, Inc., was one of three most qualified firms, and

WHEREAS, staff recommends that the City enter into On-Call Agreements with NorthStar Engineering, Inc., for a one-year 75,000 per consultant, and a total amount not to exceed $225,000 over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with NorthStar Engineering, Inc., for On-Call Land Surveying Services for Various Capital Improvement projects,, for a one-year agreement with two one-year extension options, for an annual cost not to exceed $75,000, and a total not to exceed amount of $225,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-340

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR LAND SURVEYING SERVICES, WITH O'DELL ENGINEERING, INC., FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED $75,000, AND A TOTAL AMOUNT NOT TO EXCEED $225,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's survey staff is part of the Construction Administration Division housed within the Engineering Services Department and serves as the designated responsible Land Surveyor for the City, and

WHEREAS, from time-to-time, project workloads and permit workloads require more resources than the city survey staff has available internally, and

WHEREAS, for those times, the Construction Administration Division staff will utilize the services of a professional land surveying firm, and

WHEREAS, land surveying services are required on public works projects, including but not limited to the construction of public buildings, parks, trails, streets, bridges, utility pipelines, storm drain and sanitary sewer lift stations, water well pump stations, water tanks, drainage basins, and wastewater treatment facilities, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirement, and

WHEREAS, furthermore, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals (RFQ/RFP) was formally advertised through Planet Bids on November 22, 2022, for On-

Call Land Surveying Services for Various Capital Improvement projects, and ten firms submitted responses to the RFQ-RFP, and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that O'Dell Engineering, Inc., was one of three most qualified firms, and

WHEREAS, staff recommends that the City enter into On-Call Agreements with O'Dell Engineering, Inc., for a one-year 75,000 per consultant, and a total amount not to exceed $225,000 over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with O'Dell Engineering, Inc., for On-Call Land Surveying Services for Various Capital Improvement projects,, for a one-year agreement with two one-year extension options, for an annual cost not to exceed $75,000, and a total not to exceed amount of $225,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-341

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) ONE-TON TRUCKS TO AMERICAN CHEVROLET, MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED $214,251, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on February 8, 2023, the Purchasing Division issued Invitation for Bids (IFB) 2223-19 for Three (3) One-Ton Trucks on the City's public bidding website under commodity codes: 06510 - Bodies, Utility; 07047 Trucks, Cab & Chassis Only; 07048 Trucks; 07051 Trucks Over One Ton Capacity; 07053 Truck with Specialized Bodies; and

WHEREAS, thirteen (13) companies downloaded the Informal Bid document, three vendors chose to submit a bid, there was one local bid received; and

WHEREAS, on March 21, 2023, bids were formally opened via Microsoft Teams Livestream and American Chevrolet, Modesto, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on Modesto Municipal Code, Section 8-3.203 City staff recommends the Award of Bid for three (3) one-Ton Trucks to American Chevrolet, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid for the purchase of three (3) One-Ton Trucks to American Chevrolet, Modesto, CA for a total amount not to exceed $214,251.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-342

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO CATERPILLAR INC. UNDER THE AUTHORIZED DEALER HOLT TO CALIFORNIA, STOCKTON, CA, FOR TWO (2) LOADERS WITH CLAW ATTACHMENT FOR AN AMOUNT NOT TO EXCEED $291,388; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, on January 31, 2019 Sourcewell issued Request for Proposals (RFP) #032119-CAT under Contract #032119-CAT for New & Used Construction & Paving Equipment, Parts & Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, State Media Company, Public Purchase, and Utah Media Group; and

WHEREAS, on March 22, 2019, proposals were formally conducted at the Sourcewell Procurement office in Staples, MN; and

WHEREAS, fifteen (15) were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, nine (9) contracts were awarded for New & Used Construction & Paving Equipment, Parts & Services which includes the Loaders with Claw Attachment; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFPs for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell to Caterpillar Inc. under the authorized dealer Holt to California, Stockton, CA, for Two (2) Loaders with Claw Attachment for an amount not to exceed $291,388.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-343

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA TO PURCHASE ONE (1) GRAPPLE LOADER TRUCK FOR AN AMOUNT NOT TO EXCEED $284,236; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, throughout the fiscal year, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments; when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on February 16, 2021, Sourcewell issued Request for Proposals (RFP) #040621 under Contract #040621-Pll for Bulk Solid Waste and Recycling Equipment on the Sourcewell Procurement Portal, USA Today, South Carolina, the State, and Oregon Daily Journal of Commerce; and

WHEREAS, on April 6, 2021, proposals were formally conducted electronically through the Sourcewell Procurement Portal; and

WHEREAS, twenty-one (21) were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, five (5) contracts were awarded for Bulk Solid Waste and Recycling Equipment which includes the Grapple Loader Truck; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFPs for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Municipal Maintenance Equipment, Sacramento, CA to purchase One (1) Grapple Loader Truck for an amount not to exceed $284,236.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-344

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH MANUFACTURE BANDIT INDUSTRIES, INC. UNDER THE AUTHORIZED DEALER CAL-LINE EQUIPMENT INC, LIVERMORE, CA TO PURCHASE ONE (1) STUMP GRINDER FOR AN AMOUNT NOT TO EXCEED $89,554; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, throughout the fiscal year, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments; when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on March 14, 2019, Sourcewell issued Request for Proposals (RFP) # 050119 under Contract #050119-BAN for Recycling and Repurposing Equipment with related Accessories, Supplies, and Services on the Sourcewell Procurement Portal, USA Today, South Carolina, the State, Utah Salt Lake Tribute and Oregon Daily Journal of Commerce; and

WHEREAS, on May 2, 2019, proposals were formally opened at the Sourcewell Procurement office in Staples, MN; and

WHEREAS, eleven (11) were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, four contracts were awarded for Recycling and Repurposing Equipment with related Accessories, Supplies, and Services which includes the Stump Grinder; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFPs for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Manufacture Bandit Industries, Inc. under the authorized dealer Cal-Line Equipment Inc, Livermore, CA to purchase one (1) Stump Grinder for an amount not to exceed $89,554.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-345

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE PURCHASE OF ONEVIEW ENTERPRISE CITIZEN REQUEST MANAGEMENT APPLICATION TO GRANICUS, LLC., SAINT PAUL, MN FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) SUBSEQUENT ONE-YEAR EXTENSION OPTIONS FOR A TOTAL OF FIVE (5) YEARS FOR AN ANNUAL ESTIMATED AMOUNT OF $59,873 AND A TOTAL AMOUNT NOT TO EXCEED $299,364 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto currently uses Accela's PublicStuff as the underlying engine for the GoModesto! application as a Citizen Request Management System (CRMS); and

WHEREAS, Accela's PublicStuff is no longer actively being developed and end-of-life (EOL) for support of the application is imminent; and

WHEREAS, the Purchasing Division issued RFP No. 2122-64 to find a replacement for Accela's citizen relationship management system services on PlanetBids via the City's website under nine (9) commodity codes; and

WHEREAS, prospective proposers were notified online and via email of the bid opportunity; and

WHEREAS, forty-nine (49) companies downloaded the RFP document from PlanetBids; and

WHEREAS, ten (10) vendors responded to the RFP; and

WHEREAS, eleven City staff were engaged as part of the vendor response evaluation committee to rate and rank responses compared to six (6) essential category requirements; and

WHEREAS, the evaluation committee, based on the evaluation criteria, recommends the award of proposal for the citizen request management system services to Granicus, LLC , Saint Paul, MN formerly known as Granicus, LLC Technology, Inc., Austin, TX; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of proposal and the purchase of these services for the furnishing of citizen request management services to Granicus, LLC., Saint Paul, MN., conforms to Modesto Municipal Code 8-3.203; and

WHEREAS, under this agreement, the professional services for year one implementation will be $51,100; and

WHEREAS, the maintenance for year two will be $57,600; and

WHEREAS, the maintenance for optional year three will be $60,480; and

WHEREAS, the maintenance cost for optional year four will be $63,504; and

WHEREAS, the maintenance cost for optional year five will be $66,680 for a five-year grand total not to exceed $299,364.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreement for the purchase of ONEVIEW Enterprise Citizen Request Management application to Granicus, LLC., Saint Paul, MN for a two (2) year agreement with three (3) subsequent one-year extension options for a total of five (5) years in an amount not to exceed $299,364.

BE IT FURTHER RESOLVED, that the City Manager or his designee are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-346

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) NON-MOTORIZED BOAT LAUNCH PROJECT LOCATED AT NEECE DRIVE, ACCEPTING THE BID AND APPROVING A CONSTRUCTION CONTRACT WITH HARRIS BUILDERS, INC. OF HILMAR, CA., IN THE AMOUNT OF $1,658,955 PLUS $132,716 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $1,791,671 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City and TRRP want to encourage safe recreational use of the Tuolumne River by local residents as well as establish an in-demand tourism destination; and

WHERAS, the removal of the remnant Dennett Dam in summer 2018 provided an opportunity to construct a Tuolumne River boating access facility which will offer regional residents water-based recreational programming, including canoe, kayak and rafting services; and improved emergency river access; and

WHEREAS, the Neece Drive site is identified in the TRRP Master Plan for a Boat Launch and the site's topography, ease of highway access, river programming opportunities and availability of City-owned land presents favorable conditions for this site; and

WHEREAS, on March 13, 2018, by Resolution No. 2018-125 Council accepted $780,000 in grant funds from the California Division of Boating and Waterways (DBW) Recreational Boating and Facilities with Public Access Grant Program to design and construct a public access non-motorized boat launch and river access facility on the Tuolumne River; and

Whereas, on February 26, 2019, by Resolution No. 2019-82, Council approved an Agreement with O'Dell Engineering Inc, for the preparation of construction documentation for the project; and

WHEREAS, the project was advertised for bids on May 18, 2023, bids were publicly opened on June 13, 2023, pursuant to City Charter Section 1307, and three bids were received; and

WHEREAS, bidder competition and participation were evident as the City received three bids and the bids were all close in value; and

WHEREAS, it is evident that the construction documents had a well-defined scope as the second lowest bid was less than 5% from the low bid and the high bid was only 16% from the lowest bid; and

WHEREAS, Harris Builders, Inc., of Hilmar, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project to Harris Builders Inc., of Hilmar, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the Contract to Harris Builders, Inc., of Hilmar, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Plans and Specifications for the Tuolumne River Regional

Park (TRRP) Non-Motorized Boat Launch Project located at Neece Drive, accepting the Bid and approving a Construction Contract with Harris Builders, Inc. of Hilmar, CA., in the amount of $1,658,955 plus $132,716 in contingency (if needed), for a total amount not to exceed $1,791,671.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-347

RESOLUTION APPROVING A PAYMENT NOT TO EXCEED $70,000, TO THE NATIONAL FISH AND WILDLIFE FOUNDATION TO MITIGATE FOR THE LOSS OF CRITICAL FISH HABITAT DUE TO THE CONSTRUCTION OF THE TRRP NON-MOTORIZED BOAT LAUNCH PROJECT AND AUTHORIZING FOR THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ALL NECESSARY DOCUMENTATION TO SECURE THE PERMITS FOR THE CONSTRUCTION OF THIS PROJECT

WHEREAS, the City and TRRP want to encourage safe recreational use of the Tuolumne River by residents as well as establish an in-demand tourism destination; and

WHERAS, the removal of the remnant Dennett Dam in summer 2018 provided an opportunity to construct a Tuolumne River boating access facility which will offer regional residents water-based recreational programming, including canoe, kayak and rafting services; and improved emergency river access; and

WHEREAS, the Neece Drive site is identified in the TRRP Master Plan for a Boat Launch and the site's topography, ease of highway access, river programming opportunities and availability of City-owned land presents favorable conditions for this site; and

WHEREAS, the permitting for the project requires the City to mitigate for the loss of 0.04 acres of critical fish habitat and mitigation is required at a 3:1 ratio; and

WHEREAS, the City is required to purchase 0.12 acres of In-Lieu Credits from the National Fish and Wildlife Foundation's Sacramento District California In-Lieu Fee Program; and

WHEREAS, the estimated cost of said mitigation is not expected to exceed $70,000; and

WHEREAS, staff is recommending approval of an estimated payment not to

exceed $70,000 to the National Fish and Wildlife Foundation to mitigate for the loss of critical fish habitat due to the construction of the TRRP Non-Motorized Boat Launch Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a payment not to exceed $70,000, to the National Fish and Wildlife Foundation to mitigate for the loss of critical fish habitat due to the construction of the TRRP Non-Motorized Boat Launch Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to sign all necessary documentation to secure the permits for the construction of this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-348

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101071 (TRRP NEECE DRIVE BOAT LAUNCH) IN AN AMOUNT NOT TO EXCEED $1,440,000 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FULLY FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, additional TRRP CIP funding of $640,000 must be allocated to fund a portion of the project; and

WHEREAS, Parks CFF funding of $800,000 must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 101071 – TRRP Neece Drive Boat Launch in a total amount of $1,440,000 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101071 (TRRP Neece Drive Boat Launch) in an amount not to exceed $1,440,000 in transfers, revenue and to budget expenditures to fund the projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-349

RESOLUTION APPROVING THE PARKS, RECREATION AND NEIGHBORHOODS REVISED SPENDING PLAN FOR THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS IN THE AMOUNT OF $750,000 FOR PARK IMPROVEMENTS IN TUOLUMNE RIVER REGIONAL PARK (TRRP) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA) a $1.9 trillion emergency relief measure intended to address the economic hardships and negative impacts caused by the COVID-19 pandemic; and

WHERAS, the bill provides $45,897,056 available to the City of Modesto to help address the local impact of COVID-19; and

WHERAS, on May 25, 2021, by Resolution 2021-194, Council approved the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the first allocation of ARPA funding; and

WHEREAS, based on the Final Rule released by the Treasury Department in January 2022, the Parks, Recreation and Neighborhoods Department evaluated the previously allocated funding and prepared a revised spending plan that was approved by Council on July 12, 2022, by Resolution 2022-307; and

WHEREAS, included in the approved revised spending plan was $105,000 for Vegetation Management along Legion Park Drive, $175,000 for an update to the TRRP Master Plan, $120,000 for Parks Security Cameras in TRRP and $350,000 for the American Legion Hall Parking Lot Replacement Project; and

WHEREAS, unfortunately, on July 21, 2022, the American Legion Hall was heavily damaged by fire and the building was deemed a total loss and demolished in January 2023; and

WHEREAS, the $350,000 is allocated for a project located in the Tuolumne River Regional Park (TRRP), staff has reviewed the list of priority needs in TRRP and recommends the funds be reallocated to the renovation of the Picnic Area and Restroom Building in TRRP B which will encourage positive use of the park; and

WHEREAS, the TRRP Citizens Advisory Committee (CAC) and Commission considered the reallocation of ARPA funds and approved the new use of funds on January 25, 2023, and February 8, 2023, respectively; and

WHEREAS, this item was considered by the Finance Committee on Monday, June 26, 2023 and was approved to be forwarded to Council for consideration.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Parks, Recreation and Neighborhoods revised spending plan for the use of American Rescue Plan Act (ARPA) funds in the amount of $750,000 for park improvements in Tuolumne River Regional Park (TRRP).

BE IT FURTHER RESOLVED, that the City Manager, or his designee, are hereby authorized to carry out 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 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-350

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL (FORMERLY NATIONAL JOINT POWERS ALLIANCE) WHO COMPLETED THE BID AND THE STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) WITH LANDSCAPE STRUCTURES, INC. FOR THE PURCHASE AND DELIVERY OF PLAYGROUND EQUIPMENT FOR THE AWESOME SPOT PLAYGROUND AT BEYER COMMUNITY PARK, FOR A TOTAL AMOUNT NOT TO EXCEED $226,786, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, in 2015, the community rallied together in support of designing an all-inclusive playground at Beyer Park with the desire to build a playground that would be the first of its kind in the region, providing accessibility to people of all ages with a wide range of physical abilities to be able to play together side-by-side; and

WHEREAS, since that time, the project has been officially titled "The Awesome Spot Playground" (TASP) and construction documents have been completed with the help of local design professionals; and

WHEREAS, on June 5, 2018, by Resolution No. 2018-191 Council approved a fiscal sponsorship agreement with Valley Mountain Regional Center (VMRC) to act as the non-profit sponsor of the project; and

WHEREAS, on September 27, 2022, by Resolution No. 2022-397, Council approved the purchase of a Sensory Wall from Park Planet at a cost not to exceed $172,400 and it was noted at the time that there would be future playground equipment purchases necessary to complete Phase 1 of the project; and

WHEREAS, this request is one of those future purchases and there will be additional requests from other manufacturers at a future date; and

WHEREAS, on, May 25, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for the purchase of Playground Equipment for TASP; and

WHERAS, on November 10, 2020, Sourcewell issued Request for Proposals (RFP) # 010521 under Contract NO.010521-LSI for playground and water play equipment with related accessories and services advertised on the Sourcewell website, USA Today, The Oregon Daily Journal, The Public Group, The state media company, The New York state contract reporter, Alberta Purchasing Connection, and The Salt Lake Tribune; and

WHEREAS, on January 5, 2021, proposals were electronically opened, and the list of all Proposers was made publicly available in the Sourcewell Procurement Portal; and

WHERRAS, twenty-five (25) proposals were received and based on the Sourcewell Proposal review committee and criteria outlined in the RFP, six (6) contracts were awarded for this commodity which includes a portion of the playground equipment for TASP; and

WHEREAS, based on the responsive and responsible proposer offering the play equipment necessary for this project, City staff recommends award to Landscape Structures, Delano, MN., to purchase playground equipment for an amount not to exceed $226,786; and

WHEREAS, Landscape Structures, Inc. was awarded contract #4-23-02-1051 effective February 23, 2023, through February 17, 2025; and

WHEREAS, through this contract, Landscape Structures has provided a quote for playground equipment for The Awesome Spot in the amount of $206,169; and

WHEREAS, in addition, due to fluctuating material cost, staff recommends Council approve a 10% contingency budget in the amount of $20,617 for a total cost not to exceed $226,786; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served and both requirements were met based on the Competitive Bidding Process selected by Sourcewell/CMAS.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Landscape Structures, Inc. for the Purchase and Delivery of playground equipment for The Awesome Spot Playground at Beyer Community Park, for a total amount not to exceed $226,786.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-351

RESOLUTION APPROVING A SECOND AMENDMENT TO THE ANNUAL AGREEMENT WITH WEST COAST ARBORISTS, INC., OF ANAHEIM, CA FOR THE FURNISHING OF ON-CALL VEGETATION MANAGEMENT SERVICES FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT AND PUBLIC WORKS DEPARTMENT FOR A ONE-TIME INCREASE OF $600,000 TO YEAR TWO OF THE AGREEMENT FOR A YEAR TWO TOTAL OF $1,200,000, AND FOR A TOTAL REVISED AMOUNT NOT TO EXCEED $2,200,000 OVER THE TERM OF THE AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in 2020, the Parks, Recreation and Neighborhoods Department, working in conjunction with other departments, identified a citywide need to establish a comprehensive on-call vegetation management agreement with a professional service provider; and

WHEREAS, on September 28, 2021, by Resolution 2021-379, Council approved the award of bid to West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for an estimated annual amount of $250,000, a total amount not to exceed $1,250,000 over five-years; and

WHEREAS, on April 11, 2023, by Resolution 2023-172, Council approved a first amendment to the agreement with West Coast Arborists, Inc., of Anaheim, CA for a one-time increase of $350,000 to year two of the agreement, for a year two total of $600,000, and for a total revised amount not to exceed $1,600,000 over the term of the agreement; and

WHEREAS, since the approval of the first amendment, on June 6, 2023, per Council Resolution 2023-266, Council approved the fiscal year 2023-2024 budget which included $1,500,000 in Measure H funding for tree trimming; and

WHEREAS, Staff anticipates it will take about four (4) months to prepare, advertise and award a tree trimming agreement for both the street tree and parks deferred tree trimming; and

WHEREAS, as a result, staff requests a one-time increase of $600,000 to year two of the current agreement with West Coast Arborists, Inc. for On-Call Vegetation Management Services; and

WHEREAS, this will allow staff the ability to immediately begin addressing the deferred tree trimming throughout the City while at the same time preparing a tree trimming contract to specifically address this need; and

WHEREAS, it is anticipated that $250,000 will be used to focus on the highest priority street trees in the City with a focus on the La Loma Neighborhood and the Modesto Junior College Neighborhood which had the highest branch failure in Modesto over the past year; and

WHEREAS, the remaining $350,000 will be used to focus on the highest priority park trees which are mostly in central and northwest Modesto parks.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a second amendment to the Annual Agreement with West Coast Arborists, Inc., of Anaheim, CA for the furnishing of on-call vegetation management services for the Parks, Recreation and Neighborhoods Department and Public Works Department for a one-time increase of $600,000 to year two of the agreement for a year two total of $1,200,000, and for a total revised amount not to exceed $2,200,000 over the term of the Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-352

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE KING-KENNEDY MEMORIAL CENTER BOARD OF DIRECTORS TO INCREASE THE TOTAL FINANCIAL SUPPORT BY $6,000 FROM $22,000 TO $28,000 BY THE CITY, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT

WHEREAS the King-Kennedy Memorial Center ("Center") was constructed in 1968 for community programming and engagement, and

WHEREAS, in 1996, Council, by Resolution No. 96-484, approved an agreement with the King-Kennedy Memorial Center Board of Directors ("BOD") to provide financial support to the BOD, and

WHEREAS, in 2000 the agreement expired and requests for financial assistance in support of the Juneteenth and other events held at the Center and Dr. Martin Luther King Jr. Park continued, and

WHEREAS, in 2019, Council, by Resolution No. 2019-255, approved the Memorandum of Understanding ("MOU") allowing the BOD's continued use of the Center and $22,000 in funding over five-year term of the MOU to support the community with programming, events and community engagement in West Modesto, and

WHEREAS, due to the rising costs of goods and services, the City agrees to increase the total financial support by $6,000 from $22,000 to $28,000 over the term of the MOU.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the First Amendment to the Memorandum of Understanding with

the King-Kennedy Memorial Center Board of Directors to increase the total financial support by $6,000, from $22,000 to $28,000 by the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-353

RESOLUTION APPROVING THE SECOND AMENDMENT FOR THE OPERATION OF THE KING-KENNEDY MEMORIAL CENTER WITH THE WEST MODESTO COMMUNITY COLLABORATIVE TO EXTEND THE AGREEMENT FOR ONE (1) YEAR AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS SECOND AMENDMENT

WHEREAS, in 1968, the King-Kennedy Memorial Center ("Center") was constructed for community programming and engagement, and

WHEREAS, from 1968 to 2008, the City operated, staffed and offered community programming at the Center, and

WHEREAS, in 2008, Council, by Resolution No. 2008-081, approved an agreement with West Modesto Community Collaborative ("WMCC") to manage and operate the Center, and

WHEREAS, WMCC provides mental health services, community engagement, after school programming, summer camps, intervention programs and other services information to West Modesto, and

WHEREAS, in 2017, a Request for Qualifications was completed for interested parties to operate the Center, and

WHEREAS, WMCC was the only organization to respond, and

WHEREAS, on August 8, 2018, by Resolution No. 2018-303, Council approved a new agreement with WMCC to manage and operate the Center, and

WHEREAS, on February 11, 2020, by Resolution No. 2020-079, Council approved the First Amendment to the Agreement to provide access and use of Center outside of regular business hours and authorized WMCC to schedule and coordinate Center usage by the King-Kennedy Memorial Center Board of Directors, and

WHEREAS, the Agreement needs to be amended to extend the term of the Agreement by one year to provide agencies time to submit proposals for Center operations, staff enough time to thoroughly vet submissions and continuous programming to the surrounding community throughout the process.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement for the Operation of the King-Kennedy Memorial Center with the West Modesto Community Collaborative to extend the Agreement for one (1) year.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Second Amendment to the Agreement, approved as to form by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-354

RESOLUTION RATIFYING APPROVAL OF THE AGREEMENT WITH AND AUTHORIZING PAYMENT TO PNC EQUIPMENT FINANCE ON BEHALF OF E-Z-GO A DIVISION OF TEXTRON INC., FOR THE RENTAL OF GOLF CARTS IN THE TOTAL AMOUNT NOT TO EXCEED $661,634 OVER FOUR YEARS

WHEREAS, in 2019, by Resolution No. 2019-283, Council approved a Master Agreement with Textron Specialized Vehicles, Inc., a Delaware Corporation, for Golf Carts and a Service Vehicle for a four-year lease for a total amount not to exceed $226,455; and

WHEREAS, in 2020, by Resolution No. 2020-296, Council approved the First Amendment to the Master Agreement with E-Z-GO, division of Textron, Inc., for leased Golf Carts and Service Vehicle to a revised total amount of $298,399 and extending the term of the Agreement from June 30, 2023, to August 30, 2023; and

WHEREAS, in 2021, by Resolution 2021-408, Council approved the Second Amendment to the Master Agreement with E-Z-GO, division of Textron, Inc., for leased Golf Carts and Service Vehicle to a revised total amount of $377,623 to extend the Dryden Golf Cart Lease from September 1, 2021, to August 31, 2023; and

WHEREAS, in anticipation of increased lead times for cart delivery to the Golf Courses, staff began the process to issue an Invitation for Bids (IFB) in July 2022 and one bid was received from E-Z-Go a Division of Textron Inc.; and

WHEREAS, on March 7, 2023, by Resolution 2023-90, Council approved an Agreement for Rental of Golf Carts to E-Z-Go a Division of Textron Inc., Mira Loma, CA for an annual estimated amount of $165,408 and a total not to exceed $661,634 over four years; and

WHEREAS, at the time of the agreement, the delivery of Golf Carts was uncertain due to shipping concerns and E-Z-Go could not prepare the Lease Agreements that were to accompany the original agreement; and

WHEREAS, staff entered into the agreement with the knowledge that the Lease Agreements would be forthcoming once a delivery date was confirmed and set; and

WHEREAS, in late April, staff met with E-Z-Go and were able to confirm a July 1 delivery date to coincide with the new Fiscal Year; and

WHEREAS, at that time, E-Z-Go informed the City that the lease agreements would be with PNC Equipment Finance as the leasing agents. Under the terms of the Lease Agreements, the City will be making payments to PNC, not E-Z-Go; and

WHEREAS, E-Z-Go sent staff the Lease Agreements for signature which were fully signed by June 4, 2023; and

WHEREAS, staff realized the original agreement with E-Z-Go did not reference PNC Equipment Finance as its Leasing Agent and there was no authority to issue payment to them; and

WHEREAS, staff is requesting ratification of the lease agreements with PNC Equipment Finance and authority to issue payments to PNC Equipment Finance on behalf of E-Z-Go a Division of Textron Inc., for the rental of Golf Carts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies approval of the Agreement with and authorizing payment to PNC Equipment Finance on behalf of E-Z-Go a Division of Textron Inc., for the rental of Golf Carts in the total amount not to exceed $661,634 over four years.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is authorized to execute the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-355

RESOLUTION APPROVING ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 12, 2023, AND RESCINDING RESOLUTION NO. 2020-350

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting. The Airport has based its computing of fair market values from the National Consumer Price Index (CPI) for all Urban Consumers, West Urban Area published by the U.S. Department of Labor, Bureau of Labor Statistics, and

WHEREAS**,** the Airport reviewed the CPI data for the west region for the 12-month period starting January 1, 2022, through December 31,2022, showing an increase of 6.2% to all Airport Rates and Fees, and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to cover growing operational expenses and address deferred maintenance items.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport as noted in **Attachment B**, **attached** hereto.

BE IT FURTHER RESOLVED that Resolution 2020-350 shall be rescinded.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 12, 2023.

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2024-183

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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 and Storage Units as of July 2023 rounded to the nearest dollar:

Small T-Hangars (No electricity provided) Hangar A Units 2-12 Hangar B Units 2-9 Hangar C Units 2, 3, 7 Hangar D Units 2-5 & 7-9	$201 per month
Small T-Hangars (Electricity provided) Hangar A Unit 1 Hangar C Units 4-6 Hangar D Unit 6	$235 per month
Medium T-Hangars (No electricity provided) Hangar B Units 1, 10 Hangar C Unit 8 Hangar D Unit 10	$250 per month
Medium T-Hangars (Electricity provided) Hangar C Unit 1 Hangar D Unit 1 Hangar E Units 1-10 Hangar F Units 1-10 Hangar G Units 1-8, 10 Hangar H Units 1-8, 10 Hangar J Units 1-10 Hangar L Units 1-10	$315 per month
Large T-Hangars (Electricity provided) Hangar G Unit 9 Hangar H Unit 9 Hangar K Units 2-6, 8-11	$370 per month
Large Modified Box Hangar (Electricity provided) Hangar K Unit 1,7	$450 per month

Extra Large T-Hangars (Electricity provided) Hangar I Units 1-8	$534 per month

Storage Units	
Hangar G Storage Unit	$56 per month
Hangar H Storage Unit	$56 per month
Hangar I Storage Unit	$146 per month
Hangar J Storage Unit	$56 per month
Hangar L Storage Unit	$56 per month

All T-Hangars leased under Section 1 subparagraphs (a) with no electricity which later have electricity installed will increase to the electricity provided rate with corresponding T-Hangar size.

(b) Corporate Executive Commercial Box Hangars

Hangar 1	$1,934 per month
Hangar 2	$1,575 per month
Hangar 3	$864 per month
Hangar 4	$1,472 per month
Hangar 5	$1,465 per month
Hangar 6	$864 per month
Hangar 7	$864 per month

(c) Portable Hangars and Ground Lease

Portable Hangars 1-14	$79 per month
Ground Lease - Developed (per sq. ft.)	$.064 per month
Ground Lease – Undeveloped (per sq. ft.)	$.029 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 in advance.

SECTION 2. AIRPORT KEYS

(a) Two (2) hangar keys and one (1) gate proximity card are included in initial lease

(b) $45.00 for each additional proximity card

(c) $45.00 for each additional hangar key

SECTION 3. 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) Aircraft less than 12,500 lbs. maximum certificated gross landing weight

Permanent	$52 per month
Transient	$9 per day

(b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight

Permanent	$88 per month
Transient	$17 per day

A five-percent (5%) discount will be made in the rental charges set forth in Section 1 subparagraphs (a), (b), and (c), when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (less than 12,500 lbs. of maximum certificated gross landing weight) for tie-down spaces as set forth in subsections (a) and (b) above. For every

two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 4. OFFICE SPACE. The monthly charge for office space(s) at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

Office Spaces/when Utilities furnished by Airport	……	$1.28 per sq. ft.
Office Building(s) 1 & 2 Utilities furnished by Tenant	……	$1.08 per sq. ft.

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL. Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a)	Ticket counter	……	$1.08 per sq. ft.
(b)	Other areas	……	$1.08 per sq. ft.

SECTION 6. UTILITY COST

(a) When electricity is provided, an additional utility rate will be included each month	……	$.20 per sq. ft.

SECTION 7. 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 aircraft weighing less than 12,500 lbs. maximum certificated gross landing

weight - $0.00 per landing

(b) All aircraft weighing greater than 12,501 lbs. maximum certificated gross landing weight – $1.20 per 1,000 pounds per landing

(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged 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 8. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding "frequent flyers" or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplaned passenger by airline - $4.63 per ticketed passenger

SECTION 9. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

Display Size	Display Only	Display & Telephone
7.5" x 9.5"	$21.00	$32.00
7.5" x 21"	$42.00	$64.00
19" x 21"	$53.00	$74.00

SECTION 10. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES Any person engaging in a commercial enterprise based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of

$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($.07813) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of two hundred and no/100ths ($200.00) dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of ninety-six and no/100ths ($96.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross receipt for each vehicle rental. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 14. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Parking Lots at the Modesto City-County Airport/Harry Sham Field shall pay eight and no/100ths ($8.00) dollars per day.

SECTION 15. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. ADJUSTMENT OF RENTS, FEES AND CHARGES.

Rates and fees for the Airport may be adjusted from time to time by Resolution of the City Council.

For other than fair market value adjustments, said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for All Urban Consumers, West Urban Area, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-356

RESOLUTION APPROVING THE SUBMITTAL OF APPLICATIONS TO THE FEDERAL AVIATION ADMINSITRATION (FAA) AND STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (DOT) DIVISION OF AERONAUTICS FOR AIRPORT IMPROVEMENTS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the Modesto City-County Airport (Airport) is a Federally obligated facility and is required to meet Federal Aviation Administration (FAA) and State of California Department of Transportation (DOT) Division of Aeronautics standards; and

WHEREAS, the Airport receives annual entitlements in the amount of $100,000 per year that can be applied for to be used for Airport Improvement Projects (AIP) that are identified on the Airport Capital Improvement Plan (ACIP); and

WHEREAS, under Administrative Directive – Grant Management 7.2, all grant applications that require a local match regardless of dollar threshold must be approved by City Council; and

WHEREAS, grant application windows can sometimes be short depending on the type of funds available or other circumstances such as working with a consultant and awaiting documentation; and

WHEREAS, the Airport most recently engaged with our consultant looking to obtain a project scope and associated costs to apply for an FAA grant; and

WHEREAS, due to finding out just a short time ago the Airport had entitlement funds that were eligible for this project and being that this is a project with a local match, staff did not have enough time to gather information and submit the application through the Committee and Council process prior to the July 1, 2023 deadline.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of applications to the FAA and DOT for Airport Improvement Grants.

BE IT FURTHER RESOLVED that the City Manager or his designee, is authorized to sign grant applications and related forms.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 11, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-357

RESOLUTION APPROVING THE PURCHASE OF 1.38 ACRES OF REAL PROPERTY LOCATED AT 131 9TH STREET OWNED BY VARNI BROTHERS CORPORATION FOR $2,500,000, PLUS $100,000 IN CLOSING COSTS, TO BE USED FOR THE RIVER TRUNK PUMP STATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION.

WHEREAS, the 2016 Wastewater Master Plan identified the importance of correcting the hydraulic deficiencies and increasing the reliability of the sewer River Trunk with the River Trunk Realignment Project, and

WHEREAS, the River Trunk Realignment Project consists of three distinct individual projects, of which two of them are currently in the construction phase, and

WHEREAS, the River Trunk Pump Station is the last project that will need to be constructed to finalize the sewer River Trunk Realignment Project, and

WHEREAS, the City has attempted to locate the River Trunk Pump Station on other sites, but has been unsuccessful due to various limitations and constraints, and

WHEREAS, the property located at 131 9th Street Modesto, CA. (APN 103-006-002) is owned by Varni Bros Corporation and has an area of approximately 1.38 Acres (the "Property"), and

WHEREAS, the City has determined that is the best location for the pump station, since the Property will be large enough to construct, operate, and maintain the facilities required for the River Trunk Pump Station, and

WHEREAS, acquiring the property is critical for the River Trunk Realignment Project, and

WHEREAS, an appraisal prepared by Associated Right of Way Services, Inc., on May 26, 2023, appraised the value of the Property at $2,000,000, and

WHEREAS, the property owner rejected offers from the City to purchase the property for the appraised amount of $2,000,000, and

WHEREAS, the property owner accepted the City's offer of $2,500,000, and

WHEREAS, the City Council has determined that $2,500,000 is a fair price for the property to facilitate completion of the critical River Trunk Realignment Project as soon as possible, at the lowest overall project cost, and

WHEREAS, other alternative sites or property acquisition delays would result in significant additional costs to the design and construction of the project, and

WHEREAS, once the Property is acquired final design work will be completed and thereafter construction will begin, and

WHEREAS, an existing business is currently located on the property and has a lease that expires on December 31, 2024, with a monthly rent of approximately $3,500 per month; and

WHEREAS, in the event that work is ready to begin on the property before the current lease agreement expires, the City Manager may negotiate a negotiate a modification to the lease with the tenants, including decreasing rent if appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of 1.38 Acres of real property located at 131 9th Street owned by Varni Brothers Corporation for $2,500,000, plus $100,000 in closing costs, to be used by the Utilities Department for the River Trunk Pump Station Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Purchase Agreement, in a form approved by the City Attorney, and negotiate minor changes that the City Manager deems appropriate.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute all related documents required to complete the transaction and take all other actions necessary to carry out the purpose and intent of this resolution.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate an amendment to the lease agreement for the property with the current tenants if necessary to facilitate the River Trunk Realignment Project, including decreasing the rent due from the tenant if appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-358

RESOLUTION ACKNOWLEDGING RECEIPT OF NOTIFICATION OF THE ANNUAL INFLATIONARY ADJUSTMENT FOR DEVELOPMENT USER FEES FOR FISCAL YEAR 2023-24

WHEREAS, a development user fee is a charge for services provided by a governmental agency to a public citizen or group; and

WHEREAS, California State law, Government Code 66014(2), stipulates that user fees charged by local agencies, "…may not exceed the estimated reasonable cost of providing the service for which the fee is charged; and

WHEREAS, managed by the Community and Economic Development Department, development user fees, are charged by the City to pay for the cost of various development services provided by City Staff; and

WHEREAS, in 2011, all development user fees were reviewed and refined by the Comprehensive Fees Task Force, and suggested changes after considering several factors including annual inflation adjustments; and

WHEREAS, per Resolution 2011-105, all development user fees shall be automatically adjusted for inflation based on the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December the year proceeding each inflationary adjustment, with adjustments effective on July 1st of each year; and

WHEREAS, the annual Construction Cost Index inflationary adjustment to be considered for Fiscal Year 2023-24 is an increase of 8.4%; and

WHEREAS, the City is required to provide at least one meeting with stakeholders and other interested parties at least sixty days in advance of the effective date of

adjustment; and

WHEREAS, this notification of inflationary adjustment meeting was held on June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that is hereby acknowledges receipt of notification of the annual inflationary adjustment for Development User Fees for Fiscal Year 2023-24 to become effective September 1, 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-359

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH NORTHERN SUNCREST APARTMENTS, LLC FOR PARTIAL ACQUISITION OF A 935 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT THE INTERSECTION OF PARADISE ROAD AND CHICAGO AVENUE (APN 037-050-018), IN THE AMOUNT OF $21,600, PLUS CLOSING COSTS, FOR THE PARADISE ROAD ATP CYCLE III PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE SALE AND CLOSE ESCROW

WHEREAS, the Active Transportation Program (ATP) was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking; and

WHEREAS, in 2016, City staff was asked to develop an ATP project and apply for the State of California Grant (Cycle III) funds; and

WHEREAS, staff utilized the City's 2006 Non-Motorized Master Plan and the Stanislaus Council of Government's (StanCOG) 2013 Non-Motorized Plan to select the best location to implement improvements for active modes of transportation; and

WHEREAS, the Paradise Road area near Modesto High School was selected as the best location to apply for the grant; and

WHEREAS, the project area selected includes Paradise Road from Sheridan Street to 1st Street, South Jefferson Street from Paradise Road to Vine Street, 1st Street from Vine Street to Sierra Drive and G Street from Sierra Drive to 2nd Street; and

WHEREAS, this area was highly rated due to collision data, benefit to the community, and interest shown by Modesto High School officials, parents, students, and other local community stakeholders; and

WHEREAS, during the public engagement sessions, several specific improvements were requested by the community and were deemed as positive ideas by City staff and thus incorporated into the final design; and

WHEREAS, in October 2016, the City of Modesto was notified that this project was one of 53 projects selected out of 450 applicants for the State Active Transportation Cycle III grant; and

WHEREAS, design of the Paradise Road ATP Cycle III project includes a roundabout at the intersection of Paradise Road and Chicago Avenue, which will provide a traffic calming element for Paradise Road and improve safety for access from all approaches to this intersection as it will eliminate an existing non-standard 5-leg intersection; and

WHEREAS, optimal proposed roundabout design required the acquisition of 935 square feet of right of way from the Northern Suncrest Apartment complex located at the intersection of Paradise Road and Chicago Avenue; and

WHEREAS, this area of acquisition represents a small portion of the existing parking lot for the apartment complex and it is not anticipated that the acquisition would cause any hardships for the function of the apartment complex; and

WHEREAS, the City of Modesto has an existing On-call Real Property Consulting Services Agreement with Associated Right of Way Services, Inc. (ARWS), and on November 7, 2022, provided ARWS with a Notice to Proceed for the right of way services related to this project; and

WHEREAS, due to the small size of the proposed acquisition and no negative impacts on the existing function of the property, ARWS suggested a Waiver Valuation in

place of a full Appraisal to expedite the timeline for completion and for efficient use of funds; and

WHEREAS, a sales comparison approach was used for the Waiver Valuation based on consideration of comparable land sales, and fair market value for a 935 square foot portion of real property for Northern Suncrest Apartments, LLC, (APN 037-050-018); and

WHEREAS, The City Council considered the necessity of the acquisition and provided authority for the purchase during Closed Session on April 4, 2023; and

WHEREAS, ARWS presented an initial offer of fair market value to Northern Suncrest Apartments, LLC, (Joe Wu and Gloria Wu); and

WHEREAS, ARWS negotiated with the property owners on behalf of the City to reach an acceptable price for both parties; and

WHEREAS, City staff is recommending acquisition of real property; and

WHEREAS, an agreement is needed for the acquisition of the real property; and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with Northern Suncrest Apartments, LLC for partial acquisition of a 935 square foot portion of real property, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), in the amount of $21,600, plus closing costs, for the Paradise Road ATP Cycle III project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Purchase and Sale Agreement and all related documents required to complete the sale and close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-360

RESOLUTION APPROVING A GRANT DEED WITH NORTHERN SUNCREST APARTMENTS, LLC FOR PARTIAL ACQUISITION OF A 935 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT THE INTERSECTION OF PARADISE ROAD AND CHICAGO AVENUE (APN 037-050-018), FOR THE PARADISE ROAD ATP CYCLE III PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT THE GRANT DEED

WHEREAS, the Active Transportation Program (ATP) was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking; and

WHEREAS, in 2016, City staff was asked to develop an ATP project and apply for the State of California Grant (Cycle III) funds; and

WHEREAS, in October 2016, the City of Modesto was notified that this project was one of 53 projects selected out of 450 applicants for the State Active Transportation Cycle III Grant; and

WHEREAS, during the design phase of this project, it was determined that optimal roundabout design at the intersection of Paradise Road and Chicago Avenue would require the partial acquisition of property from one property owner, Northern Suncrest Apartments, LLC; and

WHEREAS, on April 4, 2023, during Closed Session, staff received authorization to present the Waiver Valuation to Northern Suncrest Apartments, LLC (Joe Wu and Gloria Wu), and authorized staff to negotiate purchase of the property required for the project; and

WHEREAS, City staff is recommending acquisition of real property; and

WHEREAS, a Grant Deed is required for the acquisition of the real property and City staff recommends approving the Grant Deed for acquisition of the property.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Grant Deed with Northern Suncrest Apartments, LLC for partial acquisition of a 935 square foot portion of real property, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the Paradise Road ATP Cycle III project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to accept the Grant Deed, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-361

RESOLUTION APPROVING A CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED, FOR PARTIAL ACQUISITION OF A 935 SQUARE FOOT PORTION OF REAL PROPERTY OWNED BY NORTHERN SUNCREST APARTMENTS, LLC, LOCATED AT THE INTERSECTION OF PARADISE ROAD AND CHICAGO AVENUE (APN 037-050-018), FOR THE PARADISE ROAD ATP CYCLE III PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property; and

WHEREAS, the City of Modesto desires to accept a 935 square foot portion of real property owned by Northern Suncrest Apartments, LLC, for the acquisition of property interests located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the ATPL 5059(233) Paradise Road ATP Cycle III project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto approving a Certificate of Acceptance for the Grant Deed, for partial acquisition of a 935 square foot portion of real property owned by Northern Suncrest Apartments, LLC, located at the intersection of Paradise Road and Chicago Avenue (APN 037-050-018), for the Paradise Road ATP Cycle III project and authorizing the City Manager, or his designee, to sign the Certificate of Acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-362

RESOLUTION ACCEPTING THE AUTOMATIC TRANSFER SWITCH REPLACEMENT AT SUTTER WASTEWATER TREATMENT PLANT PROJECT AS COMPLETE, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $677,224 TO CLYDE G. STEAGALL, INC., OF LOOMIS, CA. AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the existing Automatic Transfer Switches that were in use at the Regional Water Recycling Facility Sutter Campus – (RWRFS) Campus were dated and obsolete; and

WHEREAS, the manufacturer could no longer provide replacement parts, service support or maintenance for these units. Given the critical role these switches play in the safe operation of the RWRFS Campus, this project replaced the five existing switches with new technology switches; and

WHEREAS, Utilities Engineering prioritized this project and coordinated with Operations & Maintenance personnel to prepare the construction documents and ensure they were in accordance with current codes; and

WHEREAS, the project was advertised for bids on September 28, 2021 and bids were publicly opened on October 26, 2021 pursuant to City Charter Section 1307; and

WHEREAS, Clyde G. Steagall, Inc., of Loomis, CA., was the lowest responsible bidder at 22.24% below the engineer's estimate; and

WHEREAS, on December 14, 2021, by Resolution No. 2021-502 Council awarded a contract to Clyde G. Steagall, Inc., of Loomis, CA., for the construction of the Automatic Transfer Switch (ATS) Replacement at Sutter Wastewater Treatment Plant

project in the amount of $606,491; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of November 1, 2022. All contract work was completed on May 4, 2023; and

WHEREAS, the total project costs were $752,578 which included design, construction, and construction administration costs. The total project amount originally budgeted was $819,420 which included $679,270 for the construction contract and contingency with Clyde G. Steagall, Inc., of Loomis, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value. However, given the critical nature of this project, the possibility of additional work would be needed to address unexpected conditions, Resolution 2021-503 authorized an increase in the Director's Authority for the Construction Contingency to twelve percent (12%) to $72,779; and

WHEREAS, there were two change orders resulting in an overall increase of $70,733; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Automatic Transfer Switch Replacement at Sutter Wastewater Treatment Plant project as complete, releasing securities, releasing payments totaling $677,224 to Clyde G. Steagall, Inc., of Loomis, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-363

RESOLUTION ACCEPTING THE HIGH VOLTAGE IMPROVEMENTS AT SUTTER WASTEWATER TREATMENT PLANT PROJECT AS COMPLETE, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $313,873 TO CLYDE G. STEAGALL, INC., OF LOOMIS, CA. AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, Modesto Irrigation District (MID) informed the City of Modesto of concerns regarding electrical protection of the existing system at the Sutter Wastewater Treatment Plant (WWTP); and

WHEREAS, in anticipation of potential electrical service outages to neighboring MID customers and damage to the Sutter WWTP equipment, improvements to the existing electrical system were necessary and required per MID; and

WHEREAS, Utilities Engineering prioritized this project and coordinated with MID Electrical Engineering to prepare the construction documents and ensure they are in accordance with MID requirements; and

WHEREAS, the project was advertised for bids on August 24, 2021, and bids were publicly opened on September 28, 2021 pursuant to Modesto Municipal Code section 8-3.403; and

WHEREAS, Clyde G. Steagall, Inc., of Loomis, CA., was the lowest responsible bidder at 40.69% below the engineer's estimate; and

WHEREAS, on December 07, 2021, by Resolution No. 2021-469, Council awarded a contract to Clyde G. Steagall, Inc., of Loomis, CA., for the construction of the High Voltage Improvements at Sutter (WWTP) project in the amount of $302,500; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of November 01, 2022. All contract work was completed on March 16, 2023; and

WHEREAS, the total project costs were $405,181 which included design, construction, and construction administration costs. The total project amount originally budgeted was $454,425 which included $347,875 for the construction contract and contingency with Clyde G. Steagall, Inc., of Loomis, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value. However, given the critical nature of this project, the possibility of additional work would be needed to address unexpected conditions, Resolution 2021-470 authorized an increase in the Director's Authority for the Construction Contingency to fifteen (15%) to $45,375; and

WHEREAS, there were two change orders resulting in an overall increase of $11,373; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the High Voltage Improvements at Sutter (WWTP) project as complete, releasing securities, releasing payments totaling $313,873 to Clyde G. Steagall, Inc., of Loomis, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-364

RESOLUTION APPROVING TASK ORDER NUMBER ONE FOR THE MASTER AGREEMENT FOR CONSULTING SERVICES TO VFA, INC., AN AFFILIATE OF THE GORDIAN GROUP, INC., ("VFA"), GREENVILLE, SC FOR CITY OF MODESTO FACILITY CONDITION ASSESSMENT IN AN AMOUNT NOT TO EXCEED $358,037 OVER A FIVE-YEAR PERIOD AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MASTER AGREEMENT TASK ORDER NUMBER ONE

WHEREAS, the City of Modesto Public Works Department, Building Maintenance is responsible for maintaining City owned Facilities Infrastructure within the City of Modesto; and

WHEREAS, while maintaining these infrastructures, facilities has had a need for Consulting Services from VFA to identify the scope of services and verify longevity of the City's facilities through a Master Agreement; and

WHEREAS, through these consulting services of VFA, Building Services Division will be able to better outline the facility and technology recommendations and strategies for city-wide buildings based on current and anticipated facility needs; and

WHEREAS, the recommendations are built upon past efforts and findings identified in the Facility Condition Assessment contract from Sourcewell; Contract # 020421-ACT and a pilot project under a Master Agreement which took effect on May 19, 2022 to assess the Utilities Facility locations at; Sutter and Jennings wastewater sites, and Litt Road water division corporation yard; and

WHEREAS, the City Manager authorized Facility Condition Assessment contract from Sourcewell Contract# 020421-ACT on May 19, 2022, for the consultant to undertake the preparation of the scope of work as set forth and described in the documents **attached.** Based on the findings identified in the initial pilot project for the

Facility Condition Assessment the City has elect to proceed seeking additional services from the Consultant for City-Wide facilities. Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. Both requirements were met based on the Competitive Bidding Process selected by Sourcewell/CMAS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Task Order Number One for the Master Agreement Task for consulting services to VFA, Inc., an Affiliate of the Gordian Group, Inc., ("VFA"), Greenville, SC for City of Modesto Facility Condition Assessment in an amount not to Exceed $358,037 over a five-year period.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Master Agreement Task Order Number One.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Master Agreement

This MASTER AGREEMENT (this "**Agreement**") is entered into between VFA, Inc., a Delaware corporation with its principal place of business at 30 Patewood Drive, Suite 350, Greenville, SC 29615 ("**VFA**") and City of Modesto with its principal place of business at 1010 Tenth Street, Suite 5200 Modesto, CA 95353 ("**Client**"). The effective date of this Agreement is May 19, 2022 ("**Effective Date**").

For good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **DEFINITIONS.**
   - 1.1. "**VFA Software**" is each VFA-developed and/or VFA-owned software product in machine readable object code (not source code) and any Updates, Upgrades, or revisions to such software.
   - 1.2. "**Agreement**" includes this Master Agreement its exhibits, as well as any documents, amendments, order forms, statements of work (SOW), or other relevant documentation that is attached hereto and/or included by reference.
   - 1.3. "**Affiliate**" is an entity that is a subsidiary of or under common control of the applicable entity.
   - 1.4. **"Authorized User(s)"** are (i) Client's employees, and (ii) Client's consultants, contractors, or agents, approved in writing by VFA (which will not be unreasonably withheld, conditioned, or delayed) it being understood that VFA may reasonably withhold approval for competitors of VFA.
   - 1.5. "**Change of Control**" means (i) the sale of all or substantially all of its stock or assets of a party to another entity; (ii) any merger, consolidation, or acquisition of a party with an entity that is not an Affiliate; or (iii) any change in the ownership of more than 50% of the voting capital stock of a party in one or more related transactions.
   - 1.6. **"Client Data"** is data, excluding Resultant Data (defined below), that Client provides, generates, transfers, or makes available to VFA under this Agreement.
   - 1.7. **"Documentation"** is paperwork, manuals, or other types of instruction regarding use of the Software made available to Client by VFA in electronic format (or in print upon request), including but not limited to user instructions, release notes, manuals, and help files.
   - 1.8. **"Fees"** are any monetary amounts set forth in this Agreement to be paid to VFA by Client.
   - 1.9. "**License Metrics**" are the limitations on the license for SaaS Services, based on usage and set out in an Order Document; License Metrics are measured by a certain term, including but not limited to number of leases, square footage, number of locations, or reports.
   - 1.10. "**Malicious Code**" includes computer viruses, worms, time bombs, Trojan horses, and other harmful or malicious code, files, scripts, agents, or programs.
   - 1.11. **"Maintenance"** is the collective support services for the Software, including but not limited to the provision of Updates for the Services ordered. Maintenance is subject to VFA's Support and Maintenance Policy (as may be amended by VFA) in effect at the time the services are provided. For the avoidance of doubt, Maintenance expressly excludes Professional Services.
   - 1.12. **"Order Document"** is a document or set of documents executed by the parties which describes order-specific information and incorporates by reference the terms of the Agreement. An Order Document may not be specifically called an Order Document; it can be referred to by another name, such as a statement of work. Any Software or SaaS Services provided via an Order Document are subject to the terms and conditions of this Agreement.
   - 1.13. **"Overages**- Any use of the Software or SaaS over the committed metric amount.
   - 1.14. **"Partner"** is a third-party vendor or subcontractor under an agreement with VFA to provide services in support of VFA's SaaS Services and/or Software, as well as any other obligations under this Agreement.
   - 1.15. **"Partner Software"** is software (in object code form), and any of its Updates, upgrades, or revisions, including Documentation, that is owned by a Partner and provided to Client by VFA on a pass-through, reseller, or original equipment manufacturer (OEM) basis.
   - 1.16. **"Professional Services"** are services provided by VFA, or an authorized Partner, as set forth in the Agreement; these may include, but are not limited to data conversion, implementation, site planning, configuration, integration and deployment of the SaaS Services, training, project management, assessment services and other consulting services.
   - 1.17. **"Resultant Data"** is aggregated and anonymized data and information, including Client Data and Usage Data, relating to Client's use of the Services. Resultant Data is aggregated and anonymized so that no identifiable information is present and may be used by VFA, in any form, for any lawful purpose.
   - 1.18. **"SaaS Services"** is the provision of the Software, hosted by VFA or its Partners and accessed via the internet, as a service and as set forth on an applicable Order Document.
   - 1.19. **"Software"** includes both the VFA Software and any applicable Partner Software.
   - 1.20. **"Support"** is a service in which VFA provides technical support for the services and is provided pursuant to VFA's Support and Maintenance Policy available in the support portal (as may be amended by VFA) in effect at the time the services are provided. For the avoidance of doubt, Support expressly excludes Professional Services.
   - 1.21. **"Upgrades"** are the new products or functionality for which VFA generally charges a separate fee.
   - 1.22. "**Updates**" are the error corrections, modifications, or security or product enhancements which VFA makes generally available to its customers as part of the Maintenance.

2. **ORDER OF PRECEDENCE; ENTIRE AGREEMENT.** In the event of a conflict between this Agreement and any Order Document or document contemplated by this Agreement, this Agreement shall prevail, unless such document explicitly states that it supersedes this Agreement and is executed by both parties. This Agreement will supersede any terms of Client purchase orders, receipts, or other Order Document, and such terms shall have no effect. This Agreement, including any applicable Order Documents, cancels and supersedes all prior or contemporaneous oral or written communications, agreements, requests for proposals, proposals, conditions, representations, and warranties, or other communication between the parties relating to its subject matter and constitutes the parties' entire agreement relating to its subject matter. No modification to the Agreement will be binding unless in writing and signed by an authorized representative of each party.

3. **INTELLECTUAL PROPERTY.** Except for rights expressly granted under this Agreement, nothing in this Agreement shall transfer any of either party's Intellectual Property rights to the other, and each party will retain an exclusive interest in and ownership of its Intellectual Property. "Intellectual Property" includes, without limitation, inventions, technology, patent rights (including patent applications and disclosures), copyrights, trade secrets, trademarks, service marks, trade dress, methodologies, procedures, processes, know-how, tools, utilities, techniques, various concepts, ideas, methods, models, templates, software, source code, algorithms, the generalized features of the structure, sequence and organization of software, user interfaces and screen designs, general purpose consulting and software tools, utilities and routines, logic, coherence and methods of operation of systems, and training methodology and materials. VFA's Intellectual Property includes, but is not limited to, any work that VFA creates, acquires, or otherwise has rights in, including any works created pursuant to this Agreement, except for any portion of such works that consist of Client's Intellectual Property. Client Data will be considered Client's Intellectual Property, except for Resultant Data, which will not be considered a derivative of Client Data. VFA may, in connection with the performance of services hereunder, create, employ, provide, modify, acquire, or otherwise obtain rights in, and any and all intellectual property rights, recognized in any country or jurisdiction in the world, now or hereafter existing, whether or not perfected, filed, or recorded.

4. **FINANCIAL TERMS.**
   - 4.1. **Fees and Payment Terms.** Fees shall be specified in the applicable Order Document and, unless stated otherwise, are denominated and payable in United States Dollars (USD) and due within 30 days of the date of invoice. VFA is not responsible for any payment conditions that are not expressly stated in this Agreement or any applicable Order Document. Overages will be invoiced 30% over the average metric price of the current year's fees. Overages, if any, will be assessed and invoiced quarterly. Not charging for overages is not a waiver of those overages, VFA retains the right to retroactively true-up metric counts. Overages will continue to be invoiced until such time the committed metric amount is changed to reflect overages
   - 4.2. **Overdue Charges.** In the event that any Fees due and owing to VFA are not received by the due date, then VFA may: (i) charge interest on any past due balances at the lesser of: (a) 1½% per month, or (b) the highest rate allowed by law, and (ii) be entitled to condition future purchases on shorter payment terms. Client acknowledges that, if it fails to provide a purchase order number when required for payment, or it delays payment by requesting payment conditions not set forth in the Agreement, VFA's right to pursue overdue charges will not be waived.
   - 4.3. **Suspension of Services.** In the event any Fees due and owing are 30 or more days overdue from the last day of the initial 30-day payment period, VFA may, after providing notice to Client, and without limiting any of its other rights and remedies: (i) suspend, terminate, or otherwise deny Client access to or use of, all or any part of the Services, and (ii) require full payment of the overdue amount, and any other amount due and owing, prior to additional or continued performance by VFA.
   - 4.4. **Taxes.** Unless expressly provided otherwise in this Agreement or any applicable Order Document, the prices in the Agreement do not include taxes. Client agrees to pay any applicable taxes arising out of the Agreement, other than those based on VFA's net income. If Client is tax-exempt, Client agrees to provide VFA a copy of its tax-exempt certificate prior to execution of an Order Document. Client shall be responsible for any liability or expense incurred by VFA as a result of Client's failure or delay in paying taxes due.
   - 4.5. **Out-of-Pocket Expenses.** Unless otherwise noted within the Agreement, any reasonable direct out-of-pocket expenses incurred by VFA in its performance of Professional Services for Client will be invoiced in addition to any applicable Fees due and owing. These expenses typically include but are not limited to airfare, lodging, employee meals, and sales, use, or similar (VAT, GST) taxes associated with those expenses.
   - 4.6. **Compliance/Audit.** VFA may audit Client's use of the Services at any time during the Term and at termination. Client (i) acknowledges that the Software includes a License Metric management component that tracks Software usage, and (ii) agrees not to impede, disable, or otherwise undermine operation of such management component. Upon written request, Client shall make available to VFA any records that show Client's compliance with the terms of this Agreement. If such audit determines that Client's use of the Services exceed the usage permitted by the Order Document ("**Overage**"), Client shall pay to VFA: (a) all amounts due for previous and continuing excess use, and (b) the costs resulting from such audit. Any Overages will be assessed and invoiced by VFA. If VFA fails to charge for Overages, such failure to charge is not a waiver of those Overages and VFA retains the right to charge for those Overages. Overages will continue to be invoiced until such time the permitted usage amount is changed to reflect Overages.
   - 4.7. **Purchase Orders.** In the event that Client requires a Purchase Order in order to process the license or purchase of any VFA-provided services, both parties agree that those services may be suspended or delayed until VFA's receipt of the Purchase Order

5. **CONFIDENTIALITY**

5.1. **Defined.** One party (**"Disclosing Party"**) may expose or provide to the other party (**"Receiving Party"**) Disclosing Party's confidential and proprietary information, including but not limited to information designated as confidential in writing, or information which the Receiving Party should know is confidential and proprietary (**"Confidential Information"**). Confidential Information includes, but is not limited to: the terms and conditions (but not the existence) of the Agreement, all trade secrets, software, source code, object code, specifications, documentation, business plans, customer lists and customer-related information, financial information, proposals, budgets as well as results of testing and benchmarking of the Software or other services, product roadmap, data and other information of VFA and its licensors relating to or embodied in the Hardware, Software, or Documentation. Placement of a copyright notice on any portion of the Software will not be construed to mean that such portion has been published and will not diminish any claim that such portion contains VFA's Confidential Information. For the avoidance of doubt, VFA's Intellectual Property is Confidential Information.

5.2. **Non-Disclosure.** The Receiving Party will protect the Disclosing Party's Confidential Information from unauthorized dissemination and will use the same degree of care that it uses to protect its own confidential information, but in no event less than a reasonable amount of care. Neither party will use Confidential Information of the other party for purposes other than those necessary to directly further the purposes of the Agreement. Except as otherwise expressly permitted herein, the Receiving Party shall not disclose Disclosing Party's Confidential Information to any person or entity other than the Receiving Party's officers, or employees who (i) need access to such Confidential Information in order to effect the intent of this Agreement, and (ii) have entered into written confidentiality agreements, or are bound by professional responsibility obligations, which protect the Disclosing Party's Confidential Information sufficient to enable the Receiving Party to comply with its obligations of confidentiality under this Agreement.

5.3. **Exceptions.** Information shall not be considered Confidential Information to the extent, but only to the extent, that the Receiving Party can establish that such information (i) is or becomes generally known or available to the public through no fault of the Receiving Party; (ii) was in the Receiving Party's possession before receipt from the Disclosing Party; (iii) is lawfully obtained from a third party who is not under any confidentiality obligations and has the right to disclose; or (iv) has been independently developed by the Receiving Party without reference to Disclosing Party's Confidential Information.

5.4. **Compelled Disclosure.** Receiving Party may disclose Disclosing Party's Confidential Information if it is compelled by law to do so, provided that the Receiving Party gives the Disclosing Party prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at the Disclosing Party's cost, if the Disclosing Party wishes to contest such disclosure.

5.5. **Other Permitted Disclosures.** Notwithstanding the foregoing confidentiality obligations, a party may provide a copy of this Agreement to the following persons and/or entities, who are under obligations of confidentiality substantially similar to those set forth in this Agreement: potential acquirers, merger partners, lenders, and investors and to their employees, agents, attorneys, investment bankers, lenders, financial advisors, and auditors in connection with the due diligence review of such party. A party may also provide a copy of this Agreement to the party's outside accounting firm and legal advisors and in connection with any litigation or proceeding relating to this Agreement.

6. **LIMITED RIGHTS AND OWNERSHIP**

6.1. **Reservation of Rights.** All rights not expressly granted in the Agreement are reserved by VFA and its Partners. Client acknowledges that: (i) all Software is licensed and not sold; (ii) Client acquires only the right to use the Software, Professional Services, or SaaS Services, and VFA and its Partners shall retain sole and exclusive ownership of and all rights, title, and interest in the Protected Materials, including (whether developed by VFA, Client, or a third party): (a) intellectual property embodied or associated therewith; (b) deliverables and work product associated therewith; (c) all copies and derivative works thereof; and (d) the Protected Materials, including the source and object codes, logic and structure, which constitute valuable trade secrets of VFA and its Partners. **"Protected Materials"** as used herein means Software, Professional Services, or VFA's or its Partners' intellectual property or Confidential Information. Client agrees to secure and protect the Protected Materials consistent with the maintenance of VFA's and its Partners' rights set forth in this Agreement.

6.2. **Restrictions.** Client shall not itself, or through any Affiliate, employee, consultant, contractor, agent, or other third party: (i) sell, resell, distribute, host, lease, rent, license or sublicense, in whole or in part, the Protected Materials; (ii) decipher, decompile, disassemble, reverse assemble, modify, adapt, translate, reverse engineer or otherwise attempt to make any changes to or derive source code, algorithms, tags, specifications, architecture, structure or other elements from the Protected Materials, in whole or in part, for any purpose; (iii) allow access to, provide, divulge or make available the Protected Materials to any user other than Client's employees who have a need to such access and who shall be bound by a nondisclosure agreement with provisions that are at least as restrictive as the terms of the Agreement; (iv) write or develop any derivative works based upon the Protected Materials; (v) use the Protected Materials to provide processing services to third parties, or otherwise use the same on a 'service bureau' basis; (vi) disclose or publish, without VFA's prior written consent, performance or capacity statistics or the results of any benchmark test performed on the Protected Materials; (vii) allow any access to or use of the Protected Materials by any third party without VFA's prior written consent for any purpose, including but not limited to outsourcing, installation, upgrade and customization services; or (viii) otherwise use or copy the Protected Materials except as expressly permitted herein.

6.3. **Enforcement.** Client shall (i) ensure that all users of the Software comply with the terms and conditions of the Agreement, (ii) promptly notify VFA of any actual or suspected violation thereof and (iii) cooperate with VFA with respect to investigation and enforcement of the Agreement.

7. **PRIVACY.** Client represents and warrants that, before providing personal information to VFA or its agents, it will comply with any laws applicable to the disclosure of personal information, including providing notices to or obtaining consent from third parties to allow sharing of their personal information with VFA under the Agreement, as further set forth in Exhibit C. VFA will take reasonable measures to protect the security of such personal information transferred by Client to VFA. VFA is not a creator, user, or recipient of individually identifiable health information or of any other information that qualifies as "Protected Health Information" under the Health Insurance Portability and Accountability Act of 1996 ("**HIPAA**") and therefore is not a "business associate" under HIPAA. Neither party to this Agreement contemplates or intends that VFA will be exposed to any Protected Health Information in connection with any of the services or goods to be provided hereunder.

8. **CLIENT DATA.**

8.1. **Client Data.** Client retains sole and exclusive ownership to any and all Client Data, and Client shall be responsible for the accuracy, quality, integrity and legality of Client Data and of the means by which it acquired Client Data.

8.2. **Copy of Client Data.** Upon termination of the applicable SaaS Service, Software, or applicable license (as set forth in Exhibit A), and no longer than 30 days following termination of the Agreement, Client may request in writing a copy of Client Data in a format mutually acceptable to the parties ("**Exported Copy**"). Provided Client is not in breach of any of its obligations under the Agreement, and upon Client's written request and payment of the applicable Fees (of which a then-current fee schedule will be provided upon request), VFA will provide such Exported Copy. For the avoidance of doubt, Client will have full access to its Client Data throughout the Term; the Exported Copy is applicable only when Client requests that VFA provide Client Data in a certain format. Client acknowledges and agrees that VFA shall have no obligation to maintain Client Data after 30 days from termination.

9. **INDEMNIFICATION.**

9.1. **VFA Indemnification.** VFA will indemnify, defend, or hold harmless the Client from any action, suit or proceeding brought against Client by a third party alleging that the SaaS Services used in accordance with this Agreement infringe a third party's intellectual property right ("**Claim**") and VFA will indemnify Client against all damages and costs finally awarded, or those costs and damages agreed to in a monetary settlement of such action, which are attributable exclusively to such Claim, provided that Client: (i) gives prompt written notice of the Claim to VFA; (ii) gives VFA sole control of the defense and settlement of the Claim (provided that VFA may not settle any Claim against Client unless it unconditionally releases Client of all liability); and (iii) provides VFA, at VFA's expense, with all reasonable information and assistance relating to the Claim and reasonably cooperates with VFA and its counsel. VFA has no obligation to the extent any Claim results from: (1) Partner Software, (2) the combination, operation, or use of the SaaS Services with software or data not provided or approved by VFA, or (3) Client's breach of this Agreement. If it is adjudicated that an infringement of the SaaS Services, by itself and used in accordance with the Agreement, infringes upon any third party intellectual property right, VFA shall, at its option: (i) procure for Client the right to continue using the SaaS Service; (ii) replace or modify the same so it becomes non-infringing; or (iii) terminate the affected SaaS Service and Client's rights thereto and provide Client a refund of the pre-paid but unused portion of the SaaS Service fees paid to VFA for the affected SaaS Service. THIS SECTION STATES VFA'S ENTIRE OBLIGATION TO CLIENT AND CLIENT'S SOLE REMEDY FOR ANY CLAIM OF INFRINGEMENT.

9.2. **Client Indemnification.** Client will indemnify, defend, or hold harmless VFA from any action, suit, or proceeding brought against VFA by a third party alleging that the Client Data, or Client's use of the SaaS Services in violation of this Agreement, infringes the intellectual property rights of, or has otherwise harmed, a third party, and Client will indemnify VFA against all damages and costs finally awarded or those costs and damages agreed to in a monetary settlement of such action, which are attributable exclusively to such claim, provided that VFA: (i) provides prompt written notice of the claim to Client; (ii) gives Client sole control of the defense and settlement of the claim (provided that Client may not settle any claim unless it unconditionally releases VFA of all liability); and (iii) provides Client, at Client's expense, with all reasonable information and assistance relating to the claim and reasonably cooperates with Client and its counsel. THIS SECTION STATES CLIENT'S ENTIRE OBLIGATION TO VFA AND VFA'S SOLE REMEDY FOR ANY CLAIM FOR INDEMNIFICATION.

10. **WARRANTIES.**

10.1. **Warranties.** For 90 days following the effective date of the Order Document for the initial purchase of any VFA Software, VFA warrants that (i) the VFA Software will perform materially in conformance with the applicable Documentation and this Agreement; (ii) all Professional Services shall be provided in a good and workmanlike manner and shall materially comply with the functionality set forth in an applicable Order Document, if any.

10.2. **Remedies.** If the VFA Software does not conform to the warranty set forth in Section 10.1(i) above or the Professional Services are not performed consistent with the warranty set out in Section 10.1(ii) above, Client shall promptly notify VFA in writing of such claim. As Client's exclusive remedy for any claim under this warranty and provided that such claim is determined by VFA to be VFA's responsibility, VFA shall, within 30 days of its receipt of Client's written notice: (i) re-perform the affected Professional Services so that they are conforming; (ii) provide Client with a plan reasonably acceptable to Client for re-performing the affected Professional Services if such Professional services cannot be reperformed within 30 days; or (iii) use commercially reasonable efforts to correct any non-conformity with the VFA Software. The preceding warranty cure shall constitute VFA's entire liability and Client's exclusive remedy for breach of the warranty set forth herein.

10.3. **Exclusions.** VFA is not responsible for any claimed breach of any warranty set forth in section 10.1 caused by: (i) modifications made to the services by anyone other than VFA or its Partners; (ii) the combination, operation, or use of the services with any items not provided by

VFA; (iii) VFA's adherence to Client's specifications or instructions; (iv) errors caused by or related to internet connectivity, (v) Client deviating from the services operating procedures described in the Documentation, or (vi) Partner Software, which is pursuant to the original licensor's warranty, if any.

10.4. **Partner Software.** Client acknowledges that certain SaaS Services may contain Partner Software, and VFA may add and/or substitute functionally equivalent products for any Partner Software in the event of product unavailability, end-of-life, or changes to software requirements. VFA makes no warranty with respect to any Partner Software.

10.5. **Disclaimer.** EXCEPT AS SET FORTH ABOVE, VFA, ITS LICENSORS, AND ITS SUPPLIERS MAKE NO WARRANTIES OF ANY KIND, AND VFA, ITS LICENSORS, AND ITS SUPPLIERS EXPRESSLY DISCLAIM, TO THE MAXIMUM EXTENT PERMITTED BY LAW, ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ORAL OR WRITTEN, INCLUDING, WITHOUT LIMITATION, (i) ANY WARRANTY THAT ANY SAAS SERVICES ARE ERROR-FREE OR WILL OPERATE WITHOUT INTERRUPTION, OR THAT ALL ERRORS WILL BE CORRECTED; (ii) ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT, (iii) ANY WARRANTY THAT CONTENT AND/OR PARTNER SOFTWARE WILL BE ACCURATE, RELIABLE, AND ERROR-FREE, AND (iv) ANY AND ALL IMPLIED WARRANTIES ARISING FROM STATUTE, COURSE OF DEALING, COURSE OF PERFORMANCE, OR USAGE OF TRADE. NO ADVICE, GUIDANCE, STATEMENT, OR INFORMATION GIVEN BY VFA, ITS AFFILIATES, CONTRACTORS, OR EMPLOYEES SHALL CREATE OR CHANGE ANY WARRANTY PROVIDED HEREIN.

10.6. NOTHING CONTAINED IN THIS SECTION (WARRANTIES) SHALL AIM TO LIMIT ANY LIABILITY TO THE EXTENT PROHIBITED BY LAW.

11. LIMITATION OF LIABILITY

11.1. **Limitation of Liability.** EXCEPT FOR CLAIMS RELATED TO EITHER PARTY'S BREACH OF CONFIDENTIALITY, CLIENT'S (a) BREACH OR INFRINGEMENT OF GORDIAN'S INTELLECTUAL PROPERTY RIGHTS, OR (b) CLIENT'S OLBIGATION TO PAY FEES DUE HEREUNDER, TO THE FULLEST EXTENT PERMITTED BY LAW, EACH PARTY'S TOTAL LIABILITY (INCLUDING ATTORNEYS FEES AWARDED UNDER THE AGREEMENT) TO THE OTHER FOR ANY CLAIM UNDER THIS AGREEMENT WILL BE LIMITED TO THE FEES PAID FOR THE PRIOR TWELVE (12) MONTHS FOR THE PRODUCT OR SERVICE WHICH IS THE SUBJECT MATTER OF THE CLAIM. NOTWITHSTANDING THE FOREGOING, THE ABOVE LIMITATIONS SHALL NOT APPLY TO CLIENT'S OBLIGATIONS TO PAY VFA ANY AMOUNTS SET FORTH UNDER SECTION 4. FINANCIAL TERMS.

11.2. **Exclusion of Indirect and Consequential Damages.** EXCEPT FOR CLAIMS RELATED TO EITHER PARTY'S BREACH OF CONFIDENTIALITY, CLIENT'S (a) BREACH OF INFRINGEMENT OF GORDIAN'S INTELLECTUAL PROPERTY RIGHTS, OR (b) CLIENT'S OLBIGATION TO PAY FEES DUE HEREUNDER, IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY INDIRECT, SPECIAL, INCIDENTAL, EXEMPLARY, PUNITIVE, TREBLE, OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, LOSS OF BUSINESS, REVENUE, PROFITS, STAFF TIME, GOODWILL, USE, DATA, OR OTHER ECONOMIC ADVANTAGE), COST OF REPLACEMENT, WHETHER BASED ON BREACH OF CONTRACT, BREACH OF WARRANTY, TORT (INCLUDING NEGLIGENCE), PRODUCT LIABILITY OR OTHERWISE, WHETHER OR NOT A PARTY HAS PREVIOUSLY BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES

11.3. **Time to Bring Action.** EXCEPT FOR NON-PAYMENT OF ANY FEES DUE TO VFA, NO CLAIM ARISING OUT OF THE AGREEMENT, REGARDLESS OF FORM, MAY BE BROUGHT MORE THAN THE SHORTER OF: (i) ONE YEAR, OR (ii) THE MINIMUM PERIOD ALLOWED BY LAW AFTER THE CAUSE OF ACTION HAS OCCURRED.

11.4. **Damages Prohibited by Law.** NOTHING CONTAINED IN THIS SECTION SHALL AIM TO LIMIT ANY LIABILITY TO THE EXTENT PROHIBITED BY LAW.

11.5. **Survival.** THIS SECTION SHALL SURVIVE FAILURE OF ANY EXCLUSIVE REMEDY.

12. TERM AND TERMINATION

12.1. **Agreement Term.** The term of this Agreement shall commence on the Effective Date and shall continue in full force and effect until the expiration or termination of all Order Documents, unless otherwise terminated earlier as provided hereunder.

12.2. **Termination.** Either party may terminate the Agreement, including all Order Documents, immediately upon written notice in the event: (i) that the other party commits a non-remediable, material breach of the Agreement, or if the other party fails to cure any remediable material breach or provide a written plan of cure acceptable to the noticing party within 30 days of being notified in writing of such breach; or (ii) of institution of bankruptcy, receivership, legal insolvency, reorganization, or other similar proceedings by or against the other party under any section or chapter of the United States Bankruptcy Code, as amended, or under any similar laws or statutes of the United States or any state thereof, if such proceedings have not been dismissed or discharged within 30 days after they are instituted; or the legal insolvency of, making of an assignment for the benefit of creditors of, the admittance of any involuntary debts as they mature by, or the institution of any reorganization arrangement or other readjustment of debt plan of either party not involving the United States Bankruptcy Code. Where a party has a right to terminate the Agreement, the terminating party may, at its discretion, either terminate the Agreement in whole or terminate only the applicable Order Document. Order Documents that are not terminated shall continue in full force and effect under the terms of this Agreement. Upon expiration or termination of this Agreement by VFA or Client, Client shall promptly cease all use of the Software and shall either securely destroy or securely transfer, at VFA's sole discretion, all Software, and securely delete existing copies (unless storage of any data is required by applicable law, and if so, Client shall notify VFA of such requirement).

12.3. **Termination Refund or Payment Obligations.** In the event Client terminates this Agreement pursuant to Section 12.2, VFA shall refund all pre-paid but unused Software fees to Client. Termination of this Agreement by VFA pursuant to Section 12.2 shall not excuse Client's obligation to pay in full any and all amounts due and owing, nor shall such termination result in a refund of Fees paid.

12.4. **Survival.** The following provisions will survive any termination or expiration of the Agreement: Sections 1, 3, 4, 5, 6, 8.2, 9, 11, 12.3 12.4, and 13.

13. **GENERAL PROVISIONS**

13.1. **Force Majeure.** To the extent that a delay or failure to perform all or any part of this Agreement or applicable Order Document is caused, in whole or in part, by events, occurrences, or causes beyond the control and without any negligence on the part of the party seeking protection under this Section, neither party shall have the right to terminate the Agreement or any Order Document, and neither party shall incur any liability to the other party on account of any loss, claim, damage, or liability resulting from such delay or failure to perform. Such events, occurrences, or causes shall include, without limitation, acts of God, acts of government, flood, fire, explosions, earthquakes, civil unrest, acts of war, acts of terrorism, epidemics, pandemics, strikes, lockouts, riots or other labor problems, computer, telecommunications, Internet service provider or hosting facility failures or delays involving hardware, software or power systems not within VFA's possession or reasonable control, and denial of service attacks ("**Force Majeure Events**"). Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused, however, either party may terminate the Agreement or an Order Document due to a Force Majeure Event extending beyond 90 days.

13.2. **Assignment, Subcontracting.** In the event of a Change of Control, either party may assign this Agreement in its entirety (including all Order Documents) to its parent company or other affiliated company. In the event such assignment is not subject to the foregoing, neither party may assign the Agreement or any of its rights and obligations herein without the other party's prior written consent (which shall not be unreasonably withheld). In the event of an assignment due to a Change of Control, VFA will have the right to: (i) adjust the costs set forth in the Agreement in order to reflect any change to the Software and/or services; and (ii) invoice additional Fees for the transition of Software and/or services to the new Client party. VFA may subcontract any of its obligations hereunder, provided that VFA shall be primarily responsible for all acts and omissions of its subcontractors.

13.3. **Notice of U.S. Government Restricted Rights.** If the Client hereunder is the U.S. Government, or if the Software is acquired hereunder on behalf of the U.S. Government with U.S. Government federal funding, notice is hereby given that the Software is commercial computer software and documentation developed exclusively at private expense and are furnished as follows: "U.S. GOVERNMENT RESTRICTED RIGHTS. Software and the Protected Rights delivered subject to the FAR 52.227-19. All use, duplication and disclosure of the Software and/or the Protected Rights by or on behalf of the U.S. Government shall be subject to this Agreement and the restrictions contained in FAR 52.227-19, Commercial Computer Software License - (December 2007)".

13.4. **Export.** Client shall fully comply with all relevant and applicable export laws and regulations of the United States to ensure that (i) the Software and/or Protected Rights are not exported, directly or indirectly, in violation of United States law, export embargo, prohibition, or restriction, and (ii) no Software is accessed or used in violation of any United States law, export embargo, prohibition, or restriction.

13.5. **Non-Solicitation.** During the term of this Agreement, and for a period of one year following its termination, neither party will solicit for employment, directly or through other parties, without the other party's written permission, any individual employed by the other party that is involved in the performance of this Agreement, provided however that the solicitation or hiring of individuals responding to general public marketing and recruiting advertisements and events shall not be a violation of this provision; only active, targeted solicitation is prohibited.

13.6. **Equal Opportunity Employer.** VFA's employment decisions are not based on an employee's race, color, religion or belief, national, social or ethnic origin, sex (including pregnancy), age, physical, mental, or sensory disability, HIV status, sexual orientation, gender identity and/or marital, civil union, or domestic partnership status, past or present military service, medical or genetic information, family or parental status, or any other status protected by the laws or regulations in the locations where we operate.

13.7. **Notices.** Any notice sent pursuant to this Agreement shall be delivered (i) by hand, overnight courier, or registered mail, return receipt requested, to the address of the parties set forth in the Agreement, or to such other address of the parties designated in writing in accordance with this subsection, or (ii) by e-mail to legal@gordian.com.

13.8. **Relationship.** This Agreement does not and is not intended to create a partnership, franchise, joint venture, agency, or a fiduciary or employment relationship. Neither party may bind the other party or act in a manner which expresses or implies a relationship other than that of independent contractor.

13.9. **Marketing.** Client agrees to allow VFA to list Client's name and logo on the Gordian website, which will be listed no more prominently than any other client. Upon Client's prior written consent, Client agrees to allow VFA to publish one press release announcing Client's selection of VFA, which will not be published without Client's prior consent (which consent shall not be unreasonably withheld).

13.10. **Invalidity.** If any provision of the Agreement shall be held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

13.11. **No Waiver.** Any waiver of the provisions of this Agreement, or of a party's rights or remedies under the Agreement, must be in writing to be effective. Any such waiver shall constitute a waiver only with respect to the specific matter described in such writing and shall in no way impair the rights of the party granting such waiver in any other respect or at any other time. The waiver by either of the parties of a breach or of a default under any of the provisions of the Agreement shall not be construed as a waiver of any other breach or default of a similar nature, or as a waiver of any of such provisions, rights, or privileges hereunder. The rights and remedies provided under this Agreement are cumulative and none is exclusive of any other, or of any rights or remedies that any party may otherwise have at law or in equity. Failure, neglect, or delay by a party to enforce the provisions of the Agreement or its rights or remedies at any time, shall not be construed

and deemed to be a waiver of such party's rights under the Agreement and shall not in any way affect the validity of the whole or any part of the Agreement or prejudice such party's right to take subsequent action.

13.12. **No Third-Party Beneficiaries.** This Agreement is for the benefit of the parties and their successors, permitted assigns, and does not confer any rights or benefits on any third party, including any employee, client, or employee of a client or a party. Notwithstanding the above, the parties acknowledge that all rights and benefits afforded to VFA under the Agreement shall apply equally to the owner of the Partner Software with respect to the Partner Software, and such third party is an intended third-party beneficiary of the Agreement, with respect to the Partner Software.

13.13. **Governing Law and Venue.** The Agreement shall be governed by and construed in accordance with the laws of the State of California without giving effect to its principles of conflict of laws. Any dispute shall be litigated in the state or federal courts located in the State of California to whose exclusive jurisdiction the parties hereby consent. For purposes of establishing jurisdiction in California under this Agreement, each party hereby waives, to the fullest extent permitted by applicable law, any claim that: (i) it is not personally subject to the jurisdiction of such court; (ii) it is immune from any legal process with respect to it or its property; and (iii) any such suit, action, or proceeding is brought in an inconvenient forum. The parties agree that this contract is not a contract for the sale of goods and shall not be governed by any codification of Article 2 or 2A of the Uniform Commercial Code or the Uniform Computer Information Technology Act, or any references to the United National Convention on Contracts for the International Sale of Goods. Both parties irrevocably waive any right to a trial by jury.

13.14. **Drafting.** The Agreement shall not be construed in favor of or against a party based on the author of the document.

13.15. **Counterparts.** The Agreement may be executed in one or more counterparts, each of which shall constitute an enforceable original of the Agreement, and that facsimile, electronically or digitally signed, and/or PDF-scanned copies of signatures shall be as effective and binding as original signatures.

13.16. **Insurance.** VFA and each of its subsidiaries are insured by insurers of recognized financial responsibility against losses and risks in amounts that VFA's management believes to be prudent and customary in the businesses and industries in which they are engaged. Neither VFA nor its subsidiaries have been denied insurance coverage and neither VFA nor its subsidiaries have any reason to believe that it will be unable to: (i) renew its existing insurance coverage when such coverage expires, or (ii) obtain similar coverage as may be necessary to continue its business and not adversely affect the condition, earnings, business, or operations of VFA and its subsidiaries. Relevant insurance coverage information will be provided to Client through the Due Diligence Package (defined below).

13.17. **Due Diligence Package.** Upon request, but no more than once per year, VFA shall provide to Client a package with the client facing information relevant to the services being licensed and/or purchased that VFA has available and routinely provides to other clients ("**Due Diligence Package**"). The Due Diligence Package is VFA's Confidential Information.

IN WITNESS WHEREOF, the duly authorized representatives of the parties agree to the terms and conditions of this Agreement.

VFA, INC.

DocuSigned by:
Sign: Angie Michelini
950DC809BE0B43B...
Print Name: Angie Michelini
Title: VP of Legal & Goverment Affairs
Date: 5/19/2022

City of Modesto

DocuSigned by:
Sign: Joseph P Lopez
3A8F71D7DBB24EB...
Print Name: Joseph P. Lopez
Title: City Manager
Date: 5/19/2022

Attest: (SEAL)

DocuSigned by:
Diane Nayares-Perez
B6A30B28B4A6494...
5/23/2022
DS

Exhibit A: SaaS-Specific Terms and Conditions

1. **SaaS SERVICES LICENSE.** Subject to the terms of this Agreement, VFA grants to Client and its Affiliates, for the Term of each Order Document, the non-exclusive, non-assignable, royalty-free, and worldwide right to access and use the SaaS Services set forth in such Order Document for Client's internal business purposes. Purchased SaaS Services may be accessed by Client and used to manage the License Metrics specified in the Order Document. Client may purchase additional License Metrics, subject to an additional Order Document at the then-current price in effect, prorated for the remainder of the then-current term of such Order Document. The term of the added License Metrics will be concurrent with the term of the Order Document. Fees are based on SaaS Services and License Metrics purchased, and not actual usage.
   - 1.1. **SaaS Environment.** Client is responsible for obtaining and maintaining, at its own expense, all equipment needed to access the SaaS Services, including but not limited to Client's internet access.
   - 1.2. **Support Services.** Subject to Client's payment of applicable Fees, VFA will provide to Client the Support services applicable to each SaaS Service purchased. All Support shall be provided in accordance VFA's standard support policy available at https://www.gordian.com/tgg/policy/Gordian-Support-Policy-2021.pdf
   - 1.3. **Backups and Restoration Services.** In consideration of the Fees, Client may, no more than once annually, request in writing a backup copy of Client Data in VFA's standard format ("**Backup Copy**"). Provided Client is not otherwise in breach of the Agreement, and upon written request and subject to Client's payment of applicable Fees (for which a then-current fee schedule will be provided upon request), VFA will perform database restoration services.
   - 1.4. **Passwords; Security.** Client and its users are in control of the creation and dissemination of passwords. As such, Client will be responsible for (i) maintaining the confidentiality of all passwords and for ensuring that each password is used only by the authorized user, and (ii) any and all activities that occur under Client's account. Client agrees to immediately notify VFA of any unauthorized use of Client's account or any other breach of security known to Client. VFA shall have no liability for any loss or damage arising from Client's failure to comply with these requirements. VFA will maintain Client passwords as confidential and will not disclose them to third parties.

2. **SECURITY.**
   - 2.1. **Data Security.** VFA shall have in place a commercially reasonable information security policy designed to provide administrative, technical, and physical security for all Client Data and in accordance with all applicable laws.
   - 2.2. **Data Location.** VFA will maintain the SaaS Services either at an VFA location or through a reputable Partner, where it is subject to commercially reasonable security precautions. Such precautions shall comply with industry standards for the type of information maintained and shall include, but not be limited to, procedures and measures to prevent unauthorized access to the SaaS Services and unauthorized use of and/or modification of Client Data. Notwithstanding such security precautions, and in no way diminishing or revoking VFA's security obligations herein, Client acknowledges that use of or connection to the Internet provides the opportunity for unauthorized third parties to circumvent such precautions and illegally gain access to the SaaS Services.
   - 2.3. **Disaster Recovery.** VFA shall have in place a commercially reasonable disaster recovery plan ("**Disaster Recovery Plan**"). In the event a disaster is declared, VFA will initiate the Disaster Recovery Plan and shall use commercially reasonable efforts to restore the SaaS environment in accordance with VFA's recovery time objectives.
   - 2.4. **Notice of Data Breach.** Upon validating an actual data breach involving Client Data ("Data Breach"), VFA will notify Client of such Data Breach and take all necessary steps to remediate the Data Breach in accordance with VFA's incident response plan. In the event Client becomes aware of or suspects a breach or potential breach of Client Data related to the SaaS Services, Client must immediately notify VFA in writing. Client will provide VFA any relevant information Client has relating to a Data Breach and will cooperate with VFA in the research and resolution of such Data Breach.

3. **ACCEPTABLE USE.** Client acknowledges and agrees that VFA does not monitor or police the content of Client's or its users' communications or data transmitted through the SaaS Services, and that VFA shall not be responsible for the content of any such communications or transmissions. Client shall use the SaaS Services exclusively as authorized in this Agreement and pursuant to all applicable laws and regulations. Client agrees not to post or upload any content or data which (i) contains Malicious Code; (ii) violates the rights of others, such as data which infringes on any intellectual property rights or violates any right of privacy or publicity; or (iv) otherwise violates any applicable law or regulation. Client further agrees not to interfere or disrupt networks connected to the SaaS Services, not to interfere with another entity's use and enjoyment of similar services and to comply with all regulations, policies and procedures of networks connected to the SaaS Services. VFA may remove any violating content posted on the SaaS Services and/or training services or transmitted through the SaaS Services, without notice to Client. Upon notice provided to Client, VFA may suspend or terminate any user's access to the SaaS Services as determined necessary to protect the security or functionality of the VFA system, or in the event that VFA reasonably determines that such user has violated the terms and conditions of this Agreement.

4. **TERM.** SaaS Services commence on the date specified in the Order Document and continue for the term set forth therein ("**Initial Term**"). Following the end of the Initial Term, SaaS Services shall automatically renew for 12 months (a "**Renewal Term**") unless either Party gives written notice 60 days prior to the end of the Initial Term, or any Renewal Term, of its intention to terminate the SaaS Service, or unless agreed to otherwise by the parties in writing. Any proposed change to pricing or terms for a Renewal Term shall be provided by VFA in writing

no less than 90 days prior to the end of the Initial Term or any Renewal Term. The Initial Term and Renewal Terms are collectively referred to as the "**Term**."

Exhibit B: Professional Services

1. **Defined Terms.**
   1.1. **"Change Control"** is defined as the process by which requests for changes in deliverables, responsibilities, resources or project schedule are properly recorded, evaluated, distributed and incorporated into the SOW. Change Control process will be defined by Client and VFA as part of project planning.
   1.2. **"Change Order"** is defined as a document which captures any and all alterations to this SOW with regard to changes in deliverables, responsibilities, resources, Term Information or Services Fees.
   1.3. **"Notification Period"** is defined as the period of time in which the Client must notify VFA of material nonconformance with services provided herein.
   1.4. **"Statement of Work" or "SOW"** is defined as the project document attached hereto or that references this Agreement and defines the scope of professional services to be provided.

2. **Changes to Scope and/or Schedule.** If at any time either party does not meet deadlines outlined within the agreed upon project schedule, Client and VFA both agree and acknowledge the following may occur: (1) Project Schedule will be revised to accommodate any delays, and a new, mutually agreed upon schedule will be drafted by the VFA project manager and signed by appropriate Client and VFA representatives, (2) If delays are extensive, project resources will be reallocated to other engagements. (3) Fees for additional work or extension of resources may be incurred
   2.1. During the course of the project, if VFA determines or could reasonably determine any Client actions or direction constitute a requirement to perform additional work, not otherwise specified herein, VFA shall notify Client within 30 days that Client has requested VFA to perform additional work.
   2.2. VFA agrees and acknowledges that it waives the right to request reimbursement for work already performed if VFA fails to notify Client of the requirement to perform additional work. VFA will complete a Change Order containing the changes to the project, project schedule, deliverables and/or Services and Fees contained in this SOW. Client may request up to 10 business days to determine whether to execute the Change Order. After the 10 business days, the terms of the Change Order may be subject to change depending upon availability of resources, impact to project schedule or severity of impact on existing activities.

3. **Travel and Expense.**
   3.1. VFA will provide notice of any requested travel that will occur on a non-business day (weekend or holiday)
   3.2. VFA will provide services via phone, internet, and email or otherwise remotely from the VFA premises unless otherwise stated in the relevant SOW.
   3.3. In the event Client cancels or reschedules any on-site engagement with VFA Consultant(s) with less than 15 business days lead time but more than 10 business days, VFA will invoice Client and Client will pay for 50% of the cancellation and/or change fees associated with rebooking travel and arrangement. In the event Client cancels or reschedules any VFA resource(s) with less than 10 business days lead time, VFA will invoice Client and Client will pay for 100% of the associated fee.
   3.4. If applicable, travel time is calculated as the time between departure from VFA premises, local airport or home office and arrival at destination address, as determined by both Parties prior to departure, or destination airport.

4. **Client Responsibilities**
   4.1 Client acknowledges that its participation and cooperation is both required and critical for the success of the Project. Deviations from these responsibilities may lead to commensurate changes in the timeline and fees:
   4.2 VFA will make available its then-current platform for web-based video or teleconferencing. Client must either be able to access such web-based video or teleconferencing platform or provide an alternative web-based video or teleconferencing platform for use by VFA, including any necessary supporting software.
   4.3 Ensure appropriate levels of Client executive and Client project team resources will be made available to the VFA project team to ensure successful completion of tasks by jointly developed timelines. If certain areas are identified as more complex than initially identified, additional Client or VFA resources may be requested to supplement the team in order to ensure timely delivery, which would be addressed separately under the Change Control procedures described in this SOW.
   4.4 Further, Client acknowledges that its timely provision of and access to offices accommodations; skilled personnel; facilities; equipment; assistance; cooperation; complete and accurate information and data from its officers, agents, and employees; and suitably configured computer products (collectively, "Cooperation") are essential to performance of any Services as set forth in this SOW. VFA shall not be responsible for performance of the services in this SOW to the extent VFA is prevented from performing due to Client's failure to provide full Cooperation. Client agrees to allow VFA to post, at a site at which Services are performed, any documents necessary for VFA to provide Services in compliance with the law.

5. **Assumptions**

In addition, each SOW is based upon the following assumptions:

5.1 Product enhancements are not part of an SOW and considered out of scope, unless the SOW specifies otherwise.

5.2 VFA resources are not dedicated solely to Client during the engagement. Reasonable notice is required by Client to request VFA resources whether work is performed on-site or off-site.

5.3 Client will be required to provide VFA with a minimum of 30 days prior notice of Client's requested services date for allocation of VFA consultant resources and provision of Professional Services ("Requested Dates"). While VFA will use commercially reasonable efforts to allocate resources in accordance with Requested Dates, VFA shall be under no obligation or penalty to meet such Requested Dates and shall be entitled to reject or offer alternatives to Client for any reason.

5.4 Once Client and VFA agree on a Project plan that identifies specific dates when VFA and Client will perform the work described therein, Client will pay for 50% of the costs associated with any change in VFA's resource scheduling tied to a change in the Project schedule or VFA staffing plan introduced by Client, including any rescheduling of the time for performance of any VFA services. Any such fee will be in addition to the fees provided within the impacted SOW.

5.5 Should Client (or participant) cancel any training session or on-site engagement with VFA Consultant(s) more than five (5) business days but less than ten (10) business days prior to the date that such engagement was scheduled to commence, Client shall pay VFA a cancelation fee of fifty percent (50%) of the training session or on-site engagement fees. Should Client (or participant) cancel a training session or on-site engagement five (5) days (or less) prior to the date that such engagement was scheduled to commence, Client shall pay VFA a cancelation fee of one hundred percent (100%) of the training session or on-site engagement fees. Any such fee will be over and above the fees provided within this SOW.

6. **Project Close.** The Notification Period prior to the closure of the project is 10 business days from the date that VFA provides written notice to Client that states the delivery of services is complete. In the event Client does not provide notice of material nonconformance or request for change during Notification Period, the project will be closed, and no additional work will be performed by VFA pursuant to the services contained herein. In the event Client does provide notice of material nonconformance or request for change after the expiration of Notification Period, such work shall only be performed under a new contractual arrangement. In the event material non-conformance is identified within the Notification Period, VFA shall promptly correct such non-conformance, which was due to fault or negligence of VFA, at no additional cost to Client.

7. Services shall not be scheduled or started pursuant to this SOW, if Client has an Accounts Receivable balance with VFA that is more than thirty (30) days delinquent.

Exhibit C: Data Access and Rights

1. **COLLECTION AND OWNERSHIP.** Client acknowledges that data regarding its use of the Software ("**Usage Data**") may be collected from one or more sensors, Internet of Things (IoT) devices, or other data gathering equipment installed or located on Client's premises (collectively "**Devices**"), including location(s) owned, occupied, or otherwise under control of Client. If Client has ownership rights to one or more of the Devices, Client owns and retains full access and rights to the Usage Data, or if resold by a field service provider the end user acquires full access and rights as a licensor (and be classified as "**Licensor**" herein). If VFA owns one or more of the Devices, notwithstanding the Devices being located on Client's premises, VFA shall own and retain full access and rights to the Usage Data.

2. **USE AND ACCESS.** Each of the parties shall have access to the other party's Usage Data. However, for avoidance of doubt, VFA may not, either directly or indirectly, sell or share VFA-owned Usage Data with any third parties without the prior express written consent of Client. Client may sell or share Client-owned Usage Data to third parties without the consent of VFA. Unless mutually agreed upon by the parties, in no event may a party sell or share data owned by the other party to or with any third party. VFA's use of the Usage Data shall primarily be for purposes of improving the Services.

3. **LICENSE GRANT.** Client grants to VFA a non-exclusive, royalty free license, to use any data and information that Client provides, generates, transfers, or makes available to VFA for purposes of performing its obligations under the Agreement, as well as to generate Resultant Data for product improvement, product development, marketing, and other business purposes.

4. **RESULTANT DATA.** Client hereby agrees that VFA and its successors and assigns may collect, use, publish, disseminate, sell, transfer, and otherwise exploit the collected Usage Data only if such data (i) has been anonymized by VFA or its designee; or (ii) is aggregated with Usage Data from other Clients. For the avoidance of doubt, such anonymized and aggregated Usage Data will be considered a part of Resultant Data as set forth in the Agreement. Resultant Data is used by VFA to compile statistical, performance information for creation and development of products, product improvements, product creation, and product marketing. VFA is the sole owner of all right, title, and interest in and to Resultant Data and any conclusions, impressions, understandings, insights, process improvements, or other information derived, extracted, or otherwise obtained by VFA from Resultant Data, and the Resultant Data shall be owned exclusively by VFA with all rights thereto, which shall be deemed VFA's Intellectual Property for purposes of this Agreement.

5. **COMBINATION.** Resultant Data and data obtained from other sources may be combined ("**Combined Data**") either by VFA or by a third-party data analysis vendor and stored either at an VFA-controlled repository or a third-party repository in any form of structured, raw, or other data format. Combined Data in any form may be used by VFA for any lawful purpose. VFA is the sole owner of all right, title, and interest in and to the Combined Data and any analytics generated from the Combined Data, including the right to collect, use, publish, disseminate, sell, transfer, and otherwise exploit the Combined Data and analytics, which shall be deemed VFA's Intellectual Property for purposes of this Agreement.

6. **TRANSPORT, SECURITY, AND STORAGE.** Except for data collected and transported directly from a sensor, Combined Data may be transported by VFA to a remote or third-party vendor site. VFA shall take steps to ensure transport of the data is secure, including the use of various encryption technologies and other security measures. Further security shall include maintaining adequate physical controls and password protections for any server or system on which data is stored, and any other measures reasonably necessary to prevent any use or disclosure of data other than as allowed under this Agreement.

7. **AFFILIATION.** Client hereby agrees that in the event VFA is divested, sold, separated, or otherwise no longer affiliated with, or under common control of, its parent company, a copy of all data including Resultant Data shall remain with the parent company along with all the same rights, title and obligations as VFA set forth herein.

Exhibit D: California Consumer Privacy Act Data Processing Provisions

These CCPA Data Processing Provisions (the "**CCPA Provisions**") set forth the terms and conditions relating to compliance with the California Consumer Privacy Act of 2018, Cal. Civil Code § 1798.100 et seq., ("**CCPA**") and related regulations, as may be amended from time to time. The CCPA Provisions shall only apply and bind the Parties if and to the extent Client is a Business under the CCPA. These CCPA Provisions prevail over any conflicting terms of the Agreement, but does not otherwise modify the Agreement. All capitalized terms used in these CCPA Provisions that are not otherwise defined herein or in the Agreement shall have the meanings set forth in the CCPA.

1. VFA shall process Personal Information only as necessary for the purposes of performing the services under this Agreement on behalf of Client. VFA shall not (i) sell any Personal Information received from Client; or (ii) retain, use, or disclose the Personal Information provided by or collected on behalf of Client for any purpose other than for the specific purpose of performing the services specified in the Agreement, including retaining, using, or disclosing the Personal Information for a commercial purpose other than providing the services specified in this Agreement.

2. VFA shall not respond to any requests related to Personal Information processed on behalf of Client other than to inform the requestor that VFA is not authorized to directly respond to a request, and recommend the requestor submit the request directly to Client.

3. Client will indemnify and hold harmless VFA against all losses, fines, and regulatory sanctions arising from any claim by a third party (including any Governmental Authority) arising out of Client's negligence, willful misconduct, and bad faith in connection with Client's directions to VFA with respect to processing Personal Information or any other failure by Client to comply with any of its obligations under the CCPA.

DocuSign Envelope ID: 0D74C399-7923-4C89-BBE5-24AA3CB6117B

Bid Waiver
Approval Form

Requisition No:	RX 226570 / PO 221092
Project Description:	Facility Condition Assessment Software
Supplier Name:	Gordian/VFA, Inc. (Division of Accruent)
Supplier Contact:	David Tsung, Accruent, Senior Sales Director
Supplier Phone No:	

Amount of Bid Waiver: $18,181

Are Federal Funds being utilized for portion of purchase?

Yes	No
	XX

The purchase of any item utilizing any Federal Funding must comply with current applicable Circular

Reason for Bid Waiver - Check Box:	
A bid waiver is required for any procurement commitment greater than $ 3,500 where a minimum of three bids are not obtained.	
Justification for waiving the competitive bid requirements is limited to the following (provide detailed information in the comments section of form):	
	Sole Source - The item/service is unique in its specifications such that only one vendor is qualified to provide the good or service (Formal bidding exception under MMC 8-3.204(b))
	OEM - Original Equipment Manufacture / Distributor
	Documented superior performance characteristics exist that outweigh any potential cost, service, or delivery considerations
	Inflexible time constraints preclude the bidding process- Exigent circumstances (Formal bidding exception under MMC 8-3.204 (c))
	The incumbent's cost, delivery and quality can be compared to a previous quote/bid obtained within the last six months, for the same or similar item/service
	Professional Services defined under MMC 8-3.103 (Formal bidding exception under MMC 8-3.204 (a))

XX	Other (requires detailed comments)
Comments	Gordian/VFA, Inc. has been awarded a Facility Assessment and Planning contract from Sourcewell. Contract #020421-ACT, Maturity Date: 03/24/2025 Gordian/VFA, Inc. is a Division of Accruent which is our CMMS system - Maintenance Connection. As part of Accruent, the data gathered by the Facility Assessment will be transferable to Maintenance Connection.

Approval	Name	Signature	Date
Requestor	Patrick Crowley		24 February 2022
Division Manager			
Department Director	Bill Sandhu		2/25/22
Chief Information Officer*	Charlie Haase	SEE NEXT PAGE	03/24/22
Purchasing Manager	Cyndi Kline	Cyndi Kline	3/21/22
Finance Director	DeAnna Christensen	Cyndi Kline For DeAnna Christensen	3/21/22

DocuSign Envelope ID: 0D74C399-7923-4C89-BBE5-24AA3CB6117B

PURCHASE ORDER

Purchase Order No: 223264

City of Modesto
Purchasing Division
1010 Tenth St.,Suite 5300
Modesto, CA, 95354
Tel: (209) 577-5405 Fax: (209) 544-8821

Deliver By	: 06-APR-2022	
FOB	:	
Terms	: Net 30	
Buyer	: Kimberly Presson	
Requestor	: Rajneil Maharaj	
Issue Date	: 28-APR-2022	
Page	: 1 of 2	**Revision:**

Vendor:

VFA INC
30 PATEWOOD DRIVE
GREENVILLE,SC, 29615

Ship To:

PW.Building Maintenance
501 N Jefferson St Building 1B
Modesto, CA 95354

Invoice To:

City of Modesto Accounts Payable
PO Box 642
Modesto, CA 95353

Vendor Contact: **Email:** **Fax:**

LINE	QTY	UOM	ITEM - DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	1	Each	Facility Condition Assessment for Sutter WWTP	20,000.0000	20,000.00

Note to Supplier: Pilot Program for Facility Condition Assessment

SALES TAX: $ 0.00
TOTAL: $ 20,000.00

IMPORTANT INSTRUCTIONS

1. EMAIL INVOICE PROMPTLY TO APVENDORS@MODESTOGOV.COM.
2. INVOICE EACH PURCHASE ORDER SEPARATELY.
3. ALL ITEMS F.O.B DESTINATION UNLESS OTHERWISE SPECIFIED.
4. CITY RESALE PERMIT NO.SRAM 28-043875.
5. ORDER SUBJECT TO CONDITIONS SET FORTH ON FACE OF ORDER AND ATTACHED TERMS AND CONDITIONS.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-365

RESOLUTION APPROVING AN ON-CALL CEQA ENVIRONMENTAL PLANNING AND COMPLIANCE SERVICES AGREEMENT WITH GEI CONSULTANTS, OF RANCHO CORDOVA, CA, FOR ONE YEAR, NOT TO EXCEED $75,000, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS FOR A TOTAL COST NOT TO EXCEED $225,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the California Environmental Quality Act (CEQA) requires that proposed projects identify the environmental impacts and determine mitigations, if necessary, from the impacts the project could have on the environment; and

WHEREAS, the City intends to acquire property, rights-of-way and easements for several different Capital Improvement Program (CIP) Projects and conduct potential construction activities on current City-owned properties and rights-of-way which may require CEQA Environmental Planning and Compliance Services support to confirm environmental impacts and regulatory compliance during the lifetime of said activities; and

WHEREAS, retaining on-call professional consultants allows the Utilities Department to have quick access to CEQA Environmental Planning and Compliance Services when needed; and

WHEREAS, on-call professional services consultants provide project assistance utilizing experienced staff and eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement; and

WHEREAS, per Administrative Directive 3.1: Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, the Director at his direction, may secure a candidate firm if it is in the best interest of the City; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Environmental Planning and Compliance Services with GEI Consultants, Rancho Cordova, CA, for one year with two (2) one-year extension options, for an annual cost not to exceed $75,000, and a total cost not to exceed $225,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-366

RESOLUTION APPROVING AN ON-CALL CEQA ENVIRONMENTAL PLANNING AND COMPLIANCE SERVICES AGREEMENT WITH MONTROSE ENVIRONMENTAL, OF SACRAMENTO, CA, FOR ONE YEAR, NOT TO EXCEED $75,000, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS FOR A TOTAL COST NOT TO EXCEED $225,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the California Environmental Quality Act (CEQA) requires that proposed projects identify the environmental impacts and determine mitigations, if necessary, from the impacts the project could have on the environment; and

WHEREAS, the City intends to acquire property, rights-of-way and easements for several different Capital Improvement Program (CIP) Projects and conduct potential construction activities on current City-owned properties and rights-of-way which may require CEQA Environmental Planning and Compliance Services support to confirm environmental impacts and regulatory compliance during the lifetime of said activities; and

WHEREAS, retaining on-call professional consultants allows the Utilities Department to have quick access to CEQA Environmental Planning and Compliance Services when needed; and

WHEREAS, on-call professional services consultants provide project assistance utilizing experienced staff and eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement; and

WHEREAS, per Administrative Directive 3.1: Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, the Director at his direction, may secure a candidate firm if it is in the best interest of the City; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Environmental Planning and Compliance Services with Montrose Environmental, Sacramento, CA, for one year with two (2) one-year extension options, for an annual cost not to exceed $75,000, and a total cost not to exceed $225,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-367

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR ENVIRONMENTAL SITE ASSESSMENT SERVICES WITH ATLAS CONSULTING GROUP, OF MODESTO, CA, FOR ONE YEAR, NOT TO EXCEED $50,000, WITH TWO ONE-YEAR EXTENSION OPTIONS FOR A TOTAL COST NOT TO EXCEED $150,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the California Environmental Quality Act (CEQA) requires that proposed projects identify the environmental impacts and determine mitigations, if necessary, from the impacts the project could have on the environment, and

WHEREAS, the City intends to acquire property, rights-of-way and easements for several different Capital Improvement Program (CIP) Projects and conduct potential construction activities on current City owned properties and rights-of-way which may require preparation, and execution of Phase I, and or Phase II/III Environmental Site Assessments (ESAs) as part of the environmental due diligence associated with the aforementioned activities, and

WHEREAS, retaining on-call professional consultants allows the Department to have quick access to CEQA Environmental Site Assessment Services when needed, and

WHEREAS, on-call professional services consultants provide project assistance utilizing experienced staff and eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, per Administrative Directive 3.1: Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, the Director at his direction, may secure a candidate firm if it is in the best interest of the City, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Environmental Site Assessment Services with Atlas Consulting Group, Modesto, CA, for one year with two one-year extension options, for an annual cost not to exceed $50,000, and a total cost not to exceed $150,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-368

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR ENVIRONMENTAL SITE ASSESSMENT SERVICES WITH TETRA TECH, OF RANCHO CORDOVA, CA FOR ONE YEAR, NOT TO EXCEED $50,000, WITH TWO ONE-YEAR EXTENSION OPTIONS FOR A TOTAL COST NOT TO EXCEED $150,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the California Environmental Quality Act (CEQA) requires that proposed projects identify the environmental impacts and determine mitigations, if necessary, from the impacts the project could have on the environment, and

WHEREAS, the City intends to acquire property, rights-of-way and easements for several different Capital Improvement Program (CIP) Projects and conduct potential construction activities on current City owned properties and rights-of-way which may require preparation, and execution of Phase I, and or Phase II/III Environmental Site Assessments (ESAs) as part of the environmental due diligence associated with the aforementioned activities, and

WHEREAS, retaining on-call professional consultants allows the Department to have quick access to CEQA Environmental Site Assessment Services when needed, and

WHEREAS, on-call professional services consultants provide project assistance utilizing experienced staff and eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, per Administrative Directive 3.1: Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, the Director at his direction, may secure a candidate firm if it is in the best interest of the City, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Environmental Site Assessment Services with Tetra Tech, Rancho Cordova, CA, for one year with two one-year extension options, for an annual cost not to exceed $50,000, and a total cost not to exceed $150,000 over three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-369

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH UNIVAR SOLUTIONS, USA INC., KENT, WA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH BAY AREA CLEAN WATER AGENCIES, FOR THE PURCHASE AND DELIVERY OF CHEMICALS FOR WASTEWATER TREATMENT, FOR A ONE-YEAR AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED $65,325, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Utilities Department, specifically the Wastewater Services Division, relies on various chemicals in their wastewater treatment process; and

WHEREAS, these chemicals include sodium hypochlorite, sodium hydroxide, sulfuric acid, phosphoric acid, and citric acid. Each of these chemicals plays a crucial role in treating wastewater at different stages, encompassing primary, secondary, and tertiary treatment plants; and

WHEREAS, the expenses associated with purchasing these chemicals have been significantly increasing during each term of our existing agreement. Our current agreement with Univar USA Inc. is scheduled to expire on October 31, 2026; and

WHEREAS, to address this issue, the Wastewater Division actively participated in the Bay Area Chemical Consortium (BACC) through the Bay Area Clean Water Agencies (BACWA). BACWA facilitated a bidding process for the procurement of chemicals specifically for wastewater treatment; and

WHEREAS, on January 26, 2023, BACWA initiated a request for bids for a range of chemicals required for wastewater treatment. The bidding process was conducted on the Planet Bids platform, with a deadline set for February 23, 2023, at 4:00 PM (PST); and

WHEREAS, on February 24, 2023, the results of the Request for Bids (RFB) were published on BACWA's website; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d), "Where the Purchasing Manager, in his/her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manger to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, establishing an Agreement for the purchase and delivery of Chemicals for Wastewater Treatment for the Utilities Department, Wastewater Division, with Univar Solutions, USA Inc., Kent, WA, conforms to the Modesto Municipal Code because Univar was the lowest responsive and responsible bidders for Citric Acid for the Central Valley in the competitive bidding process completed by BACWA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for the purchase and delivery of Chemicals for Wastewater Treatment for the Utilities Department, Wastewater Division, with Univar Solutions, USA Inc., Kent, WA, by utilizing the Competitive Bid Process with Bay Area Clean Water Agencies, for the Purchase and Delivery of Chemicals for Wastewater

Treatment, for a one-year Agreement set to expire on June 30, 2024, for a total amount not to exceed $65,325.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-370

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH HASA INC., SAUGUS, CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH BAY AREA CLEAN WATER AGENCIES, FOR THE PURCHASE AND DELIVERY OF CHEMICALS FOR WASTEWATER TREATMENT, FOR A ONE-YEAR AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED $133,917, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Utilities Department, specifically the Wastewater Services Division, relies on various chemicals in their wastewater treatment process; and

WHEREAS, these chemicals include sodium hypochlorite, sodium hydroxide, sulfuric acid, phosphoric acid, and citric acid. Each of these chemicals plays a crucial role in treating wastewater at different stages, encompassing primary, secondary, and tertiary treatment plants; and

WHEREAS, the expenses associated with purchasing these chemicals have been significantly increasing during each term of our existing agreement. Our current agreement with Univar USA Inc. is scheduled to expire on October 31, 2026; and

WHEREAS, to address this issue, the Wastewater Division actively participated in the Bay Area Chemical Consortium (BACC) through the Bay Area Clean Water Agencies (BACWA). BACWA facilitated a bidding process for the procurement of chemicals specifically for wastewater treatment; and

WHEREAS, on January 26, 2023, BACWA initiated a request for bids for a range of chemicals required for wastewater treatment. The bidding process was conducted on the Planet Bids platform, with a deadline set for February 23, 2023, at 4:00 PM (PST); and

WHEREAS, on February 24, 2023, the results of the Request for Bids (RFB) were published on BACWA's website; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d), "Where the Purchasing Manager, in his/her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manger to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, establishing an Agreement for the purchase and delivery of Chemicals for Wastewater Treatment for the Utilities Department, Wastewater Division, with Hasa Inc., Saugus, CA, conforms to the Modesto Municipal Code because Hasa was the lowest responsive and responsible bidders for Sodium Hypochlorite for the Central Valley in the competitive bidding process completed by BACWA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for the purchase and delivery of Chemicals for Wastewater Treatment for the Utilities Department, Wastewater Division, with Hasa Inc., Saugus, CA, by utilizing the Competitive Bid Process with Bay Area Clean Water Agencies, for the Purchase and Delivery of Chemicals for Wastewater Treatment, for a

one-year Agreement set to expire on June 30, 2024, for a total amount not to exceed $133,917.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-371

RESOLUTION FINDING THAT THE REZONE OF PROPERTIES LOCATED AT 3431 AND 3419 MILLBROOK AVENUE FROM SPECIFIC PLAN-HOLDING ZONE, SP-H, TO SPECIFIC PLAN ZONE, SP, IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081)

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan; and

WHEREAS, Fred Miller has proposed a rezone of property located at 3431 and 3419 Millbrook Avenue from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone; and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2022-22 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report; and

WHEREAS, in accordance with CEQA guidelines beginning on July 19, 2023, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 8, 2023, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone a, a copy of which is **attached** hereto as **Exhibit** "**A**", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2022-22

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2022-22

For the proposed:

RZN-23-002/TSM-22-003

Village One Specific Plan
Zone Change from Specific Plan-Holding (SP-H) to Specific Plan (SP); and
Vesting Tentative Subdivision Map
"Miller-Aderholt Subdivision"

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

January 23, 2023
Revised April 18, 2023

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the rezone from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP) of a 4.98-acre site located within Precise Plan Area No. 6 (Subarea A) of the Village One Specific Plan; and associated Vesting Tentative Subdivision Map to subdivide two (2) parcels, totaling 4.98-acres, into nine (9) residential lots, with each lot being a minimum of 0.50 acres ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects on the environment" are those project specific effects on the environment which were not addressed as significant effects on the environment in the Master EIR. [Public Resources Code Section 21158(d)]

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

II. PROJECT DESCRIPTION

A. Title: RZN-23-002/TSM-22-003.
The project is a proposed rezone, from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP) on a 4.98-acre portion of Precise Plan Area No. 6 (Subarea A) of the Village One Specific Plan (Specific Plan) and a subsequent Vesting Tentative Subdivision Map ("Miller-Aderholt Subdivision") which proposes subdividing two (2) parcels, totaling 4.98 acres, into nine (9) single-family residential parcels, each a minimum of 0.50 acres.

The proposed rezone, from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP) on a 4.98-acre portion of Precise Plan Area No. 6 (Subarea A) of the Village One Specific Plan, will allow for the project site to develop to the min. 0.50 acre parcel size consistent with the requirements of the Zoning Code and the Specific Plan. Additionally, the Vesting Tentative Subdivision Map which proposes subdividing two (2) parcels, within Precise Plan 6, Subarea A, totaling 4.98 acres, into nine (9) single family residential parcels each a minimum of 0.50 acres.

B. Address or Location: 4.98 acres located on Millbrook Avenue northwest of the intersection of Esta Avenue and Millbrook Avenue within Precise Plan Area No. 6 (Subarea A) of the Village

One Specific Plan area within the city of Modesto. Also known as Assessor's Parcel Numbers (APN) 085-064-016 and 085-064-017

C. Applicants: Frederick and Leanne Miller
220 Standiford Avenue, Suite C; Modesto, CA 95350

Ronald and L. Aderholt 2004 Trust
3419 Millbrook Avenue; Modesto, CA 95355

D. City Contact Person: Diana Lowrance, Senior Planner

Project Manager: Diana Lowrance, Senior Planner
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5267
E-mail address: dlowrance@modestogov.com

E. Current General Plan Designation(s): Residential (R)

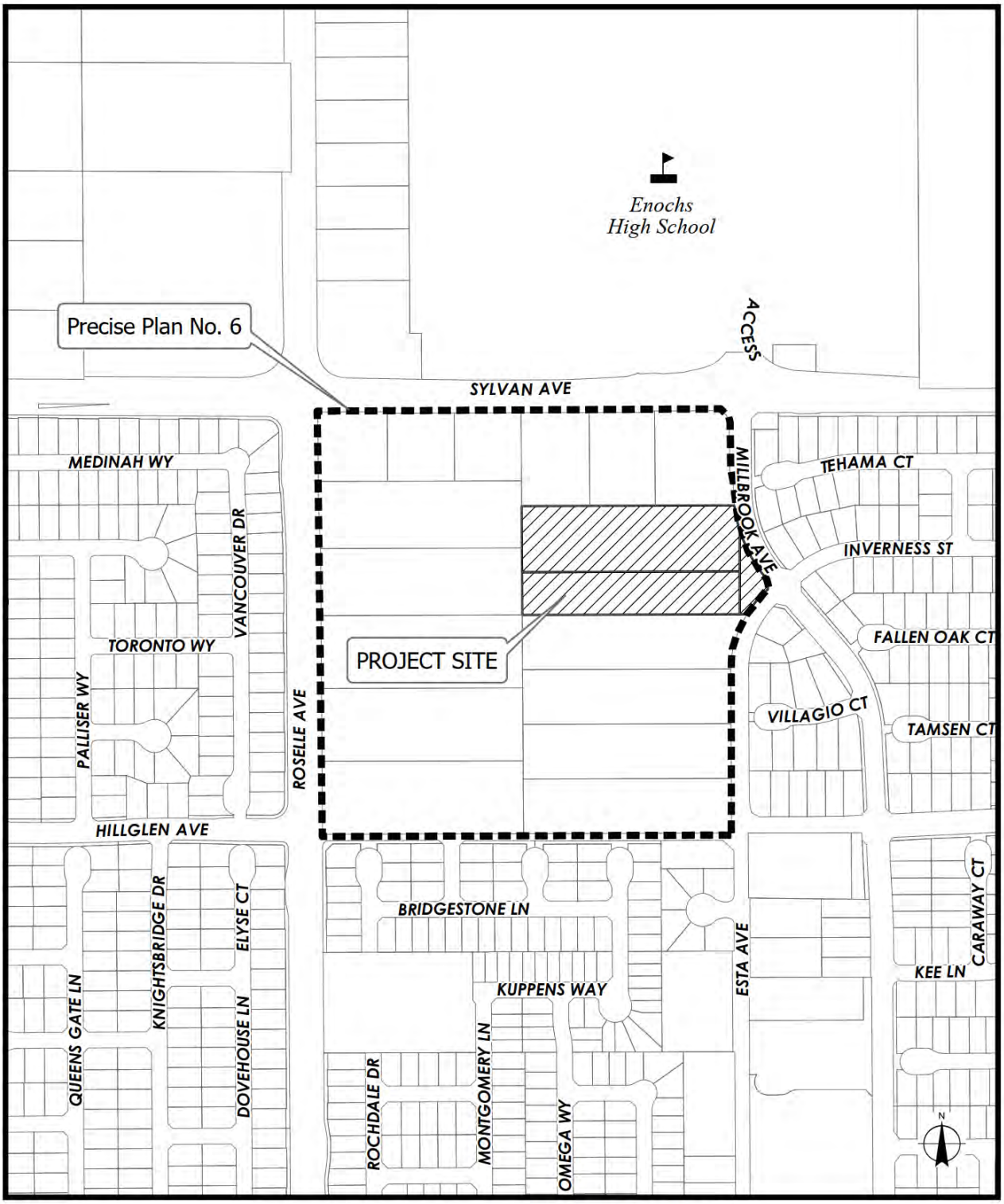
F. Current Zoning Classification(s): Specific Plan-Holding (SP-H) zone, Village One Specific Plan (R-1 uses)

G. Surrounding Land Uses:

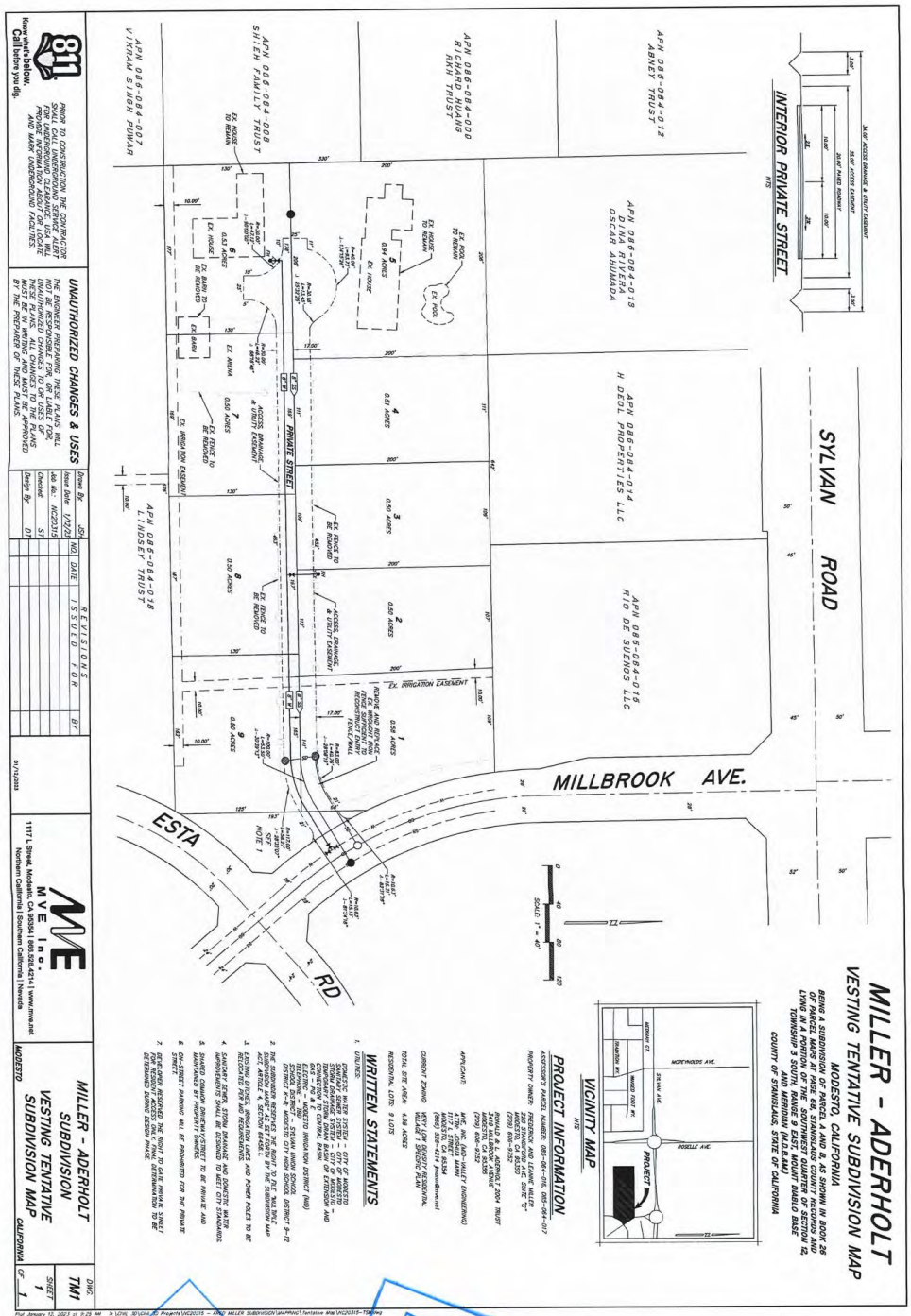
North: SP-H Zone, Low Density Residential (R-1) Zone uses, Enochs High School
South: SP-H Zone, Low Density Residential (R-1) Zone uses, single-family residential uses
East: SP-H Zone, Low Density Residential (R-1) Zone uses, single-family residential uses
West: SP-H Zone, Low Density Residential (R-1) Zone uses, single-family residential uses

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

A proposed rezone, from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP) on a 4.98-acre portion of Precise Plan Area No. 6 (Subarea A) of the Village One Specific Plan (Specific Plan) and a subsequent Vesting Tentative Subdivision Map ("Miller-Aderholt Subdivision") which proposes subdividing two (2) parcels, totaling 4.98 acres, into nine (9) single-family residential parcels, each a minimum of 0.50 acres.



REZONE NO. RZN-23-002 AND TENTATIVE SUBDIVISION MAP NO. TSM-22-003



VESTING TENTATIVE SUBDIVISION MAP
TSM-22-003

I. Other Public Agencies Whose Approval is Required: None

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

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

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

   B. No new or additional mitigation measures or alternatives are required;

   C. The subsequent project is within the scope of the project covered by the Master EIR; and,

   D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

   A. The subsequent project is within the scope of the project covered by the Master EIR;

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

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

Diana Lowrance		
_____	Senior Planner	May 12, 2023
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

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

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

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

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	☒
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☒	☐
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	☒

Discussion:

(1) The proposed nine (9) lot tentative subdivision map will utilize a private road with utility and storm drainage easements that extend west from Millbrook Avenue north of Esta Avenue. There is no impact and no mitigation is required.

(2) The project would not exceed a level of service standard established by the County congestion management agency (StanCOG). No impact.

(3) The proposed project would not have any impact on air traffic patterns. The project site is not located within a safety zone as established by the Airport Land Use Commission. The nearest airport is the City-County Airport approximately 3.5 miles away to the south.

(4) As mentioned previously, the proposed nine (9) lot tentative subdivision map will utilize a private road with utility and storm drainage easements that extend west from Millbrook Avenue north of Esta Avenue. The subdivision may be gated, however consistent with Fire Department standards, all vehicle entrance gates shall have a Knox vehicle gate switch that is sub-mastered for the Modesto Police Department to allow for emergency access. Therefore, any impacts from the project would be less than significant.

(5) The project would not conflict with adopted plans for alternative transportation. No impact.

(6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

5. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include AQ-100, AQ-103, AQ-105, AQ-107 through AQ-110, and AQ-113 through AQ-116 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☒	☐
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐
7) The proposed project would generate greenhouse gas emissions, either directly or	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
indirectly, that may have a significant impact on the environment.				
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan. The proposed rezone is to allow for the development of a nine-lot single-family residential subdivision. Pursuant to the Village One Specific Plan, residential lots are to be 0.50-acre or larger. No impact.

(2) The project would not conflict with or obstruct implementation of the applicable air quality plan. No impact.

(3) The proposed project involves a residential subdivision of nine lots and would not violate any air quality standard or contribute substantially to existing or projected violation. No impact.

(4) The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. No impact.

(5-6) The site of the tentative subdivision map is in proximity to existing rural residential homes and the Enochs High School to the north; however, any impact related to substantial pollutant concentrations and objectionable odors by the project would be construction-related and temporary, and at a less than significant level with application of the above mitigation measures.

(7) The proposed project is residential in nature and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. No impact.

(8) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan. No impact.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise

thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include Noise-4 and Noise 7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	☒
3) The proposed project would result in a	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.				
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☒	☐
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.	☐	☐	☐	☒

Discussion:

(1) The proposed project would not be inconsistent with the General Plan's noise and vibration policies. No impact.

(2-3) The project, a proposed rezone, from Specific Plan-Holding Zone (SP-H) to Specific Plan (SP) on a 4.98-acre portion of Precise Plan Area No. 6 (Subarea A) of the Village One Specific Plan (Specific Plan) and a subsequent Vesting Tentative Subdivision Map ("Miller-Aderholt Subdivision") to subdivide two (2) parcels, totaling 4.98 acres, into nine (9) single-family residential parcels, each a minimum of 0.50 acres, would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. No impact.

(4) Any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied. Subsequent development would be required to adhere to the City's noise ordinance.

(5) The site is not located within an airport land use plan, and is approximately 3.5 miles away from the nearest public airport. No impact.

(6) The site is not within the vicinity of a private airstrip. The nearest known private airstrip is Yandell Ranch approximately 12 miles to the west. No impact.

(7) The site is not within 200 feet of an active railroad line. The nearest railroad line is the BNSF line 0.5 miles away to the east. No impact.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	☒
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1) The area of the proposed rezone (located within Precise Plan Area No. 6, Subarea A of the Village One Specific Plan) is within the Planned Urbanizing Area and is currently not in agricultural production. The site is comprised undeveloped land and rural residential "ranchettes." Additionally, the 2018 California Department of Conservation's Important Farmland Map (the latest data available) designates this area of the Precise Plan as "Rural Residential" (R). Therefore, the project would not be inconsistent with the General Plan's policies related to agricultural land. There is no impact.

(2) As noted above, the 2018 Important Farmland Map designates the area as "Rural Residential". No farmlands designated as Prime, Unique or of Statewide Importance would be converted to non-agricultural purposes. No impact.

(3) The site is not zoned for agricultural uses and is not under a Williamson Act contract. No impact.

(4-6) The project would not cause the rezoning of forest land or timberland. The project site is within an urbanized area not on or in the vicinity of any forest or timberland. No impact.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	☒
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	☒
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan. No impact.

(2) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have any effect on ground water recharge or depletion of long-term water supplies.

(3-4) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources. No impact.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "irect Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding sanitary sewer services from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
effects.				
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project involves the development of a nine-lot single-family residential subdivision. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards. No impact.

(2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project. No impact.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include SWPH-13 and SWPH-14, with regards to policies outlined in Table V-7-1-j and k from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☒	☐
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	☒
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.				
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the General Plan's polices related to loss of sensitive plant and wildlife habitat. No impact.

(2) The project involves the division of 4.98 acres into nine single-family residential lots on rural residential properties located on what was originally identified as pastureland in the Biological Resources study of the Village One Specific Plan Program EIR (SCH No. 90020181). The EIR did not identify any special status species in the area of the project site; however, there is history of Burrowing Owls nesting in the vicinity of the site as recently as 2013, in a storm drain basin located at the northeast corner of Bear Cub Lane and Kodiak Drive. The owls were then passively relocated in 2013 in accordance with the California Department of Fish and Wildlife Guidelines in order to perform necessary improvements to the basin. There is also potential foraging habitat for the Swainson's Hawk at the site, which is known to nest within the General Plan area in grassland, riparian and agricultural habitats. Implementation of the mitigation measures in Table V-7-1 from the MEIR would reduce the potential impact for either species to a less-than-significant level.

(3-4) The project site is not within a riparian corridor or biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. No impact.

(5) The project would not interfere with the movement of native migratory fish or wildlife species. No impact.

(6) The project would not conflict with a local policy or ordinance protecting biological resources. The city does not have a tree preservation ordinance. No impact.

(7) The proposed project would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. No impact.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	☒
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources. No impact.

(2-6) The project site is comprised of rural residential properties and is zoned for residential uses. The site is surrounded by single-family residential uses and the Enochs High School to the north. The site is not classified as being of state or federal historic status nor is eligible for listing for such status. No impact.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing

discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: SD-10 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	☒
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☒	☐

Discussion:

(1) Storm water from the project area is proposed to be routed to existing facilities in Hillglen Avenue, Millbrook Avenue, and Roselle Avenue. Staff has determined that there is enough capacity in the existing storm system surrounding the site to serve the project. All infrastructure improvements would be in accordance to City Standards. No impact.

(2) The project would not substantially increase the rate of surface runoff. No impact.

(3) Land Development Engineering staff has concluded that there is sufficient capacity in the storm facilities to the north to handle development of the proposed project. The impact of this project is less than significant.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: FWQ-11 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
flooding and water quality policies in the Urban Area General Plan.				
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☒	☐
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☒	☐
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☐	☒

Discussion:

(1) The proposed project proposes to establish circulation and utility plans to route stormwater lines to existing lines in Hillglen Avenue, Millbrook Avenue and Roselle Avenue. The project would not be inconsistent with the flooding and water quality policies in the Urban Area General Plan. No impact.

(2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0335E dated September 26, 2008. No impact.

(4) The site is not in the vicinity of a levee or dam. The nearest waterway is Dry Creek approximately two miles to the south. No impact.

(5, 7) The project would not alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation. The impact of this project is less than significant.

(6) The project would not violate water quality standards.

(8) The project would not increase the rate or amount of surface runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding parks and open land from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan. No impact.

(2) The project would not eliminate an existing park or designated open space. The project site is comprised of rural residential properties and is zoned for residential uses. No impact.

(3) Parks Planning staff indicated no concerns with the project with regards to provision of parkland. The site is within 0.25 miles of Ustach Park, a 17-acre community park. The project would have no impact.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full

mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding schools from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the polices relating to schools in the General Plan. No impact.

(2) The project was referred to the Sylvan Elementary and Modesto City Schools District, who have not indicated concerns with the project. No impact.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding police services from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating to police services in the General Plan. No impact.

(2) The project was referred to the Modesto City Police Department, who indicated no concerns with the project. No impact.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding fire services from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
which could cause significant environmental impacts, in order to maintain acceptable response times.				

Discussion:

(1) The project would not be inconsistent with the policies relating to fire services in the General Plan. No impact.

(2) The project was referred to the Modesto City Fire Department, who indicated no concerns with the project. No impact.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding solid waste from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the solid waste policies in the Urban Area General Plan. No impact.

(2) The project would not exceed the projected capacity of existing landfills or result in non-compliance with any federal, state or local statutes or regulations related to solid waste. No impact.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: HM-5 and HM-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☒
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	☒
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
evacuation plan.				
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the hazardous materials policies in the General Plan. No impact.

(2) No hazardous materials will be involved with the project. No impact.

(3) The project site is located adjacent to Enochs High School at Sylvan Avenue. The project is residential in nature and would not result in hazardous materials emissions or waste. No impact.

(4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment. No impact.

(5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields. No impact.

(7) The project would not interfere with an adopted emergency response or evacuation plan. No impact.

(8) The project site is not located near any wildland areas nor is at risk for wildland fire. No impact.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding geologic resources from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with policies relating to geology, soils, and mineral resources in the General Plan. No impact.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property. No impact.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding energy from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the energy policies in the General Plan. No impact.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan. No impact.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding visual resources from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	☒
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating the visual resources in the General Plan. No impact.

(2) The project would not have an adverse impact on a scenic vista. The site is located within the Planned Urbanizing Area of the City and is comprised of rural residential ranchettes, with Enochs High School located to the north and existing single-family residential homes located to the south, east and west. No impact.

(3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings. No impact.

(5) The project would not cause substantial light or glare. No impact.

(6) The project would not impact views from riverside areas and parks. The nearest riverside area or park is Dry Creek one mile to the south. No impact.

(7) The project would not impact views of riverside areas from roadways or nearby properties. No impact.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

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

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding land use and planning from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The site is designated as Low Density Residential (R), and the proposed nine-lot (with each lot being not less than 0.5 acres), single-family residential subdivision is consistent with this Land Use Designation and the requirements of the Village One Specific Plan. The approval of the zone change and approval of the tentative subdivision map is consistent with the General Plan Land Use designation and the specific plan. No impact.

(2) The project would not divide an established community. No impact.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts. No impact.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans. No impact.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

A. No New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared.

Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all environmental impact categories in this Initial Study, and has determined there are no new significant effects, and that a mitigated negative declaration or Focused EIR is not required.

B. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. The Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. The applicable and appropriate mitigating policies from the Master EIR that have been applied to the project are listed below by category.

1. Traffic and Circulation.

No mitigating measures regarding traffic and circulation from the Master EIR are required.

2. Air Quality and Greenhouse Gases:

The following mitigating measures regarding Air Quality and Greenhouse Gas Emission from the Master EIR are required.

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

3. Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;

- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

4. Effects on Agricultural Lands:

No mitigating measures regarding Agricultural Lands from the Master EIR are required.

5. Increased Demand for Long-Term Water Supplies:

No mitigating measures regarding Long-term Water Supplies from the Master EIR are required.

6. Increased Demand for Sanitary Sewer Services:

No mitigating measures regarding Sanitary Sewer Services from the Master EIR are required.

7. Loss of Sensitive Wildlife and Plant Habitat:

SWPH-13. For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if 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 (Policy VII-E.2[a]).

SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR.

8. Disturbance of Archaeological / Historic Sites:

No mitigating measures regarding archaeological/historical sites from the Master EIR are required.

9. Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

10. Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources

Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

11. Increased Demand for Parks and Open Space:

No mitigating measures regarding parks and open space from the Master EIR are required.

12. Increased Demand for Schools:

No mitigating measures regarding demand for schools from the Master EIR are required.

13. Increased Demand for Police Services:

No mitigating measures regarding demand for police services from the Master EIR are required.

14. Increased Demand for Fire Services:

No mitigating measured regarding demand for fire services from the Master EIR are required.

15. Generation of Solid Waste:

No mitigating measures regarding solid waste from the Master EIR are required.

16. Generation of Hazardous Materials:

HM-5. 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 would 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. (Policy VI.M.3)

HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous

materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

17. Geology, Soils, and Mineral Resources:

No mitigating measures regarding geology, soils, and mineral resources from the Master EIR are required.

18. Energy:

No mitigating measures regarding energy from the Master EIR are required.

19. Effects on Visual Resources:

No mitigating measures regarding visual resources from the Master EIR are required.

20. Land Use and Planning:

No mitigating measures regarding land use and planning from the Master EIR are required.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-372

RESOLUTION APPROVING THE APPLICATION OF NORCAL AMBULANCE AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, NorCal Ambulance has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit; and

WHEREAS, once the application, documentation, and necessary fees have been received by the Modesto Police Department (MPD), a background investigation must be completed by the department; and

WHEREAS, the Modesto Police Department has completed background investigations regarding NorCal Ambulance, per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for NorCal Ambulance to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on August 8, 2023, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to NorCal Ambulance for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Modesto City Council finds that NorCal Ambulance will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of NorCal Ambulance and issues NorCal Ambulance a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-373

RESOLUTION ESTABLISHING A TIERED FEE SCHEDULE FOR THE REGISTRATION OF VACANT COMMERCIAL BUILDINGS

WHEREAS, to address the issues stemming from vacant commercial buildings, staff is proposing amendments to the vacant building code which will require conducting timely and sufficient inspections so that dangerous activities can be discovered and promptly avoided and/or abated; and

WHEREAS, posting emergency contact information will be required on the exterior of the building so that emergency personnel can quickly ascertain who to reach in the case of an emergency; and

WHEREAS, to discourage trespassing, signs will need to be displayed along property frontage and a security system will be required to be installed and maintained to prevent unlawful entries into the building thereby alerting a building owner, property manager, and/or security company; and

WHEREAS, vacant building owners often rely on the Neighborhood Preservation Unit to conduct periodic inspections of their property because the owner is located outside of the region; and

WHEREAS, as code enforcement is funded through the General Fund, this places the burden of managing the property on the citizens of Modesto rather than the building owner; and

WHEREAS, currently, code enforcement's only method of recovering funds for staff time is through civil penalties. Civil penalties can only occur when there are code violations such as tagging, unmaintained landscaping, and junk or debris; and

WHEREAS, the current vacant building registration fee for all vacant buildings is currently set at $238 annually through the 2022-2023 Development Fee Schedule; and

WHEREAS, NPU officers would inspect residential buildings twice per year at a cost of $119 per inspection and $238 annually; and

WHEREAS, to address the burden on the General Plan, the annual registration fee will be revised to a tiered structure for commercial buildings; and

WHEREAS, therefore, the below proposed fee structure for vacant commercial buildings is based on the designation of the road facility that the building is adjacent to as defined in Chapter V of the City of Modesto's General Plan; and

Facility Designation	Hourly Capacity	Annual Inspections	Cost Per Inspection	Annual Fee
Freeway (Fronting or Backing)	2,000	26	$119	$3,094
Expressway	1,250	13	$119	$1,547
Principal Arterial	850	7	$119	$833
Minor Arterial	750	7	$119	$833
Major Collector	700	4	$119	$476
Downtown Collector	700	4	$119	$476
Minor Collector	650	4	$119	$476

WHEREAS, registration fees are paid annually but can be prorated on a quarterly basis. If a vacant building becomes occupied, the property owner can request a refund for any unused fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves establishing a tiered fee schedule for the registration of vacant commercial buildings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-374

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2023-24 AS ADOPTED IN THE OPERATING BUDGET TO ADD ONE CODE ENFORCEMENT OFFICER II TO THE NEIGHBORHOOD PRESERVATION UNIT DIVISION OF THE MODESTO POLICE DEPARTMENT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council by June 30, 2022, as part of the Annual Budget of the City of Modesto for Fiscal Year 2022-23, and

WHEREAS, on November 8, 2022, Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022 by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Measure H was approved on February 14, 2023, this initial spending plan included the addition of a number of positions across the Police Department, Parks, Recreation and Neighborhoods Department and the Public Works department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2023-24 Operating Budget for Modesto Police Departments as follows:

1. Add one (1) Code Enforcement Officer II in the Neighborhood Preservation Unit Division (19228) of the Modesto Police Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-375

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL OPERATING BUDGET TO INCREASE MEASURE H FUNDING FOR THE ADDITIONAL CODE ENFORCEMENT OFFICER BEING ADDED TO THE MEASURE H – NEIGHBORHOOD PRESERVATION UNIT COST CENTER (19228) IN THE MEASURE H FUND (0160) IN THE AMOUNT OF $93,708 AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, in May of 2009, the City of Modesto adopted Article 6, Vacant and Boarded Buildings, Chapter 9, Property Maintenance Code, to support the upkeep and expectations of the community to avoid tagging, theft, and fire damage contributing to blight conditions for surrounding properties, and

WHEREAS, current requirements were added by Ordinance No. 3512 and became effective June 12, 2009; however, there have been several recent incidents where vacant commercial buildings were not maintained and secured by the property owner and the buildings became attractive to criminals, and

WHEREAS, subsequently those buildings suffered from tagging, theft, fire damage contributing to blight conditions for the surrounding properties with the Neighborhood Preservation Unit having limited resources and being unable to provide the staff to continuously monitor the vacant buildings on behalf of the building owners, and

WHEREAS, without proper attention and maintenance, vacant buildings can be a major cause and source of crime and blight in both residential and nonresidential neighborhoods with vacant buildings which are unkempt and vacant for long periods of time discouraging economic development and depreciating property values, and

WHEREAS, to address the issues stemming from vacant commercial buildings,

staff is proposing amendments to the vacant building code which will require conducting timely and sufficient inspections so that dangerous activities can be discovered and promptly avoided and/or abated, and

WHEREAS, staff is proposing that one additional Code Enforcement Officer position will be required to provide the Neighborhood Preservation Unit with the resources to complete the required changes and inspections of properties around the City outlined above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating Budget to increase Measure H funding for the additional Code Enforcement Officer being added to the Measure H – Neighborhood Preservation Unit Cost Center (19228) in the Measure H Fund (0160) in the amount of $93,708.

BE IT FURTHER RESOLVED that the City Manager is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-376

RESOLUTION APPROVING THE APPOINTMENT OF IVAN VALENCIA TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR THE POSITION OF COMMERCIAL CARRIER/SERVICE PROVIDER FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF JUNE 30, 2027

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County, and surrounding areas; and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop; and

WHEREAS, the AAC currently has a vacancy for the position of Commercial Carrier/Service Provider that was previously held by Lieutenant Steve Hatzigeorgiou of the Sheriffs Aero Squadron whose term expired on April 6, 2023; and

WHEREAS, Ivan Valencia of the Modesto Police Department (MPD) has shown interest in the position and has applied to fill the vacancy. He is an active-duty police officer with 25 years of experience with MPD; and

WHEREAS, Ivan is the managing officer over the MPD Air Support Unit based at the Airport; and

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 that it hereby approves the appointment of Ivan Valencia to fill the vacant position representing Commercial Carrier/Service Provider to the Modesto City-County Airport Advisory Committee, for a term of four years with an expiration date of June 30, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-377

RESOLUTION APPROVING A FIRST AMENDMENT TO THE STANISLAUS ANIMAL SERVICES AGENCY JOINT POWERS AGENCY AGREEMENT, WITH RESPECT TO THE MANNER OF EXERCISING ITS POWERS CURRENTLY SUBJECT TO THE RESTRICTIONS APPLICABLE TO THE CITY OF MODESTO AND BEING REPLACED BY RESTRICTIONS APPLICABLE TO THE COUNTY OF STANISLAUS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Stanislaus Animal Services Agency Joint Powers Agency Agreement was executed on October 27, 2009, by and between the cities of Ceres, Hughson, Modesto, Patterson, Waterford and the County of Stanislaus, and

WHEREAS, the original Joint Powers Agency (JPA) Agreement was established, and mandated adherence to the County's procedures for all functions except purchasing, which would follow the City of Modesto's procedures, and

WHEREAS, the JPA recently determined that it has been employing the County's purchasing policies, and in order to rectify the situation, it was recommended that an amendment be made to the JPA Agreement to be more administratively consistent, and

WHEREAS, on March 16, 2023, the JPA Board accepted a proposal to direct staff to bring a draft amendment to Section 3.3 of the JPA Agreement, with respect to the JPA's manner of exercising its powers currently subject to the restrictions applicable to the City of Modesto and being replaced by restrictions applicable to the County of Stanislaus, and

WHEREAS, a proposed draft amendment was presented to the JPA Board for consideration with a recommendation for approval to the six parties forming the Joint Powers Agency in accordance with Government Code Section 6059, and

WHEREAS, it is recommended to amend the JPA Agreement, updating Section 3.3 to read as follows:

> "3.3 Powers and Functions: The Agency shall have the common power of the Member Agencies to plan, establish and exercise all government functions necessary to provide animal services for the benefit of the Member Agencies. Pursuant to Government Code Section 6509, the Agency's manner of exercising such powers shall be subject to those restrictions applicable to the County of Stanislaus. The agency board is authorized to do the following in the name of the Agency:"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Stanislaus Animal Services Agency Joint Powers Agency Agreement, with respect to the manner of exercising its powers currently subject to the restrictions applicable to the City of Modesto and being replaced by restrictions applicable to the County of Stanislaus.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-378

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR A CONSTRUCTION PROJECT MANAGEMENT SOFTWARE TO EBUILDER, INC., SUNRISE, FL, FOR A TOTAL AMOUNT NOT TO EXCEED $620,183 FOR A TOTAL PERIOD OF FIVE (5) YEARS, WITH AN INITIAL TERM OF THREE (3) YEARS AND TWO (2) ONE-YEAR EXTENSION OPTIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESGINEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Construction Administration group, housed withing the Engineering Services Department, provides inspection, management, and administration of the majority of City Capital Improvement Program (CIP) projects from various departments such as: Utilities, Community and Economic Development, and Public Works as well as inspection and invoicing for encroachment permits; and

WHEREAS, for document management on various CIP projects, the City of Modesto has utilized the "Software-as-a-Service" (SaaS), eBuilder, Inc., dating back to 2016; and

WHEREAS, since implementation of the software began, it has reduced the amount of paper files for each project, having now created, tracked, and stored files digitally; and

WHEREAS, while the use of this software has been crucial to aid the City in document management, the contract agreement with eBuilder, Inc., expired on June 30, 2023, and the City will require a consultant firm to provide a construction project management software moving forwards; and

WHEREAS, with the contract agreement between the City of Modesto and eBuilder, Inc., expiring on June 30, 2023, the Purchasing Division requested bids for a new construction project management software; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, it is imperative to ensure the City is receiving the best and most cost-effective service needed from a construction project management software, and

WHEREAS, on December 6, 2022, the City received a total of 12 responsive proposals from different construction project management software firms; and

WHEREAS, an evaluation committee, consisting of five (5) City staff members from various departments, evaluated and graded the submitted proposals from each company; and

WHEREAS, the top four (4) firm proposals were invited to continue the process and provide a demonstration of their software to the committee; and

WHEREAS, presentations were held both virtually and in-person on February 7-8, 2023; and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal and contract for the purchase and implementation of a construction project management software system to eBuilder, Inc., Sunrise, FL., for an estimated total cost of $399,568 for a three-year agreement. The agreement includes a provision for two additional one-year extensions with the written approval by the Director of Engineering Services. If exercised, the total cost of the agreement for five years would be $620,180; and

WHEREAS, the award of proposal and contract for the purchase and implementation of a construction project management software system to eBuilder, Inc., Sunrise, FL., conforms to the Modesto Municipal Code 8-3.203.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for a construction project management software to eBuilder, Inc., Sunrise, FL, for a total amount not to exceed $620,183 for a total period of five (5) years, with an initial term of three (3) years and two (2) one-year extension options.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-379

RESOLUTION APPROVING A PRE-QUALIFIED CONSULTANT LIST FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES, WITH BROWN AND CALDWELL, HDR INC., TRC COMPANIES, AND WEST YOST FOR A PERIOD OF THREE (3) YEARS, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS AT THE DISCRETION OF THE ENGINEERING SERVICES DIRECTOR

WHEREAS, the Construction Administration group is housed within the Engineering Services Department and is responsible for construction management and inspection services for capital projects over $50,000, emergency projects, and inspection of all encroachment permits issued by the City of Modesto; and

WHEREAS, from time-to-time, project and permit workloads require additional resources, and

WHEREAS, staff is recommending the establishment of a pre-qualified list of consultants to provide construction management and inspection services to assist with the project workload when needed; and

WHEREAS, retaining a pre-qualified list with consultants allows the Engineering Services Department to have accelerated and convenient access to specific construction management and inspection services; and

WHEREAS, this will eliminate the need to send out repetitive Request for Qualifications (RFQ) for projects of similar scope, thereby saving staff time and project costs; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements", agreements for professional services are exempt from the formal bidding process and requirements; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications to provide construction management and inspection services was initiated; and

WHEREAS, on May 25, 2023, staff received fifteen Statements of Qualifications (SOQs) for construction management and inspection, one of which was considered a local firm; and

WHEREAS, after careful review of the qualifications, the following four firms were selected as the most qualified: Brown and Caldwell, HDR Inc., TRC Companies and West Yost; and

WHEREAS, when construction management and inspection services are required for a particular Capital Improvement Program project, a Request for Proposal (RFP) with a project specific scope of work will be issued to all of the pre-qualified firms from the pre-qualified list. Following a review of each proposal by an evaluation panel, interviews may be conducted to select the most qualified firm for the work. An agreement for construction management and inspection services will then be presented to Council for approval, if the total amount of the agreement exceeds $50,000; and

WHEREAS, the pre-qualified consultant list will be active for a period of three (3) years from the date of Council approval, after which the list may be extended via two (2) one-year extensions at the written approval of the Director of Engineering Services; and

WHEREAS, in the event the firms listed are deemed to lack experience or expertise for specific projects, the City of Modesto retains the right to recruit other

consultants for individual projects and not be restricted to only using the approved list; and

WHEREAS, the Director of Engineering Services will have the authority to request a separate solicitation process and add additional consultants to the list of pre-qualified firms; and

WHEREAS, a formal selection procedure per Administrative Directive 3.1 will be conducted should the need to add additional firms arise.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a prequalified consultant list for construction management and inspection services consisting of Brown and Caldwell, HDR Inc., TRC Companies and West Yost for a period of three years, with two one-year extension options at the written approval of the Engineering Services Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-380

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PARADISE ROAD AREA PEDESTRIAN AND BICYCLE SAFETY IMPROVEMENTS, ATPL-5059(233) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO GEORGE REED, INC. OF MODESTO, CA, IN THE AMOUNT OF $8,529,985, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project, were publicly opened at 11:00 a.m. on June 6, 2023, and later tabulated by the Interim Director of Engineering Services Department for the consideration of Council; and

WHEREAS, the Interim Director of Engineering Services Department has recommended that the bid of $8,529,985 received from George Reed, Inc. of Modesto, California be accepted as the lowest responsible and responsive bid and the contract be awarded to George Reed, Inc.; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $8,529,985 and agreement for construction with George Reed, Inc. of Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and George Reed, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Paradise Road Area Pedestrian and Bicycle Safety Improvements Project, accepts the bid of George Reed, Inc. of Modesto, California, in the amount of $8,529,985, and awards George Reed, Inc. the contract for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-381

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $852,998 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE PARADISE ROAD AREA PEDESTRIAN AND BICYCLE SAFETY IMPROVEMENTS, ATPL 5059(233) PROJECT

WHEREAS, Paradise Road Area Pedestrian and Bicycle Safety Improvements project bids were publicly opened on June 6, 2023, and George Reed, Inc. of Modesto, CA, was the apparent low bidder with the amount of $8,529,985, and

WHEREAS, due to the complexity of the project and the extensive coordination anticipated with other on-going construction projects in the area, Modesto City Schools, and multiple utility companies and property owners, the contingency costs for the Paradise Road Area Pedestrian and Bicycle Safety Improvements project is estimated to be $852,998 (10% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $852,998 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-382

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH PB LOADER CORPORATION, FRESNO, CA FOR THIRTEEN (13) DUMP TRUCKS FOR AN AMOUNT NOT TO EXCEED $2,803,943, AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER AND EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, throughout the fiscal year, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments; when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on June 17, 2021, Sourcewell issued Request for Proposals (RFP) #0850521 under Contract #0850521-PBL for Roadway Maintenance Equipment on the Sourcewell Procurement Portal, New York State Contract Reporter, DJC Oregon, McClatchy and PublicPurchase.com; and

WHEREAS, on August 27, 2021, proposals were conducted electronically through the Sourcewell Procurement Portals; and

WHEREAS, thirty (30) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, six (6) contracts were awarded for this commodity which includes the Dump Trucks; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with PB Loader Corporation, Fresno, CA for thirteen (13) Dump Trucks for an amount not to exceed $2,803,943.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-383

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH CATERPILLAR INC. PEORIA, IL UNDER AUTHORIZED DEALER HOLT OF CALIFORNIA, STOCKTON, CA TO PURCHASE TWO (2) FORKLIFT VARIABLE REACH FOR AN AMOUNT NOT TO EXCEED $241,893; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER AND TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, on January 31, 2019, Sourcewell issued Request for Proposals (RFP) #032119 under Contract #032119-CAT for New and Used Construction and Paving Equipment, Parts and Services and accessories on the Sourcewell Procurement Portal, New York State Contract Reporter website, the State Media Company, Utah Media Group, and PublicPurchase.com; and

WHEREAS, on March 22, 2019, proposals were conducted at the Sourcewell Procurement office in Staples, MN; and

WHEREAS, Fifteen (15) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, nine (9) contract was awarded for this commodity which includes the two (2) Forklift Variable Reach; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to

be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA to purchase two (2) Forklift Variable Reach for an amount not to exceed $241,893.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-384

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH MACK TRUCKS, INC GREENSBORO, NC UNDER THE AUTHORIZED DEALER WESTERN TRUCK CENTER, SACRAMENTO, CA TO PURCHASE THREE (3) PACKERS FOR AN AMOUNT NOT TO EXCEED $1,081,218; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER AND EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, on June 9, 2020, Sourcewell issued Request for Proposals (RFP) #060920 under Contract #060920-MAK for Class 4-8 Chassis with Related Equipment, Accessories, and Services on the Sourcewell Procurement Portal, Utah Media Group, USA Today, South Carolina – The State, New York State Contract Reporter, Oregon Daily Journal of Commerce, and Public Purchase; and

WHEREAS, on July 21, 2020, proposals were conducted at the Sourcewell Procurement office in Staples, MN; and

WHEREAS, twenty-five (25) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, nine (9) contracts were awarded for this commodity which includes the three (3) Packers; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC

8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Mack Trucks, Inc Greensboro, NC under the authorized dealer Western Truck Center, Sacramento, CA to purchase three (3) Packers for an amount not to exceed $1,081,218.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-385

RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO FIREFIGHTERS' ASSOCIATION TO ADD CESAR CHAVEZ AND JUNETEENTH TO THE RECOGNIZED CITY HOLIDAYS EFFECTIVE JULY 1, 2023, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRAVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, prior to July 1, 2023, the City provided all employees a total of ten holidays and one floating holiday, and

WHERAS, holidays included New Year's Day, Dr. Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day, with the floating holiday recognizing Admission Day, and

WHEREAS, the City negotiated with four of the City's five bargaining units with the new contracts becoming effective July 1, 2023, by Resolution No. 2023-285, 2023-284, 2023-286, and

WHEREAS, as with past practice, the City has provided holidays that are negotiated to all employees regardless of the membership, or lack of, in the negotiated union, and

WHEREAS, Modesto Firefighters' Association (MCFFA) was the only union contract that was not expiring and being negotiated in the current year, and

WHEREAS, the parties agree to add the two additional holidays to their list of holidays recognized by the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Modesto Firefighters' Association to add Cesar Chavez and Juneteenth to the recognized holidays effective July 1, 2023.

BE IT FURTHER RESOLVED that the City Manager, or his designee are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-386

RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO FIREFIGHTERS' ASSOCIATION TO ADJUST SPECIAL ASSIGNMENT COMPENSATION EFFECTIVE JULY 1, 2023, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, Under Article 8 – Special Assignments, employees may be assigned by the Fire Chief to serve in long-term 40-hour assignments such as assignments within Fire Investigations and the Training Division. Associated with these special assignments, employees are provided with a special assignment pay equivalent Step C of the Captain position allocation salary schedule or seven and one-half percent above their base pay, whichever is greater, and

WHEREAS, this also applies to those assigned to a 56-hour work schedule performing Fire Investigation duties, and

WHEREAS, the City and Modesto Firefighters' Association (MCFFA) met in good faith to agree on a new Memorandum of Understanding (MOU) in the spring of 2022. The prior MOU was set to expire June 30, 2022. The City and MCFFA came to a tentative agreement which was approved by Council on June 7, 2022, by Resolution No. 2022-266 with an effective date of July 1, 2022, and

WHEREAS, one of the agreed upon terms was the addition of a step in the salary schedule, and

WHEREAS, this creates a smaller difference between the salary schedules of Firefighter and Fire Engineer and that of the Fire Captain, and

WHEREAS, employees who are assigned to the special assignment do not realize the same increase in pay to account for the increase in responsibility.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Modesto Firefighters' Association to adjust the special pay compensation from Step C to Step D effective July 1, 2023.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-387

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH GRANTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED DOCUMENTS

WHEREAS, the State of California Governor's Office of Planning and Research (OPR) studies future research and planning needs, fosters goal-driven collaboration, and delivers guidance to state partners and local communities, with a focus on land use and community development, climate risk and resistance, and high road economic development; and

WHEREAS, the State of California launched the Integrated Climate Adaptation and Resiliency Program (ICARP) in 1994 to advance equitable, integrated climate adaptation and resilience solutions across local, regional, and state efforts; and

WHEREAS, in the 2021 state budget, ICARP expanded its direct support programs to provide three grant opportunities related to adaptation planning, regional resilience, and extreme heat impacts; and

WHEREAS, Modesto is a central California city, susceptible to drought conditions, extreme heat events, and other negative impacts from climate change; and

WHEREAS, the City of Modesto benefits from EPA grant programs by receiving funding for the purchase of equipment or materials related to infrastructure, direct operating expenses, education and outreach opportunities, and various other expenses related to promoting recycling and materials recovery and decreasing contamination in source-separated recycling.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to apply for the State of California Governor's Office of Planning and Research grants.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-388

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REBID LA LOMA SEWER REPLACEMENT PHASE 1 PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH MOZINGO CONSTRUCTION INC, OF OAKDALE, CA, IN THE AMOUNT OF $5,282,147 PLUS $792,322 IN CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $6,074,469 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in the La Loma Phase 1 Area, there are old, deficient sewer lines which are undersized and in some areas do not meet the self-cleaning velocity as specified in the City Standard Specifications, and

WHEREAS, this project will upsize approximately 7,400 linear feet of sewer lines and will address the existing slope issues, bringing it in compliance with current City standards, and

WHEREAS, in addition to the gravity lines, new laterals will also be installed in various locations throughout the neighborhood along with a 6-inch sewer force main to reroute and replace the existing old line, and

WHEREAS, the project was initially advertised for bids on March 7, 2023 and bids were publicly opened on April 11, 2023, pursuant to City Charter Section 1307, and

WHEREAS, there was a substantial discrepancy between the two bids, and

WHEREAS, Staff recommended the rejection of the bids received and the re-advertising of the project at a different date, and

WHEREAS, on May 23, 2023, by Resolution 2023-239, Council approved rejecting all bids for the La Loma Sewer Replacement Phase 1 Project and authorizing staff to re-advertise the project, and

WHEREAS, the Rebid La Loma Sewer Replacement Phase 1 Project was re-advertised for bids on June 6, 2023, and

WHEREAS, bids were publicly opened on July 11, 2023, pursuant to City Charter Section 1307; Two bids were received and Mozingo Construction Inc, of Oakdale, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of Contract for the construction of the Rebid La Loma Sewer Replacement Phase 1 Project to Mozingo Construction Inc, of Oakdale, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, Staff recommends awarding the Contract to Mozingo Construction Inc, of Oakdale, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Rebid La Loma Sewer Replacement Phase 1 Project; accepting the bid and awarding a Construction Contract to Mozingo Construction Inc, of Oakdale, CA, for a total of $5,282,147 plus $792,322 in contingency (if needed) for a total amount not to exceed $6,074,469.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-389

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE REBID LA LOMA SEWER REPLACEMENT PHASE 1 PROJECT FROM 8% ($422,572) TO 15% ($792,322) OF THE CONSTRUCTION CONTRACT PRICE OF $5,282,147 WITH MOZINGO CONSTRUCTION INC, OF OAKDALE, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects between $1 Million and $10 Million, and

WHEREAS, given the nature of this project, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($422,572) of the contract amount of $5,282,147, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 15% ($792,322) due to the nature of the project and the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Engineering to issue change orders for the Rebid La Loma Sewer Replacement Phase 1 Project from 8% ($422,572) to 15% ($792,322) of the construction contract price of $5,282,147 with Mozingo Construction Inc, of Oakdale, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-390

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $6,190,690 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE REBID LA LOMA SEWER REPLACEMENT PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $6,190,690, in order to fund the Rebid La Loma Sewer Replacement Phase 1 Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $6,190,690.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-391

RESOLUTION ADOPTING WATER SERVICE RATES, EFFECTIVE OCTOBER 1, 2023, FOR FISCAL YEARS 2023-24 THROUGH 2027-28 IN ACCORDANCE WITH PROPOSITION 218

WHEREAS, the City provides water service to over 74,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the communities of Salida, Empire, Grayson, Del Rio, and portions of Turlock and unincorporated Stanislaus County, and

WHEREAS, the City's water utility is a self-supporting utility enterprise funded by customer revenues from the sale of groundwater and treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, the City's water utility relies almost entirely on customer revenues to sustain its operations, and

WHEREAS, water rates generate revenue to fund system operational and infrastructure needs, and to continue to provide reliable and high-quality water services to the City's water customers, and

WHEREAS, Modesto Municipal Code Section 11-6.05 authorizes Council, by resolution, to establish charges for metered water services, and

WHEREAS, the City last conducted an in-depth cost of service rate study in 2016, and

WHEREAS, the City Council approved the previous 5-year water rate increase from fiscal year (FY) 2016-17 through 2020-21, with the last rate change occurring on October 1, 2021, and

WHEREAS, in the current economic environment, changes in the City's water utility, including escalating operation and maintenance costs due to inflation, new regulatory requirements, and major water system capital improvements, require the City to update its water rate structure, and adopt a new five-year schedule of adjustments, and

WHEREAS, the City engaged with West Yost to update the Water System Engineer's Report (Engineer's Report) which serves as the basis for the Water Rate Study, providing the justification and allocation of costs for the proposed water Capital Improvement Program (CIP) between existing and future customer classes, and

WHEREAS, the analysis of the completed Engineer's Report and water system CIP cash flow has identified $185 million in water system projects between FY 2023 through 2027, to address water system reliability, water quality improvements and regulatory mandates (such as AB 1668 and SB 606), and

WHEREAS, the City engaged with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees (Water Rate Study), and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition 218, and

WHEREAS, the BWA Water Rate Study found that although prior water rate and fee increases had strengthened the financial condition of the Water Fund, the current rates are not adequate to fund the needed water system reliability, water quality improvements, and meet regulatory mandates, and

WHEREAS, BWA's rate recommendations include modifications to the cost-of-service allocations and water rates, and

WHEREAS, BWA's recommended rates are designed to recover the Water utility's cost of service and proportionately recover costs from customers, and

WHEREAS, the financial challenges over the next five years will be to maintain debt service coverage and to stabilize revenues with reduced water volume sales, resulting from ongoing water conservation, regulatory mandates, and looming drought conditions, and

WHEREAS, BWA evaluated several scenarios during the development of the water rate schedule for FY 2023-24 through FY 2027-28 and has provided a recommended rate structure, and

WHEREAS, water rate increases are necessary to fund increasing water operational costs and capital improvement projects, and

WHEREAS, based on BWA analysis, Staff is recommending annual 4.5% water rate increases, and

WHEREAS, the proposed 4.5% annual rate increase is still below the City's projected inflationary budget increases of 5.0%, maintains the Water Fund's strong credit rating (currently AA with S&P) and provides a debt coverage ratio of over 2.0, which is recommended by the City's financial consultants for the water utility, and

WHEREAS, while $40M in debt financing is anticipated, the City's strong credit rating will benefit the City with favorable financing terms, and

WHEREAS, City Staff will continue to pursue alternate State and Federal funding opportunities to offset Water Fund costs and could potentially reduce the amount of debt required, and

WHEREAS, the Water Rate Study allocated cost between fixed costs for customer service and meter size, and variable cost of water used (volume) by meter, and

WHEREAS, a separate drought surcharge rate to be used only under drought conditions was developed to promote conservation, while minimizing impacts to the Water Fund Revenue, and

WHEREAS, drought rates will be implemented when the Governor of California declares a state-wide drought, or through City Council action, when local water supplies are unsustainable and reach Stage 3 of the City's Water Shortage Contingency Plan, and

WHEREAS, the updated water rates established pursuant to this resolution are not levied for general revenue purposes, and

WHEREAS, the costs listed in the Water Rate Study are reasonable estimates of the cost of providing such services, and that the proposed water service rates are necessary to recover the reasonable estimated cost of providing such services for which the rates are charged, to allocate such costs among City customers so that they bear a fair and reasonable relationship to customers' burdens on and benefits from City's water services, to ensure that charges for water services do not exceed the proportionate cost of providing water services attributable to each parcel and to secure the financial stability of City's water utility in accordance with the analyses contained in the Water Rate Study, and

WHEREAS, the City mailed a Proposition 218 notice of the public hearing, and a notice of written protest procedures against the proposed rate increases to all affected ratepayers in compliance with California Constitution Article XIIID, Section 6, at least forty-five (45) days in advance of the public hearing at which this resolution was considered, and

WHEREAS, on August 22, 2023, the City Council duly held the public hearing and at its conclusion the City Clerk tabulated the number of written protests received and reported that there was not a majority protest of the proposed water rates by property owners, ratepayers, or their authorized representatives, and

WHEREAS, the City Council desires to establish new water rates.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the above recitals are true and correct, and incorporated herein.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby approves the Water Rate Study prepared by Bartle Wells Associates and adopts the following updated water rates to be effective October 1, 2023:

Monthly Volumetric Rates	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
	Existing	*Proposed*	*Proposed*	*Proposed*	*Proposed*	*Proposed*
Non-Drought ($/CCF)	$2.02	$2.11	$2.20	$2.30	$2.40	$2.51
Drought ($/CCF)		$2.45	$2.56	$2.68	$2.80	$2.93

Monthly Fixed Charge	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
	Existing	*Proposed*	*Proposed*	*Proposed*	*Proposed*	*Proposed*
Meter Size						
5/8"	$25.44	$26.43	$27.62	$28.86	$30.16	$31.52
3/4"	$25.44	$26.43	$27.62	$28.86	$30.16	$31.52
1"	$36.83	$38.55	$40.28	$42.09	$43.98	$45.96
1.5"	$65.32	$68.85	$71.95	$75.19	$78.57	$82.11
2"	$99.50	$105.21	$109.94	$114.89	$120.06	$125.46
3"	$207.73	$220.35	$230.27	$240.63	$251.46	$262.78
4"	$367.24	$390.03	$407.58	$425.92	$445.09	$465.12
6"	$748.90	$796.05	$831.87	$869.30	$908.42	$949.30
8"	$1,375.53	$1,462.65	$1,528.47	$1,597.25	$1,669.13	$1,744.24
10"	$2,173.05	$2,311.05	$2,415.05	$2,523.73	$2,637.30	$2,755.98
12"	$2,856.63	$3,038.25	$3,174.97	$3,317.84	$3,467.14	$3,623.16

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-392

RESOLUTION ACCEPTING THE RESIGNATION OF DOUGLAS PARMAN FROM THE CITIZENS' HOUSING COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the Citizens' Housing Community Development Committee was established to provide overall review of the City's Housing and Urban Development (HUD) funds, and

WHEREAS, on October 27, 2020, by Resolution No. 2020-435, Douglas Parman was appointed to serve as a member of the Citizens' Housing Community Development Committee, and

WHEREAS, Douglas Parman has tendered his resignation from the Citizens' Housing Community Development Committee effective July 10, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Douglas Parman from the Citizens' Housing Community Development Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-393

RESOLUTION ACCEPTING THE RESIGNATION OF STACY SOTTERO AND FALLON FERRIS FROM THE EQUITY COMMISSION

WHEREAS, the Equity Commission was established to advise the City Manager and the City Council in matters that relate to equity and inclusion, equal opportunity, and disability related issues, and

WHEREAS, on August 9, 2022, by Resolution No. 2022-332, Stacy Sottero was appointed to serve as a member of the Equity Commission, and

WHEREAS, on October 11, 2022, by Resolution No. 2022-409, Fallon Ferris was appointed to serve as a member of the Equity Commission, and

WHEREAS, Stacy Sottero has tendered her resignation from the Equity Commission effective July 14, 2023, and

WHEREAS, Fallon Ferris has tendered her resignation from the Equity Commission effective August 2, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Stacy Sottero and Fallon Ferris from the Equity Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-394

RESOLUTION APPOINTING SARAH AARONSON TO THE DOWNTOWN IMPROVEMENT DISTRICT BOARD OF DIRECTORS FOR THE REMAINDER OF A FOUR-YEAR TERM THROUGH DECEMBER 31, 2026

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

WHEREAS, the Downtown Improvement District promotes a positive atmosphere in the downtown by caring for physical space, with the mission to attract and retain business, employees, residents, and visitors to downtown Modesto, and

WHEREAS, the Downtown Improvement District Board of Directors consists of nine (9) members serving in the role of the City's concierge, and

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointment of Sarah Aaronson to the Downtown Improvement District Board of Directors, and

WHEREAS, Sarah Aaronson shall be appointed to serve the remainder of a four-year term through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves the appointment of Sarah Aaronson to the Downtown Improvement District Board of Directors for the remainder of a four-year term through December 31, 2026.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this Resolution to the appointed member of the Downtown Improvement District Board of Directors, and Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-395

RESOLUTION APPROVING THE APPOINTMENTS OF DENISE NORDELL AND ROMAN MESSICK TO THE BLIGHT ABATEMENT ADVISORY COMMITTEE FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF DECEMBER 31, 2027

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

WHEREAS, in 2019, during the Strategic Planning sessions with community members, a major theme was dissatisfaction regarding blight throughout the City; and

WHEREAS, in December 2019, by Resolution 2019-555, City Council approved the Blight Abatement Strategy, which included the creation of a blight abatement taskforce comprised of public and private stakeholders that will make recommendations to the City regarding program improvements, potential funding opportunities, and support increasing volunteerism; and

WHEREAS, on October 13, 2020, by Resolution 2020-428, City Council approved the formation of the Blight Abatement Advisory Committee (BAAC) and solicited membership of the committee's nine members; and

WHEREAS, on August 10, 2023, the Appointments Committee recommended the appointments of Denise Nordell and Roman Messick to be forwarded to Council for approval; and

WHEREAS, the terms will be for four years for each of the appointments extending through December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Denise Nordell and Roman Messick to the

Blight Abatement Advisory Committee through December 31, 2027.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is directed to transmit a copy of this resolution to the appointed members of the Blight Abatement Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-396

RESOLUTION OF THE CITY OF MODESTO CALLING FOR THE HOLDING OF A PRIMARY MUNICIPAL ELECTION TO BE HELD ON MARCH 5, 2024 FOR THE ELECTION OF THE MAYOR AS REQUIRED BY THE CITY CHARTER OF THE CITY OF MODESTO, REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS CONSOLIDATE THE CITY OF MODESTO PRIMARY MUNICIPAL ELECTION TO BE HELD ON MARCH 5, 2024, REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, ELECTIONS DIVISION OF THE COUNTY OF STANISLAUS TO CONDUCT THE ELECTION ON BEHALF OF THE CITY OF MODESTO, AND IF NECESSARY, THE CALLING AND GIVING NOTICE FOR THE HOLDING OF A RUN-OFF MUNICIPAL ELECTION ON NOVEMBER 5, 2024 FOR SAID OFFICE

WHEREAS, under the provisions of the City Charter, a Primary Municipal Election is hereby called for the purpose of electing one (1) Mayor for a term of four (4) years. Said election shall be held on Tuesday, March 5, 2024; and

WHEREAS, pursuant to Article III, Section 300 of the Charter, "If, at said regular municipal election for the Office of Mayor, held on the date of the statewide primary election, no candidate for the elective office of Mayor for the City of Modesto receives a majority of the valid votes cast for said office, a run-off election shall be held for said office on the first Tuesday after the first Monday in November of that year to coincide with the regular municipal election of the elective offices of the other members of Council." In the event that no one (1) candidate seeking an elected office receives a majority (50% plus 1) of the total votes cast for that office, Section 300 further states, "At said run-off election, the two (2) candidates for the elective office of Mayor receiving the highest number of votes at the prior municipal election shall have their names placed on the ballot for election to said office." If necessary, a Run-Off Municipal Election is hereby called for and to be held on November 5, 2024; and

WHEREAS, the City of Modesto respectively requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc., necessary for the Municipal Election, and

WHEREAS, the City of Modesto City Clerk's Office will be responsible for issuing/collecting election information, publishing the Notice of Election and the Nominees for Public Office; and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the Municipal Election on behalf of the City; and

WHEREAS, pursuant to Elections Code section 10403, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election.

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

Section 1. The City Council hereby call and orders the holding of a Primary Municipal Election to be held in Modesto, California, on Tuesday, March 5, 2024, for the purpose of electing one (1) Mayor for a term of four (4) years, and if necessary, a Run-Off Municipal Election on Tuesday, November 5, 2024.

Section 2. The City Council hereby formally requests from the Board of Supervisors of Stanislaus County, California, to consolidate the City of Modesto's Primary Municipal Election with the County's Presidential Primary Election to be held on March 5, 2024, and if necessary, consolidate a Run-Off Election on November 5, 2024, with the County's Presidential General Election, and requesting the services of the

Registrar of Voters, Elections Division, of the County of Stanislaus to conduct the election(s) on behalf of the City of Modesto.

Section 3. The consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California.

Section 4. The County Elections Official is authorized, at the City's expense, to provide all necessary election services in order to properly and lawfully conduct said election, including precinct workers and the procurement and furnishing of all official ballots, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election and to canvass the results of said election.

Section 5. That notice of the time and place of holding the election is given, and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

Section 6. That the ballots to be used at the election shall be, in form and content, as required by law.

Section 7. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 8. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one (1) election, and only one (1) form of ballot shall be used.

Section 9. In all particulars not recited in this resolution, said elections shall be noticed and held and all publications made as provided by law for holding municipal elections.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-397

RESOLUTION ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Modesto on March 5, 2024, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed [in typewritten form] in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, candidates statements will be translated into all languages required by the County of Stanislaus. The County is required to translate candidate's statements into the following languages: Spanish.

B. The County will print and mail sample ballots and candidates statements to all voters in Spanish. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

C. The City also requests that all material appearing in the ballot be translated from English to those relevant foreign languages which the Secretary of State has determined is necessary to provide facsimile ballots at a precinct within the jurisdiction pursuant to subdivision (c) of Section 14201 of the State Elections Code.

SECTION 3. PAYMENT.

A. Translations:

1. The candidate shall be required to pay for the cost of translating the candidates statement into any <u>required</u> foreign language as specified in (A) and/or (B) of Section 2 above pursuant to Federal and\or State law, but is requested as an option by the candidate.

B. Printing:

1. The candidate shall be required to pay for the cost of printing the candidates statement in English in the main voter pamphlet.

2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of the Foreign Language Policy Section above, in the main voter pamphlet.

SECTION 4. ESTIMATE OF PRINTING COSTS. The Stanislaus County Registrar of Voters has estimated the cost of printing, handling, translating, and mailing the candidate's statement filed pursuant to this section, including cost incurred as a result of complying with the Voting Rights Act of 1965 (as amended). The estimated cost for printing of a candidate's statement for the March 5, 2024 main voter pamphlet is $1,500. The City Clerk shall require each candidate filing a statement to pay $1,500 in advance as a condition of having his or her statement included in the voter's pamphlet. The estimate is only an approximation of the actual cost. Costs vary from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk will require the candidate pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount to the candidate and refund the excess amount paid after the election.

SECTION 5. MISCELLANEOUS. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 6. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 7. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 8. That all previous resolutions establishing council policy on payment for candidates statements are repealed.

SECTION 9. That this Resolution shall apply only to the election to be held on March 5, 2024 and shall then be repealed.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-398

RESOLUTION AMENDING FISCAL YEAR 2022-23 AND FISCAL YEAR 2023-24 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23 and Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 and Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2022-23

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment is needed to increase the budget in Fund 1130 – Community Development Block Grants (CDBG) in the Housing Urban Development (HUD) Program by $200,000 for Administration during FY2023. The increase of expenses is due to an increase in the Indirect Rate Cost Proposals adjustments (ICRP) and support for potential and new programs including the Equalities, Diversity, and Inclusion (EDI)/Camp2Home program and Homekey programs, creating low-income housing and providing support to those unhoused in our community. This is fully funded by Federal CDBG funds and has no impact to the General Fund.

- A budget adjustment is necessary to transfer $566,983 from the General Fund 0100 to the Infrastructure Financing Program (IFP) Administration Fund 3220. The Infrastructure Financing Program Fund is funded by an indirect rate to recover all expenditures. However, in reviewing the fund balance it was determined that in Fiscal Years 2015-16 to 2017-18 the indirect rate was not included for cost center 14165 – CED – HUD and IFP Administration. Additionally, there was no carryforward amount included for cost center 14160 – CED – IFP Programs for fiscal year 2016-17 and 2017-18. As a result, the fund had a deficit which cannot be covered by any other funding sources. The transfer from General Fund will come from savings in the transfer needed for the operating subsidy to the Centre Plaza fund as it had been determined a lower subsidy is needed for Fiscal Year 2022-23.

FIRE DEPARTEMENT

- A budget adjustment is needed to reallocate the budgeted revenue from the General Fund (0100) to the Grants – Operations Grants Reimbursed Fund (1341) in the amount of $1,427,874 for the MFD – 2020 Federal Emergency Management Agency (FEMA) Staffing For Adequate Fire and Emergency Response (SAFER) Grant. In addition, an increase is needed to the transfer out from the General Fund (0100) to the Grants – Operations Grants Reimbursed Fund (1341) in the amount of $135,000 to account for overtime expenses that are ineligible to be reimbursed by the grant and the overtime account within the MFD – 2020 FEMA SAFER Grant cost center needs to be increased by the same amount as those expenses are paid from the cost center.

MEASURE L - COMMUNITY & ECONOMIC DEVELOPMENT/PUBLIC WORKS

- A budget adjustment is necessary to transfer $318,779 from Fund 1420 – Surface Transportation/Measure L – Senate Bill (SB) 1 Maintenance of Effort (MOE) fund to Project 101249 - Pelandale Neighborhood Pavement Maintenance to satisfy the Fiscal Year 2022-2023 MOE for Measure L. In addition, the transfer from Fund 1410 – Measure L Road Tax Fund to the project is being reduced by the same amount and will be returned to the Measure L Local Road Tax Fund – Local Streets and Roads category.

PARKS, RECREATION & NEIGHBORHOODS

- Per the agreement that was entered into with the Modesto Convention & Visitors Bureau (CVB) by the City of Modesto, the City is to provide the Modesto Centre Plaza (MCP) an amount equal to thirty percent (30%) of the City's annual Transient Occupancy Tax (TOT) receipts that exceed $2,850,000 for the sole purpose of funding deferred maintenance and capital improvements at the Modesto Centre Plaza. In Fiscal Year 2022-23, the City received total TOT receipts of $3,513,454 and 30% of the amount that exceeds $2,850,000 is required to be transferred to capital improvements for the Modesto Centre Plaza which equates to a total of $199,037. Currently there is a budgeted transfer in the amount of $146,532 for this purpose. Therefore, a budget adjustment is required in Fiscal Year 2022-23 to increase the budgeted transfer out from the General Fund in the amount of $52,505 into the Non-Capital Multi-Year Project 101251 (PRN – MCP Deferred Maintenance) in Fund 4700 (Community Center Operations Funds) to meet the requirements of the agreement concerning TOT revenues. This adjustment will also increase the project revenue and expenditure budget to match the total amount to be received of $199,037 in FY 2022-23.

- A budget adjustment in the amount of $1,623,510 is necessary in the JPA TRRP Special Revenue Fund – CIP (6710) to recognize the revenue related to the American Legion Hall insurance claim in Project 101425 – American Legion Fire Remediation. As projects are identified, the revenue from this project will be used on those future projects.

POLICE DEPARTEMENT

- A budget adjustment in the amount of $250,415 is needed in the Police – Grants Fund (1342) for Project 101424 – 2022-2023 Supplemental Law Enforcement Services Fund (SLESF) to recognize the annual revenue received from the State of California and allocate to the project discretionary expense budget.

- A budget adjustment in the amount of $514,592 is necessary to establish a transfer out from the General Fund (Fund 0100) to the 2022-2025 Board of State and Community Corrections (BSCC) California Violence Intervention and Prevention (CALVIP) Grant Project (101422) in Police – Grants Fund 1342, for the match funds by way of existing staff time and use of facilities within the Police Department and Parks, Recreation and Neighborhoods Department. This was approved by Council on July 12, 2022, per resolution 2022-305, but the item did not include a budget resolution to establish the transfer for the City's match.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 22-23 for the activity through June 2023. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
1709	Surface Transportation Fleet Replacement	$7,906

4489	Storm Drain Fleet Replacement	$63,280
5410	General Fund Equipment Fleet Replacement	$550,130
	Total Transfer Outs	**$621,316**
5409	Transfer In – Fleet Management Fleet Replacement	$621,316
	Total Transfer Ins	**$621,316**

A budget adjustment is necessary to establish a transfer in the amount of $7,906 from the Surface Transportation Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) compact roller wacker.

A budget adjustment is necessary to establish a transfer in the amount of $63,280 from the Storm Drain Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) ¾ ton extended cab long bed truck.

A budget adjustment is necessary to establish a transfer in the amount of $550,130 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund for purchase of (7) patrol SUV, (1) patrol sedan, and equipment for Police builds.

- A budget adjustment in the amount of $63,954 is needed to reduce the revenue in the P/R Building Services Fund (5800) to match the actual allocation of the fiscal year 2022-2023 building services internal service fund (ISF).

UTILITIES

- A budget adjustment in the amount of $48,582 is needed to establish the revenue budget of 101373 Nitrate Control/Pathway A that will be transferred to 101373 from the Solid Waste Fund. The amount of the project that Solid Waste is responsible for may change depending on if any additional services are released or if the agreement is amended. The transfer will take place once the consultant has completed their work and the final dollar amount for Solid Waste is known.

FISCAL YEAR 2023-24

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment of $137,223 is necessary to increase the Professional Service and Legal Services expense accounts of the Cannabis Program Administration cost center which accounts for costs related to the City of Modesto's commercial cannabis permit program. The cannabis permit fee was established to recover 100% of costs related to overseeing this program. This adjustment will bring expenditures to the necessary level to equal the budgeted revenues.

- A budget adjustment of $84,864 is necessary to move the General Plan (GP) Maintenance Fee revenue from the General Fund to Project 101514 in Fund 1800 Economic Development/Strategic Plan Fund. The adjustment will also move the professional services budget of $1,777,284 from project 100838 to 101514. These adjustments will complete the setup of a multi-year project to track the general plan maintenance fee which is used to update the City's General Plan. To this date the revenue has been posting directly to the Planning Division's general fund. The new project will create efficiencies in tracking/matching revenues with the eventual expenditures necessary for GP maintenance.

- A budget adjustment is necessary to add revenue and expenditure budget for the Modesto Downtown Community Benefit District in FY 2023-24. This budget is a pass-through budget in which an assessment is collected and then the expenditures are paid directly out of the assessment through the fiscal year. This budget was mistakenly not included in the Adopted FY2023-24 Operating Budget that was approved by Council, but this adjustment will correct that oversight. The adjustment will increase the revenue budget for the Special Assessments account (47051) by $780,150 in cost center 80035 (CED-Downtown Modesto Community Benefit District) in fund 1210 (Downtown MCDB). The adjustment will also increase the budget in expense account 53505 (Intergovernmental Services – Other) by $780,150.

MEASURE H

- A budget adjustment is necessary to reappropriate the approved Measure H quick wins that were approved by Council on February 14, 2023 per Resolution 2023-062. The adjustment is accounting for all positions that were approved as part of the item and any remaining budget that was unspent from fiscal year 2022-23 and not included in the adopted budget. The table below shows the department adjustment within the Measure H Fund (0160):

Department	Description	Cost Center	Amount
Modesto Police Department	Park Ranger Program	19226	497,483
Modesto Police Department	Blight Abatement Team	19321	303,346

Modesto Police Department	Civilian Investigators	19222	175,800
Modesto Police Department	CHAT Equipment	19321	31,200
Modesto Fire Department	Risk Assessment & Standards of Cover	18111	71,325
Modesto Fire Department	Growth of ALS Service	18221	350,000
Parks, Recreation and Neighborhoods	Purchase Playground Replacement Parts for Various Parks	35222	72,000
Parks, Recreation and Neighborhoods	Martone Tot Lot Playground Repairs	35222	15,000
Parks, Recreation and Neighborhoods	Tennis Court Lighting Repairs	35222	25,000
Parks, Recreation and Neighborhoods	Playground Area Wood Chips	35222	38,000
Parks, Recreation and Neighborhoods	Park Maintenance Crew	35221	784,214
Public Works	Drive Up & Drop Off Events	56019	55,000
Public Works	Illegal Dumping/Blight Abatement Quick Response Teams	56019	933,960
Public Works	Upgrade Lighted Crosswalks	53511	75,000
		Total Adjustment	**3,427,328**

POLICE DEPARTEMENT

- A budget adjustment in the amount of $219,279 is needed in the Police – Grants Fund (1342) for Project 101424 – 2022-2023 Supplemental Law Enforcement Services Fund (SLESF) to recognize the annual revenue received from the State of California and allocate to the project discretionary expense budget.

PUBLIC WORKS

- A budget adjustment is necessary to increase the FY 2023-2024 10th Street JPA Allocation from various City funds for the fiscal year 2023-2024 assessment that was approved by the 10th Street JPA Commission Board on June 5, 2023 for the 10th Street Place, of which, the City's portion of the increase is $123,924. The assessment of $123,923 has been split amongst several funds of which the breakdown can be seen below.

Fund Name	Fund	Total Change
General Fund	0100	$55,033

HUD Administration	1133	$1,211
Capital Improvement Support	1300	$8,441
Surface Transportation Fund	1700	$8,615
Water Fund	4100	$18,426
Sewer Operations Fund	4210	$6,310
Solid Waste Fund	4891	$13,351
Mail Services ISF	5120	$400
Information Technology Fund	5230	$9,832
Insurance - Administration Fund	5310	$1,716
Employee Benefits Management Fund	5520	$589
	Grand Total	**$123,924**

The adjustment will also increase the revenue and expenses in the 10th Street JPA Fund by amounts below in the following accounts:

Account	**Amount**
5810-52310-42405 (City of Modesto Contribution)	$74,347
5810-52310-53505 (Intergovernmental Services - Other)	$74,347

- A budget adjustment of $58,000 is necessary increase revenue budget to receive a grant from the Mattress Recycling Council and to increase expense budgets for Advertising and Professional Services. The grant will be used to collect mattresses from customers for free and to monitor and enforce illegal dumping activity.

- A budget adjustment in the amount of $1,000,000 is needed in the Surface Transportation Fund (1700) to increase the Upgrade High Voltage FY 20/21 Project (101304) expense budget and establish the Upgrade High Voltage FY 23/24 Project (101515) and increase the transfer out from the Gas Tax Fund (1730) to the two projects. These projects will continue to upgrade the High Voltage Circuits within the City. City Council per resolution 2019-91 recommended the approach to replace 150 high voltage streetlights each year at an estimated cost of $1,000,000. This adjustment is accounting for the anticipated replacement expenses incurred in Fiscal Year 2022-2023 and anticipated in Fiscal Year 2023-2024 which was not included as part of budget adoption.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-399

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE NEW CLASSIFICATIONS AND AMEND EXISTING CLASSIFICATIONS

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2023- pursuant to Rule 2.2 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:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended as **attached** in **EXHIBIT 7**.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2023 falls, (Pay Period beginning June 20, 2023).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

Position Allocation Resolution
Exhibit A

QTY	Description of Correction	Cost Center	Cost Center CORRECTED	Department	OPN	Changes to be made
1.0 FTE	Correct cost center for (1) Deputy City Clerk Position	050511	05011	City Clerk's Division	1619	Cost center correction
3.0 FTE	Move (3) allocations from CC 02010 to new cc 02015. Public Relatations & Legislative Affairs Manager, Communications and Media Relations Officer, Multimedia Designer	02010	02015	City Manager's Office	0301/1433/1519	Cost center correction
1.0 FTE	Correct cost center for newly allocated Community Development Program Specialist II	14111	14112	Community and Economic Development Department	1614	Cost center correction
1.0 FTE	Correct cost center for (1) Director of Engineering Services	13110/ 13120	13110	Engineering Services	1673	Cost center correction
1.0 FTE	Reclassification (4) existing Senior Civil Engineer to Senior Civil/ Traffic Engineer	13220		Engineering Services	0137, 0138, 0142, 0143	Reclass Incumbents
1.0 FTE	Allocate (1) Hazmat Inspector Position in Fire Prevention	18511		Fire Department	1620	Correct title - Fire Captain (Hazmat Special Assignment)
1.0 FTE	Reallocate (1) vacant Principal Systems Engineer Position to Senior Software Analyst to (1)	17710		Information Technology	0484	Revert OPN 0484 to Sr. Software Analyst
2.0 FTE	Reclassification (2) Associate Landscape Architect/ Associate Architect to Assistant Landscape Designer	32021		Parks Recreation and Neighborhoods	1325, 1552	Reclass 2 incumbents
2.0 FTE	Reallocate (2) Associate Landscape Architect/ Associate Architect to (2) Assistant/Junior Lansdcape Designers	32021		Parks Recreation and Neighborhoods	1402, 1164	Reclass 2 incumbents.
2.0 FTE	Move (2) Parks Maintenance Mechanics	35220	35221	Parks Recreation and Neighborhoods	1584, 1585	Cost center correction
1.0 FTE	Move (1) Parks Operations Supervisor	35220	35221	Parks Recreation and Neighborhoods	1583	Cost center correction
1.0 FTE	Eliminate (1) FT Police Aircraft Pilot	19322		Police Department		Position allocated as (1) FTE in error. Department hiring PT hourly.
1.0 FTE	Move (2) allocations of Senior Public Safety Outreach Specialist	19220	19396	Police Department	0001	Cost center correction
1.0 FTE	Move (1) allocation of Police Crime and Intelligence Analyst	19220	19396	Police Department	1571	Cost center correction
4.0 FTE	Reallocate/reclass (4) 0.5 FTE Police Cadets to (4) FTE Police Rangers	19225		Police Department	1536, 1537, 1538, 1539	Reallocate positions and Reclass incumbents
3.0 FTE	Reallocate/reclass (3) 0.5 FTE Police Cadets to (3) FTE Police Rangers	19220	19225	Police Department	1577, 1578, 1579	Reallocate positions and Reclass incumbents
1.0 FTE	Move (1) Public Safety Outreach Specialist	19206	19396	Police Department	1546	Cost center correction
7.0 FTE	Move (7) Public Safety Outreach Specialist	19205	19396	Police Department	1458, 1459, 1460, 1461, 1462, 1463, 1545	Cost center correction
1.0 FTE	Reclassification Recycling Program Coordinator to Solid Waste Supervisor	56010		Public Works	0296	Reclass incumbent
4.0 FTE	Move (4) Maintenance Worker I	56010	56019	Public Works	1592, 1593, 1594, 1595	Cost center correction

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-400

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2023-24 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 06, 2023, as part of the Annual Budget of the City of Modesto for Fiscal Year 2023-24, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which July 1, 2023 falls, (Pay Period beginning June 20, 2023), unless otherwise noted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2023-24 Operating Budget for various departments as **attached** in **Exhibit 6**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Classification Attachment Agreement
Exhibit A

Description of Adjustment	New Salary Range Assignment	Department
New Classification Assistant Landscape Designer (Flex Position)	437	Parks, Recreation and Neighborhoods
New Classification Junior Landscape Designer (Flex Position)	433	Parks, Recreation and Neighborhoods
Compost Facility Supervisor Job Spec Revision	435	Public Works
Range change for Associate Landscape Architect/ Associate Architect	441	Parks Recreation and Neighborhoods
Range Change for Parks Planning and Development Manager	451	Parks Recreation and Neighborhoods
Range change for Police Support Specialist (Conf)	418	Police Department
Range change for Process Control Systems Technician/ Trainee	133/120	Utilities
Reclass Recycling Program Coordinator to Solid Waste Supervisor		Public Works
Range Change Senior Landscape Architect/ Senior Architect positions	445	Parks Recreation and Neighborhoods
MCMA Class Range Table Update 6 20 23	attached	Amended
MCMA Class Range Table Update 6 18 24	attached	Amended
MCMA Salary Schedule 6 20 23	attached	Amended
MCMA Salary Schedule 6 18 24	attached	Amended
MCMA Salary Schedule 7 1 25	attached	Amended
MCMA Salary Schedule 6 30 26	attached	Amended
MCEA Class Range Table Update 6 20 23	attached	Amended
MCEA Class Range Table Update 6 18 24	attached	Amended

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-401

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PELANDALE AVENUE PAVEMENT REHABILITATION - DALE ROAD TO DETROIT LANE, STPL 5059(242) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO PAVEMENT COATINGS CO. OF SACRAMENTO, CA, IN THE AMOUNT OF $2,192,229, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane project, were publicly opened at 11:00 a.m. on July 11, 2023, and later tabulated by the Director of Engineering Services Department for the consideration of Council; and

WHEREAS, the Director of Engineering Services Department has recommended that the bid of $2,192,229 received from Pavement Coatings Co. of Sacramento, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to Pavement Coatings Co.; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $2,192,229 and agreement for construction with Pavement Coatings Co. of Sacramento, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Pavement Coatings Co. was the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane project, accepts the bid of Pavement Coatings Co. of Sacramento, CA, in the amount of $2,192,228.60, and awards Pavement Coatings Co. the contract for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-402

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $219,223 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE PELANDALE AVENUE PAVEMENT REHABILITATION - DALE ROAD TO DETROIT LANE, STPL 5059(242) PROJECT

WHEREAS, Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane project bids were publicly opened on July 11, 2023, and Pavement Coatings Co. of Sacramento, CA, was the apparent low bidder with the amount of $2,192,228.60, and

WHEREAS, the contingency policy is utilized for each contract awarded by the City, it is not written into each contract, nor is it a guaranteed amount included in the final compensation to the contractor, and

WHEREAS, the contingency costs for the Pelandale Avenue Pavement Rehabilitation - Dale Road to Detroit Lane project is estimated to be $219,223 (10% of the original contract price), and

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for projects over $1 Million, and

WHEREAS, City staff is requesting authorization to increase the contract change order budget to 10% due to the complexity of the project and the extensive coordination anticipated with other on-going construction projects in the area, Modesto City Schools, and multiple utility companies and property owners.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $219,223 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-403

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101269 IN THE AMOUNT OF $800,000, AND INCREASING THE TRANSFER FROM THE MEASURE L – LOCAL ROAD TAX FUND TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Pelandale Avenue Pavement Rehabilitation from Dale Road to Detroit Lane will rehabilitate deteriorated pavement with a surface treatment on Pelandale Avenue from Dale Road to Detroit Lane; and

WHEREAS, the lowest bidder was 32.86% above the engineer's estimate and has been deemed reasonable due to the increased costs of labor and materials; and

WHEREAS, additional funding is needed in the project to fund the increased construction costs; and

WHEREAS, funding is available in the Measure L Road Tax fund within the Local Streets and Roads category to fund the increased costs for the project; and

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 101269 – Pelandale Ave. Rehabilitation in a total amount of $800,000 to establish transfers and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101269 (Pelandale Ave. Rehabilitation) in an amount not to exceed $800,000 in transfers and to budget expenditures to fund the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-404

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT FOR JANITORIAL SUPPLIES TO CENTRAL SANITARY SUPPLY DBA BRADY IFS, LAS VEGAS, NV FOR TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $147,000 AND A TOTAL AMOUNT NOT TO EXCEED $733,326 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, City departments have a need to purchase janitorial supplies and janitorial paper products to maintain City facilities throughout the City of Modesto; and

WHEREAS, on August 8, 2018 under Resolution 2018-306, Council approved the Purchase Agreement for janitorial supplies to Central Sanitary Supply, Modesto, CA, for an annual cost not to exceed $180,000 and a total not to exceed amount of $900,000; and

WHEREAS, on December 19, 2022, the City Manager authorized the Purchasing Manager to solicit the procurement for janitorial supplies; and

WHEREAS, on April 11, 2023 the Purchasing Division issued Invitation for Bids (IFB) #2223-46 for the janitorial supplies on the City's PlanetBids public bidding website under the specified commodity code; and

WHEREAS, prospective bidders were notified online and via email of the bid opportunity and forty-Five (45) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on May 23, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, seven (7) chose to respond, there was one (1) local bid received; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the janitorial supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to follow the formal bid procedures; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid janitorial supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Purchasing Agreement for Janitorial Supplies to Central Sanitary Supply dba Brady IFS, Las Vegas, NV for two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of $147,000 and a total amount not to exceed $733,326 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-405

RESOLUTION APPROVING THE REVISED CHANGE ORDER APPROVAL POLICY FOR THE CITY OF MODESTO CIP PROJECTS

WHEREAS, on July 19, 1994 under Resolution 94-443, City Council approved establishing a Change Order approval policy for the City of Modesto CIP projects during construction; and

WHEREAS, this policy provided guidelines within the previous Transportation Department to issue contract change orders consistent with the City's construction principles and practices with maintaining Council controls over the budgetary concerns; and

WHEREAS, on July 9, 2019 under Resolution 2019-326, the key highlights changed to the Change Order Approval policy included capturing the updated department which provided oversight of these contracts and the delegation authority to upper management positions within the Utilities Department; and

WHEREAS, Change Orders are issued during construction when unforeseen conditions or prevailing circumstances are encountered resulting in the need to change or increase the Contractor's scope of work in order to complete the project; and

WHEREAS, with the recent adoption of the Fiscal Year 2023-24 Operating Budget, the City's Engineering Divisions resided across multiple operational departments and were consolidated into a new Engineering Services Department; and

WHEREAS, this re-organization also included the transfer of the Construction Administration into this new Department which is the division which manages the City's construction contracts; and

WHEREAS, the summary below highlights the changes to the proposed Change Order Approval policy:

1) Remove the Utilities Department and replaced with the new Engineering Services Department;
2) Provide the Director of Engineering Services the authority to approve changes orders up to 10% for single contracts up to $10 million. This authority will be acknowledged under all Council approval of construction contracts;
3) Provide the Director of Engineering Services the authority to approve changes orders up to 8% for single contracts over $10 million. This authority will be acknowledged under all Council approval of construction contracts;
4) Any individual change order in excess of $100,000 must be approved by the City Manager and Director of Engineering Services; and

WHEREAS, these policy revisions will assist in establishing a standardized guideline, as well as help to increase project delivery efficiencies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised Change Order Approval Policy for the City of Modesto CIP Projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-406

RESOLUTION APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH EMPLOYEE RELATIONS, GLENDALE, CA FOR CONDUCTING PRE-EMPLOYMENT BACKGROUND CHECKS TO INCREASE AMOUNT BY $15,000 FROM $49,900 TO A NEW TOTAL AMOUNT NOT TO EXCEED $64,900 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Human Resources Department has utilized Employee Relations, Inc. since contracting with them on January 31, 2020; and

WHEREAS, a first amendment with Employee Relations was executed on March 4, 2022, to increase funds from $24,000 to $45,000; and

WHEREAS, a second amendment was executed on May 30, 2023 to increase funds from $45,000 to $49,900; and

WHEREAS, hiring has increased substantially, requiring a higher fund amount while a new informal bid process is conducted; and

WHEREAS, Staff recommends a third amendment for the Professional Services Agreements with Employee Relations, Inc., Glendale, CA in the amount of $64,900; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Agreement with Employee Relations, Glendale, CA for conducting Pre-Employment Background Checks to increase the not to exceed amount by $15,000 from $49,900 to a new total amount of $64,900.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-407

RESOLUTION APPROVING AGREEMENTS WITH RALPH ANDERSEN & ASSOCIATES, ROCKLIN, CA; CPS HR CONSULTING, INC. SACRAMENTO, CA; GVP VENTURES, INC. DBA BOB MURRAY AND ASSOCIATES, ROSEVILLE, CA; KOFF AND ASSOCIATES, A GALLAGHER COMPANY, BERKELEY, CA; AND NEHER AND ASSOCIATES, SACRAMENTO, CA TO CONDUCT CITYWIDE EXECUTIVE LEVEL RECRUITMENT SERVICES, ON AN AS NEEDED BASIS, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ANNUAL ESTIMATED AVERAGE AMOUNT OF $81,366 IN AN AMOUNT NOT TO EXCEED $343,000 OVER FIVE YEARS FOR THE COMBINED TOTAL OF ALL AGREEMENTS

WHEREAS, local governments across the state, including the City of Modesto, are experiencing persistent challenges attracting and retaining talent in managerial and leadership roles; and

WHEREAS, talent for these positions is highly sought after as most local governments compete for the same highly qualified candidates; and

WHEREAS, this results in a highly competitive, time consuming and difficult recruitment process; and

WHEREAS, while the City's Human Resources Department is able to keep up with most recruitment needs, it is necessary to utilize the services of professional recruitment firms for high level searches; and

WHEREAS, executive recruitment firms have the skill, ability and focus needed to conduct highly competitive, time consuming and difficult recruitments. These firms have wide networks of followers and an overall wide reach in the labor market. These qualifications enhance the City's ability to attract and hire the right talent for key positions; and

WHEREAS, in an effort to streamline the City's time to hire and be more efficient in its hiring process, the Human Resources Department is seeking to establish a list of executive recruitment firms that can be used immediately; and

WHEREAS, the City Manager authorized the Human Resources Department to issue a Request for Qualification (RFQ) for the furnishing of executive and high-level management recruitment services; and

WHEREAS, Human Resources sent the RFQ for Executive Recruitment Services to thirteen (13) prospective proposers; and

WHEREAS, following the request, five search firms presented proposals to conduct these recruitments. Five (5) companies provided responsive and responsible proposals; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the Agreement is for Professional Services and, therefore, exempt from the bidding requirement. The approval for the recruitment services to various recruitment firms conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing Professional Services for executive recruitments, and

WHEREAS, the award of proposals for the furnishing of executive level recruitment services for Citywide use to Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc., Sacramento, CA; GVP Ventures, Inc., dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA and Neher and Associates, Sacramento, CA conforms to Modesto Municipal Code 8-3.103.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Agreements with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA; and Neher and Associates, Sacramento, CA to conduct Citywide Executive Level Recruitment Services, on an as needed basis, for a two (2) year Agreement with three (3) one-year extension options, at the sole discretion of the City, for an annual estimated average amount of $81,366 in an amount not to exceed $343,000 over five years for the combined total of all Agreements.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-408

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH LAFAYETTE & KUMAGAI, LLP IN THE AMOUNT OF $300,000, FOR A REVISED AGREEMENT TOTAL AMOUNT NOT TO EXCEED $545,000, FOR CONTINUED REPRESENTATION IN PERSONNEL MATTERS, AND EXTENDING THE AGREEMENT TERM FROM APRIL 1, 2024 TO DECEMBER 31, 2025; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on November 5, 2020, the City entered into a standard Legal Services Agreement with Lafayette & Kumagai, LLP in the amount of $45,000 for representation in labor and employment matters; and

WHEREAS, a First Amendment to the Legal Services Agreement was executed on June 30, 2021 to extend the term of the agreement to June 30, 2022; and

WHEREAS, a Second Amendment to the Legal Services Agreement was executed on April 5, 2022 to increase the not to exceed amount to $245,000 and extend the term of the agreement to April 4, 2024; and

WHEREAS, Lafayette & Kumagai continue to represent the City on two confidential, litigated employment matters, and staff would like to amend the agreement to extend the term to December 31, 2025 and increase the agreement budget in the amount of $300,000, for continued services for a total agreement amount not to exceed $545,000, and

WHEREAS, the City has drafted a Third Amendment to the Legal Services agreement with Lafayette & Kumagai, LLP for continued services and representation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Legal Services Agreement with

Lafayette & Kumagai, LLP in the amount of $300,000, for a total not to exceed amount of $545,000, as provided in **Exhibit A attached** hereto and incorporated herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment to the Legal Services Agreement (this "**Third Amendment**"), is made and entered into on the 12th day of September 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **LAFAYETTE & KUMAGAI, LLP** ("**Attorney**"), located at 1300 Clay Street, Suite 810, Oakland, California 94612. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide for legal advice, representation and assistance on matters involving personnel and administrative investigations; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement to extend the termination date and increase the budget of said agreement.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Lafayette & Kumagai, LLP dated November 5, 2020, and amended on June 30, 2021 and April 5, 2022 is amended as follows:

1. Section 1(b) of Paragraph 1, "Services," is amended to state as follows:

   Term: This Agreement shall become effective on the Effective Date, and shall continue through December 31, 2025 unless sooner terminated as provided in Section 7.

2. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

   "The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred and forty-five thousand dollars ($545,000).

2. **Entire Agreement**. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated November

5, 2020, remain in full force and effect to the extent they are not in conflict with this Third Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Third Amendment. No alteration to the terms of this Third Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the dates stated above.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Forrest Ebbs
Title: Deputy City Manager

ATTEST:

_____
Diane Navares-Perez, City Clerk

_____
Joe Rodriguez, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
LAFAYETTE & KUMAGAI, LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
__x___ Other (*please specify: ___Limited Liability Partnership _____)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-409

RESOLUTION APPROVING AMENDMENTS TO THE EQUITY COMMISSION BYLAWS

WHEREAS, the Affirmative Action Commission of the City of Modesto was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987, and

WHEREAS, with the passage of Proposition 209, the City reviewed its employment policies, affirmative action policies and other relevant policies and procedures and amended them as necessary to comply with Proposition 209, and

WHEREAS, as part of the compliance effort, the Commission retitled from the Affirmative Action Commission to Equal Opportunity and Disability Commission by Resolution No. 98-134, and

WHEREAS, with the creation of the Diversity, Equity, and Inclusion Program which includes Equal Opportunity and Disability accessibility, and

WHEREAS, by Resolution 2022-054, the City Council amended the title of the Equal Opportunity/Disability Commission to the Equity Commission and amending Article II Duties to include matters related to equity and inclusion, equal opportunity, and disability related issues.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves amendments to the Equity Commission by-laws, **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 September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

RULES OF PROCEDURE
OF THE
EQUITY COMMISSION
OF THE
CITY OF MODESTO

ARTICLE I

ORGANIZATION

Section 1.1 Establishment.

A. The Affirmative Action Commission of the City of Modesto ~~is~~ was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987.

B. Following the passage of California's Proposition 209, the City amended relevant policies and procedures to comply with the new law. As part of that effort, ~~P~~pursuant to Council Resolution No. 98-134 on March 3, 1998, the name of the Commission was changed to Equal Opportunity/Disability Commission, to more accurately reflect ~~the~~ its mission~~ of the Commission~~. ~~With the passage of Proposition 209, the City reviewed its employment policies, affirmative action policies and other relevant policies and procedures and amended them as necessary to comply with Proposition 209. As part of the compliance effort, the Commission retiled from the Affirmative Action Commission to Equal Opportunity and Disability Commission.~~

C. In 2021 and early 2022, in an effort to better meet the needs of the community and workforce, the ~~Commission~~ City ~~has~~ reviewed ~~its~~ the Commission's mission. To better align with the goals of the City, on January 25, 2022, pursuant to Council Resolution No. 2022-054, the ~~City Council~~ Commission was retitled from the Equal Opportunity~~ and~~ /Disability Commission to the Equity Commission.

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ARTICLE II

DUTIES

Section 2.1 Duties. The duties of the Equity Commission are:

A. To advise the City Manager and the City Council in matters that relate to equity and inclusion, equal opportunity and disability~~-~~-related issues.

B. To formulate and recommend policy to the City Council and City Manager in matters that pertain to equity and inclusion, equal opportunity and disability related issues~~, to include~~ that affect the City workforce and services provided by the City to the community.

Adopted 2/22/88
Amended by City Council 2/16/93
Amended by Commission 1/23/2012
Amended by City Council 1/25/22

C. To review the practices and procedures of the City of Modesto in all matters that relate to equity and inclusion, equal opportunity, and disability-related issues~~, to include~~ that affect the City workforce and services provided by the City to the community.

D. To monitor the activities and efforts of the City's Diversity, Equity and Inclusion Program~~Equal Employment Opportunity Plan which strives to obtain a City work force which reflects the labor force within the City and Stanislaus County~~.

E. To monitor the City's performance~~continually review the accomplishments of the City of Modesto~~ in meeting its ~~equity and inclusion~~ goals related to equity and inclusion, equal opportunity, and disability-related issues.

F. To be updated statistically on complaints and grievances submitted to the City of Modesto in regard to ~~equal employment opportunity,~~ equity and inclusion, equal opportunity, and disability-related issues ~~submitted to the City of Modesto~~.

ARTICLE III

MEETINGS

Sections 3.1 Regular Meetings. A regular meeting of the Commission shall be held at 5:00 p.m. on the third Monday of each calendar month, except for January and February when meetings will be held on the fourth Monday due to observance of Martin Luther King Jr. Day and President's Day.

Section 3.2 Special Meetings. A special meeting may be called at any time by the Chair of the Commission or upon the written request of three (3) members of the Commission. Whenever a special meeting shall be called, written notice of such meeting shall be made in accordance with the Ralph M. Brown Act as described in Section 3.6 hereof.

Section 3.3 Place of Meetings. Meetings shall be held at the location designated in the agenda for the meeting.

Section 3.4 Meetings to be Public. All meetings of the Commission shall be open to the public~~, except where closed sessions may be held are both authorized by law and as deemed necessary by the Commission~~.

Section 3.5 Attendance. Regular attendance at all meetings of the Commission is required of all members to enable the Commission to discharge its duties. ~~If a member~~ Any Commissioner who is absent from three (3) ~~(3)~~ consecutive regular meetings of the Commission, or from four (4) regular meetings within any 12-month period, shall be deemed to have forfeited their seat on the Commission, and shall be ineligible to reapply for a seat on the Commission for the remainder of the calendar year and the following calendar year. ~~consecutively, without securing the permission of the Commission, expressed in its official minutes, the Commission may recommend the City Council request the resignation from the Commission of any such member.~~ The Secretary shall report to the Commission when a Commissioner has accrued either three consecutive

absences or four absences within any 12-month period.~~4 (four) absences during the calendar year (January – December) for consideration of the Commission~~.

Section 3.6 Agenda. In order to facilitate the orderly conduct of the business of the Commission:

A. The S~~s~~ecretary, in consultation with the Chair, shall arrange a list of the matters to be considered by the Commission at its next meeting in accordance with the order of business. The agenda and all other reports and other supplemental material shall be delivered (electronic, postal, or other means as needed) to each member of the Commission prior to the Commission meeting at which they are to be considered as far as possible in advance of the meeting as time will permit.

B. Any Commissioner may request that an item be added to the agenda prior to the legal posting requirement, and in consultation with the Chair and Secretary~~.~~

~~A.~~C. In accordance with ~~amendments to~~ the Ralph M. Brown Act, the agenda will

be posted in a place freely accessible to the public ~~at least 72 hours~~ prior to the meeting in accordance with the Brown Act. ~~Copies will also be mailed or electronically delivered to persons and organizations that are directly each person or organization affected by an item on the agenda or have requesteding notice in writing, and to each local newspaper of general circulation, and radio or television stations that have requesteding notice in writing.]~~

D. ~~Interested persons in the audience~~ Members of the public may make public comments during the Public Comments portion of each regular Commission meeting and on each agendized item.~~presentations to the Commission on~~ The Chair shall have discretion to limit the time allowed for public comments. Members of the public may also submit written comments via email:. All comments will be shared with the Commissioners and placed in the record, but ~~may~~will not be read aloud during the meeting. Written comments must be received two hours before the meeting. Matters presented via public comment on non-agendized items cannot be discussed or acted upon by the Commission at that meeting. Commissioners may respond by briefly responding to statements made or questions raised, asking questions for clarification, providing references to staff or other resources for factual information, requesting staff to report back at a subsequent meeting, or directing staff to place a matter of business on a future agenda.~~agendized items and under the Oral Communication item. Matters presented under this item cannot be discussed nor acted upon by the Commission at that meeting.~~

~~B. Members of the Commission and staff may present items under Matters Too Late for the Agenda,~~

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Adopted 2/22/88
Amended by City Council 2/16/93
Amended by Commission 1/23/2012
Amended by City Council 1/25/22

1. upon determination by a majority of the Commissioners present that an emergency exists; or
2. when the need to take action on the matter arose subsequent to the publishing of the agenda by a two-thirds vote of the Commission, or
3. if less than two-thirds of the members are present, by a unanimous vote of those present.

With the unanimous consent of the members of the Commission present at the meeting, matters may be taken up out of order.

C.E. The agenda shall specify the time and place of the meeting and a brief description of each item of business to be transacted.

D. The agenda shall be posted in public places as required by law.

Section 3.7 Order of Business. The order of business shall be:

A. Call to Order
B. Roll Call and Secretary's Report of Absences
Consideration of Absences
C. Public Comments
C. Introduction of Guests
D. Approval of Minutes
E. Oral Communications.
F.E. Reports
Chair
Committees
Staff
F. Unfinished Business
G. New Business.
H. Written Communications.
I. Matters Too Late for the Agenda.
J.H. Adjournment.

Section 3.8 Reading the Minutes. Unless the reading of the minutes of the Commission meeting is requested by a member of the Commission, such minutes may be approved without reading if the Ssecretary has previously furnished each member of the Commission with a copy thereof.

Section 3.9 Method of Action. All decisions of the Commission shall be by motion and, unless otherwise specified by Charter, ordinance or law, shall carry upon a majority vote of the Commissioners present. Upon the request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a roll call vote of the Commission is in ordertaken, the names of the members shall be called in alphabetical order except that the name of the presiding officer shall be called last. The affirmative or negative vote of a majority of the entire membership of the Commission shall be necessary for it to take action.

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Adopted 2/22/88
Amended by City Council 2/16/93
Amended by Commission 1/23/2012
Amended by City Council 1/25/22

ARTICLE IV

QUORUM

Section 4.1 Quorum. The Commission may convene a meeting and transact business only when a quorum is present. A quorum shall consist of ~~A~~a majority of the active~~appointed~~ members of the Commission. Active members are members who have been appointed by the City Council and have not resigned or forfeited their seat based on attendance. ~~shall constitute a quorum for the transaction of business, but fewer members than a quorum may adjourn from time to time.~~

~~If all members are absent from any meeting, the Secretary may declare the meeting adjourned to a stated time and place. If the Secretary does so, the Secretary shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.6.~~.

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ARTICLE V

MEMBERS AND

ELECTED OFFICERS

Section 5.1 Members. The membership of the Commission shall consist of seven Commissioners, appointed by the City Council. All members must reside in Stanislaus County. At least five members must be residents of Modesto who are registered to vote in Modesto if they are eligible to register to vote. Up to two members may be non-Modesto residents of Stanislaus County who are registered to vote in Stanislaus County if they are eligible to register to vote. Each Commissioner will be appointed for a four-year term beginning on January 1, with the first term beginning on January 1, 2023 and ending on December 31, 2026. If a member appointed to a four-year term resigns before the conclusion of that term, the Secretary will notify the City Council of the vacancy so that the Council may appoint a replacement member to serve out the remainder of the term.

Section 5.2~~1~~ Chair and Vice Chair. The elected officers of the Commission shall be:

A Chair, whose duties shall be to preside at all meetings, assist with preparation of each meeting's agenda, ~~and~~ call special meetings, appoint members to ~~standing~~ committees, and serve as an ex officio member of all Commission committees; and

A Vice Chair, who shall , ~~in the absence of the Chair,~~ perform the duties of the Chair in the Chair's absence.

Section 5.3~~2~~ Election of Officers. The Chair and Vice Chair of the Commission shall be elected annually at the regular meeting in January. Each officer is to hold office for no

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Adopted 2/22/88
Amended by City Council 2/16/93
Amended by Commission 1/23/2012
Amended by City Council 1/25/22

more than two terms consecutively.

Section 5.~~43~~ Interim Vacancies. If the Vice Chair of the Commission vacates that office prior to the end of his/her term, the Chair may appoint an interim Vice Chair for the remainder of the calendar year.

If the Chair of the Commission vacates that office prior to the end of his/her term, an interim Chair shall be elected by the Commission for the remainder of the calendar year.

ARTICLE VI

PROCEDURES, POWERS, DUTIES AND STAFF

Section 6.1 ~~Authority~~Governing Rules. The Commission shall be governed in order of precedence as follows: applicable federal and state law, ~~provisions of~~ the City Charter, Municipal Code, Resolutions or Ordinances of the City of Modesto and these Rules of Procedure ~~pertaining to procedures, powers, duties and staff of the Commission shall prevail in the order stated~~.

Section 6.2 Secretary. The City shall appoint a staff representative to serve as the Commission's Secretary. The Secretary shall keep a written record of all business transacted by the Commission, notify Commission members of meetings, keep official records of the Commission, and perform such other duties as the Commission may require.

Section 6.3 Amendment of Rules of Procedure. These Rules of Procedure may be amended from time to time by motion adopted by an affirmative vote of a majority of the ~~entire membership~~ active~~appointed~~ members of the Commission.

ARTICLE VII

PARLIAMENTARY PROCEDURE

Section 7.1 ~~Sturgis Standard Code of Parliamentary Procedure~~Robert's Rules of Order. Except as otherwise provided in these Rules of Procedure, all meetings of the Commission shall be conducted in accordance with the current edition of "~~Sturgis Standard Code of Parliamentary Procedure~~Robert's Rules of Order."

ARTICLE VIII

COMMITTEES

Section 8.1 Standing Committees.

The standing committees of the Commission shall be the Internal Committee, which shall address matters concerning the City's relationship with its employees; the External Committee, which shall address the City's relationship with the community; and the

Community Outreach Committee, which shall address outreach to the community concerning the Commission's efforts and plans and make efforts to obtain community input on the City's performance regarding diversity, equity and inclusion. ~~Disability Awareness Committee, Fair Housing Committee.~~

~~Each Committee will be composed of 3 to 5 members of the Commission appointed by T~~the Chair shall appoint members of each standing committee to serve until the next annual meeting of the Commission in January, and the number of Commissioners appointed to any standing committee must be fewer than the number required to establish a quorum as specified in Article IV herein. Members appointed to fill vacancies on Committees shall serve for the unexpired terms of the members they replace.

The Chair shall serve as an ex officio member of each standing committee. Each Commissioner must serve on at least one standing committee. Each standing committee shall choose a chair, who shall schedule ~~a monthly~~ meetings at a time when all Committee members are able to attend.

Section 8.2 Special Committees. There shall be such special committees as the Commission may establish from time to time. The members of such special committees shall be appointed by the Chair of the Commission and shall serve for terms established by the Commission.

Section 8.3 Ex Officio Committee Member. The Chair of the Commission shall serve as an ex officio member of all Commission committees.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-410

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH JEFF MORING FOR THE TACTICAL FLIGHT OFFICER TRAINING, INCREASING THE AGREEMENT BY $15,000 FROM $10,000 TO A NEW TOTAL AMOUNT OF $25,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on April 27, 2023, Jeff Moring, a CHP Tactical Flight Officer who specializes in training and development of Fixed Wing Air Units, entered into an agreement with the City of Modesto to assist in the establishment of the Modesto Police Department Air Support Unit inclusive of the evaluation and training of Tactical Flight Officers (TFO) for an amount not to exceed $10,000; and

WHEREAS, specialized training is required to become a TFO, which includes elements of crew coordination, how to set up a perimeter and direct activities of ground units from the air, managing a vehicle pursuit, conducting thermal imagery searches, and many other tactical skills; and

WHEREAS, the existing professional services agreement with Jeff Moring covered the ground school, which totaled $1,560, and in-flight testing, which totaled $3,380 and included a minimum of four (4) hours of testing per candidate; and

WHEREAS, the next step for TFO training is in-flight testing for solo flight status which requires an estimated 32 hours of flight time for each eight (8) candidates and the ASU Sergeant; and

WHEREAS; this training will cost approximately $2,080 per officer which totals $18,720, of which, $5,060 has been expended; and

WHEREAS, due to the number of qualified TFOs, the existing contract does not have enough funds available to cover this portion of training; and

WHEREAS; based on these calculations for the necessary training as well as including a contingency of $1,340 for potential additional needs for evaluation, training, testing, or consulting, the department is seeking and additional $15,000 be added to the existing contract for a new total amount not to exceed $25,000; and

WHEREAS; in the existing agreement, in Section 3 – COMPENSATION, a line that stated, "if additional services in excess of this amount are deemed necessary by City staff, an amendment to this agreement will be required and must be approved by the City Council prior to commencing the work", was inadvertently included that necessitates this item coming before Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the agreement with Jeff Moring for tactical flight officer training, increasing the agreement by $15,000 from $10,000 to a new total amount of $25,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-411

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH SAMEDAY BACKFLOW SERVICE, FOR BACKFLOW PREVENTION TESTING SERVICES BY $100,000 FROM $125,000 TO A NEW TOTAL AMOUNT NOT TO EXCEED $225,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the State of California Health and Safety Code requires annual testing of backflow prevention assemblies owned and operated by the City; and

WHEREAS, pursuant to Modesto Municipal Code 11-1.113 and California Health and Safety Codes 116800-116820, all backflow prevention assemblies are to be tested annually at the owner/water (City's) account holder's expense; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for Backflow Prevention Testing Services on November 5, 2021; and

WHEREAS, a purchasing agreement with Dan Ely Backflow Services, Turlock, CA was executed in an amount not to exceed $125,000 over five years; and

WHEREAS, on August 25, 2022, Dan Ely sent the City a 30-day notice of termination letter and recommended Sameday Backflow Service as an alternative; and

WHEREAS, staff determined Sameday Backflow Service as a capable and responsible replacement to assume the agreement; and

WHEREAS, on October 1, 2022, Sameday Backflow Service assumed the Backflow Prevention Testing Services Agreement under the existing terms; and

WHEREAS, the City is in second year of the Agreement for Backflow Testing services; and

WHEREAS, staff has noticed an uptick in theft and vandalism of Backflow devices throughout the City requiring repair; and

WHEREAS, these repairs can result in costs upwards of $2,000 each; and

WHEREAS, expenditures are at $35,587 with ten months remaining in the initial term leaving a balance of $14,413; and

WHEREAS, the balance is estimated to cover five of the ten months remaining; and

WHEREAS, staff is requesting compensation for the Agreement to be increased by $100,000 for a total amount of $225,000 for the entire agreement to provide sufficient funding for backflow testing services through the end of the agreement; and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on April 30, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the agreement amount with Sameday Backflow Service for Backflow Prevention Testing Services by $100,000 from $125,000 to a new total amount not to exceed $225,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-412

RESOLUTION APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC., OF FOLSOM, CA, TO COMPLETE ASSIGNED WORK AND TO GAIN REGULATORY COMPLIANCE FOR THE CARPENTER ROAD LANDFILL, MODESTO, CALIFORNIA FOR AN AMOUNT NOT TO EXCEED $271,700 OVER A FIVE-YEAR PERIOD, PLUS $27,170 FOR ADDITIONAL SERVICES AUTHORIZED BY THE CITY MANAGER, FOR A TOTAL AMOUNT NOT TO EXCEED $298,870, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owned and operated the Carpenter Rd Landfill from 1956-1968. It was a pre-Subtitle D landfill which means there was never a liner put in, or gas and leachate control systems; and

WHEREAS, the landfill size is thirty-nine acres and is split into two areas, east and west, bordering Carpenter Road. The City has ensured post closure monitoring of water and gas wells, as well as general maintenance as required under State law; and

WHEREAS, in the mid-2000's there was a spike in one methane gas well, as well as a release of VOC (Volatile Organic Compound). The Regional Water Quality Control Board (Water Board) asked the City to provide a Mitigation and Monitoring Plan, as well as a Corrective Action Plan; and

WHEREAS, in 2015 the Water Board issued a Cleanup and Abatement Order (CAO) to the City based on their approval of the Correction Action Plan. The City agreed to clean close the east fill and move all the waste to the west fill; and

WHEREAS, the City then went out to bid in 2018, by Resolution No. 2018-345 Council awarded the contract. Construction began in 2018 and by August 2020, observable waste, and impacted soil from the Eastern Waste Management Unit (WMU) was removed and consolidated into the Western WMU, and a new soil cover was installed atop the Western WMU; and

WHEREAS, a stormwater retention basin was constructed in the former Eastern WMU location, and documents were submitted to the Water Board regarding closure. The Water Board contends that the documents are not complete, and subsequent submittal of additional information did not completely satisfy the requirements of the CAO; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. Both requirements were met based on the Competitive Bidding Process selected by County of San Luis Obispo RFP PS-#1665 Engineering Services for the Los Osos Landfill Post Closure Activities; and

WHEREAS, HDR Engineering, Inc. (HDR) Reviewed the existing notice of violations received from the Water Board and the design and reporting documents provided by the City and created a task list to address the Water Board's requested work and to ensure compliance; and

WHEREAS, additional services may be authorized by the City Manager in an amount up to, but not to exceed 10% of the agreed maximum compensation, or $298,870.

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

that it hereby approves an Agreement with HDR Engineering, Inc., Northern California Area, to complete assigned work and to gain regulatory compliance for the Carpenter Road landfill located off Carpenter Road and Robertson Road, Modesto, California for an amount not to exceed $271,700 over a five-year period, plus $27,170 for additional services authorized by the City Manager, for a total amount not to exceed $298,870.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-413

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR PAINTING SERVICES TO HB RESTORATION, RIO LINDA, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $50,000 AND A TOTAL AMOUNT NOT TO EXCEED $250,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, the Modesto City-County Airport (Airport) operates for the benefit of businesses, industries, visitors and residents in the City of Modesto, Stanislaus County, and the surrounding areas; and

WHEREAS, the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users; and

WHEREAS, the Airport has 140 hangars that are leased to tenants for recreational flying, private business use and aviation related business; and

WHEREAS, each year, the Airport receives approximately $180,000 in revenue from Aircraft Taxes. The Stanislaus County Aircraft Tax Fund is used to make improvements to the Airport; and

WHEREAS, on February 14, 2023, the Purchasing Division issued Invitation for Bids (IFB) 2223-22 for Painting Services for Airport Facilities on the City website under commodity codes (1). Three hundred fifty-nine prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, thirty companies downloaded the IFB Document. On February 27, 2023, we held a mandatory on-site visit, and 13 bidders attended. On March 21, 2023, five bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, the initial low bidder Aiden's Quality Painting out of Santa Clara, CA notified the Purchasing Division on May 15, 2023, they would like to withdraw from the running due to realizing after another site visit on May 11, 2023, they had mistakenly bid the project incorrectly. With their withdrawal, the next lowest bidder was selected HB Restoration out of Rio Linda, CA; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow the formal bid procedures; and

WHEREAS, an Award of Bid and Agreement for Painting Services for the Airport to use to HB Restoration, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and HB Restoration was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and the Agreement for Painting Services to HB Restoration, Rio Linda, CA, for a two-year term with 3 one-year extension options, for an annual estimated amount of $50,00 and a total amount not to exceed $250,000 over five years.

BE IT FURTHER RESOVOVED that the City Manager, or his designee, is authorized to sign the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-414

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE EMPIRE YOSEMITE BOULEVARD WATER MAIN CROSSINGS STRENGTHEN & REPLACE PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CA, IN THE AMOUNT OF $1,096,065, PLUS $164,410 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $1,260,475 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the existing water main crossings serving the Empire Yosemite Boulevard area are aging, undersized steel mains that need upsizing, and

WHEREAS, the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project will provide approximately 1,400 linear feet of water main improvements along Yosemite Boulevard (SR-132) in the Empire Community in Stanislaus County, and

WHEREAS, the result of this work will improve system reliability by increasing water pressure for the residents, as well as increased fire flows, and

WHEREAS, the project was advertised for bids on June 1, 2023, and

WHEREAS, bids were publicly opened on June 27, 2023, pursuant to City Charter Section 1307, and

WHEREAS, three bids were received and DSS Company dba Knife River Construction, of Stockton, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, the award of Contract for the construction of the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project to DSS Company dba Knife River Construction, of Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, Staff recommends awarding the Contract to DSS Company dba Knife River Construction, of Stockton, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project; accepting the bid, and awarding a Construction Contract to DSS Company dba Knife River Construction, of Stockton, CA, for a total of $1,096,065 plus $164,410 in contingency (if needed) for a total amount not to exceed $1,260,475.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-415

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE EMPIRE YOSEMITE BOULEVARD WATER MAIN CROSSINGS STRENGTHEN & REPLACE PROJECT FROM 8% ($87,686) TO 15% ($164,410) OF THE CONSTRUCTION CONTRACT AMOUNT OF $1,096,065 WITH DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 1994-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order budget of 8% for Construction Contracts of this dollar value, and

WHEREAS, given the nature of rehabilitation projects where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed the Director's Authority of 8% ($87,686) of the Contract amount of $1,096,065, and

WHEREAS, Staff is requesting an increase in the Director's Authority to issue change orders to 15% ($164,410).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase of the Director of Engineering Services authority to issue change orders for the Empire Yosemite Boulevard Water Main Crossings Strength & Replace Project from 8% ($87,686) to 15% ($164,410) of the Construction Contract price of $1,096,065 with DSS Company dba Knife River Construction, of Stockton, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-416

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $544,613 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE EMPIRE YOSEMITE BOULEVARD WATER MAIN CROSSINGS STRENGTHEN & REPLACE PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $544,613, in order to fund the Empire Yosemite Boulevard Water Main Crossings Strengthen & Replace Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $544,613.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-417

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL, OF RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SERVICES FOR REPLACEMENT WELL 226 (71) IN THE AMOUNT OF $54,863 FOR AN AGREEMENT TOTAL NOT TO EXCEED $554,224 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Replacement Well 226 Project proposes to drill a 1,500 gallon-per-minute well on a City of Modesto owned parcel located at 2501 Brenner Way, Modesto, CA, in Stanislaus County, and

WHEREAS, this well will replace existing Well 226 that was permanently decommissioned in accordance with State procedures in October 2016, and

WHEREAS, on February 7, 2017, by Resolution No. 2017-42, Council approved an Agreement with Brown & Caldwell (B&C) to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $175,197, and

WHEREAS, on August 2, 2017, by Resolution No. 2017-303, Council approved a First Amendment to the Agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $90,322, and

WHEREAS, on November 13, 2018, by Resolution No. 2018-508, Council approved a Second Amendment to the Agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $86,413, and

WHEREAS, on October 15, 2021, by Resolution No. 2021-399, Council approved a Third Amendment to the Agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $147,429, and

WHEREAS, a Fourth Amendment to the Agreement with Brown & Caldwell, Inc., in the amount of $54,863, is necessary to allow for design and construction support services through the completion of the construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Agreement with Brown & Caldwell, Inc., of Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $54,863, for a revised total amount not to exceed $554,224.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-418

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC., RANCHO CUCAMONGA, CA, FOR THE GRAYSON NITRATE TREATMENT SYSTEM REPLACEMENT TO INCREASE THE AGREEMENT AMOUNT BY $133,960 FOR A REVISED AMOUNT NOT TO EXCEED $1,794,308 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto provides water service to the Grayson Community Water System, which has over 277 water service connections serving approximately 875 residents, and

WHEREAS, the water is provided by two wells, Well #274 and Well #295, which both have high nitrate levels, and

WHEREAS, in August 2002, the California Department of Public Health issued a Compliance Order directing the City to have a reliable treatment system in place by April 2003. Basin Water, Inc. was awarded a contract to install an ion exchange treatment process to reduce the nitrate levels, and

WHEREAS, Basin Water, Inc. was later purchased by Envirogen Technologies, Inc. (Envirogen) for nitrate treatment services and they have been providing operational support and critical parts for the on-site existing ion exchange, equipment for the last eighteen years, and

WHEREAS, on October 11, 2016, by Resolution 2016-412, Council authorized an Equipment Lease to Purchase Agreement with Envirogen for the equipment used at Well #274 and Well #295, and

WHEREAS, the two wells within the Grayson Community Water System continue to have high nitrate levels., and the equipment previously leased under the

Envirogen Lease and now owned by the City of Modesto reduces nitrate levels by using an ion exchange treatment process, and

WHEREAS, in April 2022, the State's Division of Drinking Water informed City Staff that the existing nitrate removal system in place since 2003 is at the end of its useful life, and the State's review of the City's past inspection reports, water quality monitoring data and system performance records, require the City to replace the existing system with a similar approved and tested treatment system, and

WHEREAS, the Envirogen System has already been approved and vetted by the State as a treatment system that removes nitrates, and due to the acute nature of nitrate contamination that is known to cause health issues, it is not recommended to utilize a new technology that may or may not be approved by the State, and

WHEREAS, keeping the system in place will not only enable the City of Modesto to maintain its current permit with the State, but also ensure compliance with the drinking water quality standards it has previously maintained, and

WHEREAS, on June 13, 2023, by Resolution 2023-280, Council authorized an agreement with Envirogen Technologies, Inc. for a Dual MinX Regenerable Ion Exchange Treatment System for a total amount of $1,660,348, and

WHEREAS, the payment schedule provided in the Envirogen proposal did not include sales tax and must be added to the agreement total, and

WHEREAS, City staff is recommending an amendment to the approved agreement with Envirogen Technologies, Inc. to increase the agreement amount by $133,960 for sales tax on the Dual MinX Regenerable Ion Exchange Treatment System.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for the Grayson Nitrate Treatment System Replacement to increase to the agreement amount by $133,960 for a revised amount not to exceed $1,794,308.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-419

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROJECT MULTI-YEAR BUDGET IN THE AMOUNT OF $133,960 FOR A NEW TOTAL OF $1,919,308, TO BE TRANSFERRED INTO THE PROJECT FROM WATER RESERVES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $133,960, in order to fully fund the Grayson Nitrate System Replacement Project, and

WHEREAS, the Fiscal Year 2023/24 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023/24 Multi-Year Program Budget in the amount of $133,960.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-420

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT WITH ALL SEASON LAWN LANDSCAPING, ESCALON, CA FOR LANDSCAPE MAINTENANCE SERVICES AT WATER WELLS AND TANK SITES, FOR AN ESTIMATED ANNUAL AMOUNT OF $90,000 AND A TOTAL NOT TO EXCEED $450,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Utilities Department, Water Division, requires landscape maintenance services for twenty-one (21) City water well sites, nine (9) water tank sites, and one (1) Corporation Yard, and

WHEREAS, on April 10, 2023, the Purchasing Division issued IFB No. 2223-23RB, Landscape Maintenance Services for Water Wells and Tank Sites, on Planet Bids, and prospective bidders were notified online and via email of the bid opportunity, and

WHEREAS, thirteen (13) companies chose to download the RFB document, and five (5) companies chose to respond, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to be formally bid. An award of bid and agreement for landscape maintenance services at water wells and tank sites to All Season conforms to the Modesto Municipal Code, because the City complied with the formal bid procedures and All Season was the lowest responsive and responsible bidder, and

WHEREAS, based on providing the lowest responsive and responsible bid, staff recommends the award of bid to All Season Lawn Landscaping, Escalon, CA, for a two (2) year agreement with three (3) one-year extension options.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement with All Season Lawn Landscaping, Escalon, CA for landscape maintenance services at water wells and tank sites, for an estimated annual amount of $90,000 and a total not to exceed $450,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-421

RESOLUTION ACCEPTING THE AWARD FROM THE JOINT SUBMISSION BETWEEN THE CITY OF MODESTO AND VISIONARY HOME BUILDERS OF CALIFORNIA, INC. FOR A STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABILITY PROGRAM IN AN AMOUNT OF $33,010,880 FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE ON THE PROPERTIES LOCATED ON 7TH STREET BETWEEN J STREET AND I STREET AS WELL AS ANY GRANT REQUIRED TRANSPORTATION IMPROVEMENTS AS OUTLINED IN THE GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH VISIONARY HOME BUILDERS, INC. AND ANY OTHER DOCUMENTS RELATED TO THE EXECUTION OF AWARD AGREEMENTS

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP) and the City also qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA), each designated to fund components of the development of affordable housing.; and

WHEREAS, despite multiple affordable housing agencies and the availability of housing vouchers and rental subsidy programs there is a shortage of housing units in the City; and

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023, for a project located on 7th Street between I and J Street for development and funding consideration to pursue an Affordable Housing and Sustainability Communities (AHSC) grant in coordination with the with the City; and

WHEREAS, the Seventh Street Village development will sit on four parcels totaling .88 acres and project is comprised of 79-housing units with a mix of one, two, and three-bedroom units. In addition, one, two-bedroom and one, three-bedroom units as a modern garden-style community will consist of one four-story building on a podium. The ground floor and podium level will house the rental office, business center, Head Start Day Care area, Community Center, and computer lab; and

WHEREAS, this project is proposing to include the transportation improvements in alignment with the Downtown Master Plan that includes Bike Lane improvements for one mile of improvements along 9th Street connecting to the proposed bike network connecting at L street to I Street in front of the Transit Center and down I Street and sidewalk improvements on 7th, 8th, and F Street for a total of 1000ft of new sidewalks and 1000ft of improved sidewalk infrastructure; and

WHEREAS, in collaboration with Stanislaus Regional Transit Authority there will be a reconfiguration of Route 21 and improved bus transportation through bus shelters and/or bulb outs along this route and in collaboration with San Joaquin Rail Commission this project will include the acquisition of an Altamont Corridor Express (ACE) engine; and

WHEREAS, the State issued its Round 7 Notice of Funding Availability on December 15, 2022, for $750 million in in funding under the AHSC program that focuses on the development of affordable housing with the goal of decreasing greenhouse gas emissions and the City and VHB submitted a joint application for this project for a total award, $33,010,880 will be a loan given to VHB and used for construction of Phase I of this development, and $15,000,000 will be a grant given to the City and used for transportation related infrastructure improvements; and

WHEREAS, on August 30,2023, the Strategic Growth Council (SGC) voted to award this project a total of $33,010,880 that including construction, program that promote sustainability for tenants, and the transportation related improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the award from the joint submission between the City of Modesto and Visionary Home Builders of California, Inc. for a State of California's Affordable Housing and Sustainability Program in an amount of $33,010,880 for the development of Seventh Street Village on the properties located on 7th street between J Street and I Street as well as any grant required transportation improvements as outlined in the grant application.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute agreements with Visionary Home Builders, Inc. and any other documents related to the execution of award agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-422

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 MULTI-YEAR BUDGET TO FOR THE 7TH STREET PROJECT FUND (101493) WITH PERMANENT LOCAL HOUSING ALLOCATION FUNDS (PLHA), COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND HOME INVESTMENT PARTNERSHIP FUNDS (HOME) FOR THE DEVELOPMENT OF THE 7TH STREET AFFORDABLE HOUSING PROJECT TOTALING $7,000,000 AND $200,000 FOR ACTIVITY DELIVERY COSTS AND BUDGETING THE NECESSARY TRANSFERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS IN THIS RESOLUTION

WHEREAS, the City of Modesto and Visionary Home Builders of California, Inc. (VHB) coordinated a successful application to receive funding from the State of California's Affordable Housing and Sustainable Communities Grant; and

WHEREAS, the City qualifies for an annual allocation from the State of California from the Permanent Local Housing Allocation (PLHA); and

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), and HOME Investment Partnership Grant (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) as an entitlement community; and

WHEREAS, the fiscal year 2023-2024 Multi-Year budget must be amended to increase the budget of 7th Street Project (101493) to total $7,000,000 in project expenses and $200,000 in activity delivery costs, to budget the revenues and expenses in the PLHA, CDBG and HOME programs and budget any necessary transfers; and

WHEREAS, the project is to be allocated a PLHA funded loan in an amount not to exceed $1,490,784; and

WHEREAS, the project is to be allocated a CDBG funded grant in an amount not to exceed $2,000,000; and

WHEREAS, the project is to be allocated a HOME funded loan in an amount not to exceed $3,509,216.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it amends the fiscal year 2023-2024 multi-year fund budget to increase the budget to $7,200,000 for the 7th Street project (101493).

BE IT FURTHER RESOLVED that the City Manager or his designee 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 12th day of September, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-423

RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED LOAN IN A TOTAL AMOUNT NOT TO EXCEED $2,000,000 AT 3% SIMPLE INTEREST FOR 55 YEARS TO BEGIN ACCRUAL AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY, FOR ACQUISITION AND OFF-SITE IMPROVEMENTS OF SEVENTH STREET VILLAGE

WHEREAS, despite multiple affordable housing agencies and the availability of housing vouchers and rental subsidy programs there is a shortage of housing units in the City; and

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023, for a project located on 7th Street between I and J Street for development and funding consideration to pursue an Affordable Housing and Sustainability Communities (AHSC) grant in coordination with the with the City; and

WHEREAS, the Seventh Street Village development will sit on four parcels totaling .88 acres and project is comprised of 79-housing units with a mix of one, two, and three-bedroom units. In addition, one, two-bedroom and one, three-bedroom units as a modern garden-style community will consist of one four-story building on a podium. The ground floor and podium level will house the rental office, business center, Head Start Day Care area, Community Center, and computer lab; and

WHEREAS, this project is proposing to include the transportation improvements in alignment with the Downtown Master Plan that includes Bike Lane improvements for one mile of improvements along 9th Street connecting to the proposed bike network connecting at L street to I Street in front of the Transit Center and down I Street and sidewalk improvements on 7th, 8th, and F Street for a total of 1000ft of new sidewalks

and 1000ft of improved sidewalk infrastructure; and

WHEREAS, in collaboration with Stanislaus Regional Transit Authority there will be a reconfiguration of Route 21 and improved bus transportation through bus shelters and/or bulb outs along this route and in collaboration with San Joaquin Rail Commission this project will include the acquisition of an Altamont Corridor Express (ACE) engine; and

WHEREAS, the State issued its Round 7 Notice of Funding Availability on December 15, 2022, for $750 million in in funding under the AHSC program that focuses on the development of affordable housing with the goal of decreasing greenhouse gas emissions and the City and VHB submitted a joint application for this project for a total award, $33,010,880 will be a loan given to VHB and used for construction of Phase I of this development, and $15,000,000 will be a grant given to the City and used for transportation related infrastructure improvements; and

WHEREAS, on August 30,2023, the Strategic Growth Council (SGC) voted to award this project a total of $33,010,880 that including construction, program that promote sustainability for tenants, and the transportation related improvements; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-122, the City committed $7,000,000 in its affordable housing funding sources to the Seventh Street Village project contingent on the AHCS Award and $200,000 in staff activity delivery; and

WHEREAS, of the City's total commitment to this project, the City is committing a Community Development Block Grant (CDBG) funded loan in an amount not to exceed $2,000,000 at 3% simple interest for 55 years to begin accrual after issuance of Certificate of Occupancy.

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

that it hereby approves a Community Development Block Grant (CDBG) funded loan in a total amount not to exceed $2,000,000 at 3% simple interest for 55 years to begin accrual after issuance of Certificate of Occupancy, for acquisition and off-site improvements of Seventh Street Village.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-424

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE FINAL AGREEMENTS WITH VISIONARY HOME BUILDERS, INC. FOR A HOME INVESTMENT PARTNERSHIP FUNDED LOAN IN THE AMOUNT NOT TO EXCEED $3,509,216, AND A PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FUNDED LOAN IN THE AMOUNT NOT TO EXCEED $1,490,784, WITH FINAL AGREEMENTS RETURNING FOR COUNCIL CONSIDERATION AND APPROVAL FOR THE DEVELOPMENT OF SEVENTH STREET VILLAGE

WHEREAS, Visionary Home Builders of California, Inc. (VHB) submitted their Tier 1 proposal by the RFP deadline of January 25, 2023, for a project located on 7th Street between I and J Street for development and funding consideration to pursue an Affordable Housing and Sustainability Communities (AHSC) grant in coordination with the with the City; and

WHEREAS, the Seventh Street Village development will sit on four parcels totaling .88 acres and project is comprised of 79-housing units with a mix of one, two, and three-bedroom units. In addition, one, two-bedroom and one, three-bedroom units as a modern garden-style community will consist of one four-story building on a podium. The ground floor and podium level will house the rental office, business center, Head Start Day Care area, Community Center, and computer lab; and

WHEREAS, this project is proposing to include the transportation improvements in alignment with the Downtown Master Plan that includes Bike Lane improvements for one mile of improvements along 9th Street connecting to the proposed bike network connecting at L street to I Street in front of the Transit Center and down I Street and sidewalk improvements on 7th, 8th, and F Street for a total of 1000ft of new sidewalks and 1000ft of improved sidewalk infrastructure; and

WHEREAS, in collaboration with Stanislaus Regional Transit Authority there will

be a reconfiguration of Route 21 and improved bus transportation through bus shelters and/or bulb outs along this route and in collaboration with San Joaquin Rail Commission this project will include the acquisition of an Altamont Corridor Express (ACE) engine; and

WHEREAS, the State issued its Round 7 Notice of Funding Availability on December 15, 2022, for $750 million in in funding under the AHSC program that focuses on the development of affordable housing with the goal of decreasing greenhouse gas emissions and the City and VHB submitted a joint application for this project for a total award, $33,010,880 will be a loan given to VHB and used for construction of Phase I of this development, and $15,000,000 will be a grant given to the City and used for transportation related infrastructure improvements; and

WHEREAS, on August 30,2023, the Strategic Growth Council (SGC) voted to award this project a total of $33,010,880 that including construction, program that promote sustainability for tenants, and the transportation related improvements; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-122, the City committed $7,000,000 in its affordable housing funding sources to the Seventh Street Village project contingent on the AHCS Award and $200,000 in staff activity delivery; and

WHEREAS, the City commits to fund the this project in an amount not to exceed $7,000,000 plus $200,000 in activity delivery; and

WHEREAS, staff proposes the project be allocated as a HOME Entitlement funded loan in an amount not to exceed $3,509,216.

WHEREAS, staff proposes the project be allocated as a PLHA funded loan in an amount not to exceed $1,490,784.

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

that it hereby approves the authorization for the City Manager or his designee to negotiate final agreements with Visionary Home Builders, Inc. for a HOME Investment Partnership funded loan in the amount not to exceed $3,509,216, and a Permanent Local Housing Allocation (PLHA) funded loan in the amount not to exceed $1,490,784, with final agreements returning for Council consideration and approval for the development of Seventh Street Village,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Williams
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-425

RESOLUTION APPROVING THE APPOINTMENT OF COLLEEN ROZILLIS AS CITY AUDITOR, AND APPROVING AN AGREEMENT FOR AUDITING SERVICES BETWEEN THE CITY OF MODESTO AND MOSS ADAMS, LLP, STOCKTON, CA FOR AN AMOUNT NOT TO EXCEED $250,000 ANNUALLY; AND AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Section 900 of the Modesto City Charter provides that the City Auditor shall be appointed by and serve at the pleasure of the City Council of the City of Modesto, and

WHEREAS, in March 2023 the City Council began a recruitment for individual to serve as City Auditor, while a simultaneously initiate a Request for Proposals (RFP) for firms capable of serving the needs of the City regarding City Auditing services, and

WHEREAS, the City Council interviewed three individuals and three firms qualified to serve as City Auditor, and

WHEREAS, the City Council evaluated the individuals and firms based on their experience, expertise, and ability to fulfill the needs of the City; and

WHEREAS, upon completion of the interviews of both individuals and the consulting firms, the Council determined that the firm, Moss Adams, LLP, Stockton, CA, was the most qualified and selected Collen Rozillis to be appointed to the position of City Auditor, and

WHEREAS, the Charter does not require the City Auditor to be an employee of the City, and the City Council may choose to hire a qualified firm to provide city auditor services, and designate a member of the firm to serve as the City Auditor; and

WHEREAS, Moss Adams may not assign any other individual to serve as the City Auditor other that Colleen Rozillis without the prior approval of the City Council; and

WHEREAS, the City Council desires to appoint Colleen Rozillis as City Auditor effective September 12, 2023, and enter into an Agreement with Moss Adams, LLP, for auditor services, and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the Agreement is for Professional Services and, therefore, exempt from the bidding requirement. The approval for the City Auditing services to Moss Adams conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing Professional Services for City Auditing.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby appoints Colleen Rozillis to serve as City Auditor for the City of Modesto, effective September 12, 2023.

BE IT FURTHER RESOLVED that the Council hereby approves an Agreement for auditing services between the City of Modesto and Moss-Adams, LLP for an amount not to exceed $250,000 per year.

BE IT FURTHER RESOLVED that the Mayor, or her designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-426

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID WORD AND SOVAUHNA WORD, HUSBAND AND WIFE, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1240 OHIO AVENUE IN MODESTO (APN: 007-049-012) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS David Word and Sovauhna Word, husband and wife, own property located at 1240 Ohio Avenue; and

WHEREAS, the owner has requested water service connection; and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001; and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas; and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001; and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval; and

WHEREAS the property located at 1240 Ohio Avenue is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection; and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development; and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction; and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement between the City of Modesto and David Word and Sovauhna Word, husband and wife, to connect to the City of Modesto's existing water system for the property located at 1240 Ohio Avenue in Modesto (APN: 007-049-012).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve Letter and execute the Outside Service Agreement for Water Service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-427

RESOLUTION ACCEPTING THE REBID SUTTER SANITARY SEWER TRUNK REHABILITATION PROJECT, PHASE 1 AS COMPLETE, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $3,428,253 TO MOZINGO CONSTRUCTION, INC., OF OAKDALE, CA. AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Sutter Trunk begins near the intersection of Jefferson and 8th Streets and runs south on Jefferson Street, under Highway 99 to Paradise and Tuolumne Avenue, and then down Sutter Avenue to the Sutter Wastewater Treatment Plant. The Sutter Trunk is approximately 13,000 feet long and conveys approximately 3% of the City's total average dry weather flow; and

WHEREAS, the Sutter Trunk currently surcharges under existing peak wet weather flow (PWWF) conditions and is therefore hydraulically deficient; and

WHEREAS, the existing capacity of the Sutter Trunk is insufficient to convey existing and build-out PWWFs; and

WHEREAS, the section crossing under Highway 99 has experienced severe corrosion and presents a vulnerable point in the wastewater collection system; and

WHEREAS, on September 26, 2017, by Resolution 2017-371, Council approved an agreement with O'Dell Engineering Inc., of Modesto, CA in the amount of $392,906 for the engineering design services of the Sutter Trunk Rehabilitation Project; and

WHEREAS, due to the size and cost of construction, the overall Sutter Trunk Rehabilitation Project has been phased. The proposed rehabilitation project, Rebid Sutter Sanitary Sewer Trunk Project, Phase 1, will replace the existing section crossing under Highway 99. The limits of the project will span along North Jefferson Street from Laurel Street to Linden Street; and

WHEREAS, the proposed improvements on this project include two new 24-inch sewer trunk lines crossing under Highway 99, two new diversion/junction structures (one on each side of Hwy 99), and additional 24-inch sewer trunk and 8-inch sewer main lines in the proximity of the structures; and

WHEREAS, the project was originally advertised for bids on September 22, 2020. The bids were publicly opened on October 27, 2020, pursuant to City Charter Section 1307, and five bids were received; and

WHEREAS, all the bids received were above the engineer's estimate, varying from 18.22% to 57.09% higher; and

WHEREAS, for this reason, staff recommended the rejection of all bids and re-advertising at a different date, and this allowed staff to re-evaluate the construction costs, the Caltrans requirements and scope of work to identify any clarifications to the bid packages, engineers estimate and project budget; and

WHEREAS, on December 1, 2020, by Resolution 2020-502, Council rejected all bids for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1, and authorized staff to re-advertise the project for bids at a future date with an amended scope of work; and

WHEREAS, the project was advertised for bids on April 13, 2021, and bids were publicly opened on May 18, 2021, pursuant to Modesto Municipal Code section 8-3.403; and

WHEREAS, six bids were received and Mozingo Construction, of Oakdale, CA., was the lowest responsible bidder at 10.19% above the engineers estimate; and

WHEREAS, on July 13, 2021, by Resolution No. 2021-288, Council awarded a contract to Mozingo Construction, Inc., of Oakdale, CA., in the amount of $3,237,314 for the construction of the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of September 20, 2021. All contract work was completed on May 24, 2023; and

WHEREAS, the total project costs were $4,316,884 which included design, construction, and construction administration costs. The total project amount originally budgeted was $5,262,011 which included $3,625,792 for the construction contract and contingency with Mozingo Construction, Inc., of Oakdale, CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value. However, given the critical nature of this project, the possibility of additional work would be needed to address unexpected conditions, Resolution 2021-290 authorized an increase in the Director's Authority for the Construction Contingency to twelve percent (12%) to $388,478; and

WHEREAS, there were twelve change orders resulting in an overall increase of $190,939; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1

project as complete, releasing securities, releasing payments totaling $3,428,253 to Mozingo Construction, Inc., of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-428

RESOLUTOIN APPROVING THE FIRST AMENDMENT FOR ON-CALL PLUMBING SERVICES WITH CHAMPION INDUSTRIAL CONTRACTORS, INC., MODESTO, CA TO INCREASE THE AGREEMENT AMOUNT BY $86,250 TO A TOTAL REVISED AMOUNT NOT TO EXCEED $432,370 THROUGH THE TERM OF THE AGREEMENT, EXTENDING THE TERM DATE FROM NOVEMBER 5, 2023, TO MAY 5, 2024, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City has a need for on-call plumbing services at city properties on an "as needed" basis. Utilities, Parks, Police and Fire Departments, as well as Building Services, use on-call plumbing services; and

WHEREAS, this citywide contract is for residential and commercial plumbing repairs, addressing issues that arise from city-related construction and maintenance events; and

WHEREAS, this Agreement is scheduled to expire on November 5, 2023; and

WHEREAS, City staff is currently working on a Facility Condition Assessment which will allow the City to plan for the deferred maintenance priorities needed to address maintenance services and avoid these unexpected maintenance services needed; and

WHEREAS, the Purchasing Division is currently working with City departments to facilitate a new formal bid or options for utilizing a new cooperative agreement for these services which is why an additional six-month extension is needed to allow for additional time for the completion of this process and to continue to receive these services in the interim; and

WHEREAS, an amendment to extend the term of the contract is necessary to continue to receive the services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., Modesto, CA to increase the Agreement amount by $86,250 to a total revised amount not to exceed $432,370 through the term of the agreement, extending the term date from November 6, 2023, to May 5, 2024.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-429

RESOLUTION CLAIMING FISCAL YEAR 2022-2023 UNCLAIMED FUNDS OF $11,601 HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed by the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the City's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves $11,601 in Fiscal Year 2022-2023 unclaimed funds to be transferred to the General Fund.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-430

RESOLUTION APPROVING THE 2022-2023 WRITE-OFF AND ADJUSTMENTS REPORTS THROUGH FISCAL YEAR END JUNE 30, 2023 IN THE TOTAL AMOUNT OF $1,310,155 AND DIRECTING A REPORT OF DISPOSITION TO BE FILED WITH THE CITY CLERK

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City; and

WHEREAS, occasionally the responsible party does not pay the City as required; and

WHEREAS, it is the City's policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible; and

WHEREAS, the City employs various different means of trying to collect past-due accounts; and

WHEREAS, collection efforts continue until the legal statute restricts the City's collections actions; and

WHEREAS, the City's Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to $5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of $5,000 and up to $25,000; and

WHEREAS, in Fiscal Year 2018-2019, the Finance Department established Administrative Directive 7.20, Accounts Receivable Adjustment Policy, and determined

the Accounts Receivable, Utility Billing, Parking Citations and Business License adjustments should be incorporated into the annual report; and

WHEREAS, the following amounts with an outstanding balance less than $5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2022-2023 and as such all available collection remedies have been exhausted: (1) Miscellaneous Receivables- $198,869, (2) Utilities Receivables - $664,894, (3) Parking Citations - $305,822, (4) Business License - $128,837; and

WHEREAS, for the write off and adjustment amounts in excess of $5,000 and up to $25,000 for $11,733, the City Manager is authorized to approve.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the City Manager's and Director of Finance reports of uncollectible utility and accounts receivable in the total amount of $1,310,155, and approve a report of disposition be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-431

RESOLUTION ACCEPTING THE BOARD OF STATE AND COMMUNITY CORRECTIONS ORGANIZED RETAIL THEFT PREVENTION GRANT IN THE AMOUNT OF $6,003,419 IN GRANT FUNDS WITH NO MATCH REQUIREMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT ACCEPTANCE

WHEREAS, in 2022, the State Budget Act, Senate Bill 154 Chapter 43, Statues of 2022 established the Organized Retail Theft Prevention Grant Program through the Board of State and Community Corrections, and

WHEREAS, on June 27, 2023, the City Council approved the submissions of a grant application for the Organized Retail Theft Prevention grant by Resolution No. 2023-302; and

WHEREAS, the Modesto Police Department (MPD) was the lead agency on the grant application and it was submitted July 7, 2023, and

WHEREAS, the MPD has been notified that is being awarded $6,003,419 in grant funds from the BSCC Organized Retail Theft Prevention Grant Program, and

WHEREAS, the Police Department has a detailed work and spending plan for the $6,003,419 in grant funds from the BSCC, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Board of State and Community Corrections Organized Retail Theft Prevention Grant in the amount of $6,003,419 in grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute and submit all documents which may be necessary hereby for the completion of the grant acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-432

RESOLUTION AMENDNG THE FISCAL YEAR 2023-2024 ANNUAL OPERATING AND MULTI-YEAR NON-CAPITAL PROJECT BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE TOTAL AMOUNT OF $6,003,419 RELATED TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS ORGANIZED RETAIL THEFT PREVENTION GRANT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of $6,003,419 from the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Prevention Grant program; and

WHERAS, the Modesto Police Department has partnered with Stanislaus County District Attorney's office, as well as retailers through out the City of Modesto, to implement this grant; and

WHERAS, certain budgetary adjustments are necessary to account for the programming of revenues and expenses related to the BSCC Organized Retail Theft Prevention grant to allow for the receipt of grant revenue and appropriation of expenditure budgets in both operating cost centers and multi-year non-capital project expenditure budgets, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-2024 Annual Operating and Multi-Year Non-Capital Budget by a total of $6,003,419 in revenues and expenses in grant funds for the BSCC Organized Retail Theft Prevention Grant Program.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-433

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2023-24 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on September 26, 2023, as part of the Annual Budget of the City of Modesto for Fiscal Year 2023-24, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective September 26, 2023, unless otherwise noted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2023-24 Operating Budget for Modesto Police Department as follows:

1. Add one (1) Police Civilian Investigator in the Investigative Services Division (19220) of the Modesto Police Department for a 3-year limited term.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-434

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR BUILDING INTRUSION ALARM SERVICES TO AUDEAMUS DBA SEBASTIAN, FRESNO, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $33,149 FOR THE FIRST YEAR AND A TOTAL AMOUNT NOT TO EXCEED $83,998 OVER FIVE YEARS WITH ANY NEW SITE ADDITIONS, REMOVALS OR SUBSTANTATIVE SERVICE CHANGES TO BE AUTHORIZED BY THE DIRECTOR OF FINANCE, OR HER, DESIGNEE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Public Works Department, Building Maintenance Division is responsible for maintaining facilities within the City of Modesto. There has not been a city-wide agreement for building intrusion alarms systems which includes monitoring, testing and maintenance or repair of alarm systems; and

WHEREAS, on September 14, 2021, the City Manager authorized the Purchasing Manager to solicit the procurement for Building Intrusion Alarm Systems; and

WHERAS, on November 4, 2022, the Purchasing Division issued Invitation for Bids (IFB) No. 2122-23RB for Building Intrusion Alarm Services on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Fourteen companies downloaded the IFB document from PlanetBids; and

WHEREAS, on March 28, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two vendors chose to respond no local bids were received and one vendor was deemed non-responsive. Based on providing the lowest responsive and responsible bid, City staff recommends awarding the Building Intrusion Alarm Service to Audeamus DBA Sebastian, Fresno, CA for a two-year

Agreement with three one-year extension options for an estimated annual amount for the first year of $33,149 and a total amount not to exceed $83,998 over five years.

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code 8-3.203 City Staff recommends the award of bid for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Award of Bid and Agreement for Building Intrusion Alarm Services to Audeamus DBA Sebastian, Fresno, CA for a two-year agreement with three one-year extension options, for an annual estimated amount of $33,149 for the first year and a total amount not to exceed $83,998 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee is authorized to approve new site additions, removals or sustentative service charges.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement or a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-435

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION(S) TO THE STATE OF CALIFORNIA STRATEGIC GROWTH COUNCIL TO SUPPORT INVESTMENT IN SUSTAINABILITY AND CLIMATE CHANGE MITIGATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED DOCUMENTS

WHEREAS, the State of California Strategic Growth Council (SGC) coordinates and collaborates with public agencies, communities, and stakeholders to achieve sustainability, equity, economic prosperity, and quality of life for all Californians; and

WHEREAS, the SGC supports grant programs that provide no-match funding to local and regional governments to address pollution and greenhouse gas emissions, sustainable climate actions, and build climate resiliency and/or capacity; and

WHEREAS, the City of Modesto is susceptible to drought conditions, extreme heat events, and other negative impacts from climate change, making this region more competitive for grants based on environmental justice, pollution burden, or other related measures of disadvantage; and

WHEREAS, Staff recommends that the City apply to SGC grants as they become available in an effort to support investment in sustainability and climate change mitigation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of grant application(s) to the State of California Strategic Growth Council to support investment in sustainability and climate change mitigation.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign grant applications and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-436

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2022-2023 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, each year, the City receives Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the objective of the CDBG Program is to develop viable urban through decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons by supporting activities such as public facilities improvements, social services, affordable housing, fair housing, economic development and addressing homelessness, and

WHEREAS, the HOME program supports a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people, and

WHEREAS, the ESG program provides funding for a variety of services including but not limited to engaging homeless individuals and families, emergency shelters, homeless prevention, and rapid rehousing activities, and

WHEREAS, to be eligible for funding awards, HUD requires the City to develop and adopt a Consolidated Plan every five years that analyzes the City's housing and community development needs, with priority on serving low- and moderate-income individuals, households, and neighborhoods (as defined by HUD), and establishes a 5-

year strategy outlining how the City will utilize CDBG, HOME and ESG funding for meeting the needs identified, and

WHEREAS, as a component of the five-year Consolidated Plan, the City must annually prepare and adopt an Annual Action Plan outlining the projects to be carried out for each particular Program Year within the five-year period, and

WHEREAS, at the conclusion of each program year, the City is required to prepare a Consolidated Annual Performance Evaluation Report (CAPER) detailing how the City spent its CDBG, HOME, and ESG funds during a particular program year, the progress of each project identified in the Annual Action Plan, and how the projects aligned with both the Annual Action Plan and Consolidated Plan, and

WHEREAS, the CAPER must be submitted to HUD no later than 90 days after the completion of the Program Year, therefore the CAPER is due to HUD no later than September 28, 2023, and

WHEREAS, a notice informing the public of the availability of the Program Year 2022-2023 CAPER, and the start of the public comment period, was published in the Modesto Bee August 17, 2023, and

WHEREAS, the public review comment period will close on September 26, 2023, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CAPER on September 14, 2023, and recommended forwarding it to the City Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on September 26, 2023 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010

Tenth Street, and

WHEREAS, any comments received during the public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2022-2023 Consolidated Annual Performance Evaluation Report for submittal to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-437

RESOLUTION APPROVING THE EARTH DAY IN THE PARK EVENT FEE SCHEDULE, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, OR HIS DESIGNEE, TO ADJUST FEES

WHEREAS, the City of Modesto hosts an Earth Day in the Park event to bring together community organizations and citizens interested in sustainability, environmentalism, and celebrating Earth Day; and

WHEREAS, Earth Day in the Park is free to attend; and

WHEREAS, the City seeks cost recovery through booth fees and sponsorships to reduce the cost of the event being passed to solid waste ratepayers; and

WHEREAS, City staff calculated the costs of Earth Day in the Park 2023 and based fee recommendations on an approximately 33% cost recovery rate, referenced in Table 1.

TABLE 1:

Booth: 10ft x 10ft	Received before March 15th	Received on or after March 15th
Commercial Business – Information Only	$105	$130
Commercial Business – Non-Food Sales	$145	$180
Commercial Business – Food Sales	$250	$310
Government/Non-Profit Agency – Information Only	$40	$50
Government/Non-Profit Agency – Non-Food Sales	$75	$95
Government/Non-Profit Agency – Food Sales	$190	$240

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Earth Day in the Park event fee schedule, and authorizing the Public Works Director, or his designee, to adjust fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-438

RESOLUTION REAPPOINTING KAYVON BANANKHA, LOLAMAYA EVANS, HAMZA MODAN, JOSSFIN GARZA, AND ABIGAIL MANZANO TO THE CITY OF MODESTO YOUTH COMMISSION FOR THE 2023-2024 SCHOOL YEAR FROM OCTOBER 11, 2023 TO JUNE 30, 2024

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City's Appointments Committee; and

WHEREAS, the Modesto Youth Commission shall be comprised of nine (9) members who live within the boundaries of the City of Modesto and are enrolled full-time in high school; and

WHEREAS, the Modesto Youth Commission shall serve in an advisory capacity to the City Council and the City Manager in matters pertaining to youth, and to initiatives, policies, and programs impact youth; and

WHEREAS, Youth Commissioners shall be appointed for a one-year term coinciding with the school year (October through June); and

WHEREAS, the Appointments Committee met on September 28, 2023, and recommended the reappointments of Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan, and Abigail Manzano to the Modesto Youth Commission for the 2023-2024 school year from October 11, 2023 to June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointments of Kayvon Banankhah, Lolamaya Evans, Jossfin Garza, Hamza Modan, and Abigail Manzano to the Modesto Youth Commission for the 2023-2024 school year from October 11, 2023 to June 30, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Youth Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-439

RESOLUTION APPOINTING SAIDA ALAVAREZ, EDITH HUGHES, MARTIN MONTEZ, AND SABRINA TOUR TO THE MODESTO YOUTH COMMISSION FOR THE 2023-2024 SCHOOL YEAR FROM OCTOBER 11, 2023 TO JUNE 30, 2024

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City's Appointments Committee; and

WHEREAS, the Modesto Youth Commission shall be comprised of nine (9) members who live within the boundaries of the City of Modesto and are enrolled full-time in high school; and

WHEREAS, the Modesto Youth Commission shall serve in an advisory capacity to the City Council and the City Manager in matters pertaining to youth, and to initiatives, policies, and programs impact youth; and

WHEREAS, Youth Commissioners shall be appointed for a one-year term coinciding with the school year (October through June); and

WHEREAS, the Appointments Committee met on September 28, 2023, and recommended the appointments of Saida Alvarez, Edith Hughes, Martin Montez, and Sabrina Tour to the Modesto Youth Commission for the 2023-2024 school year from October 11, 2023 to June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Saida Alvarez, Edith Hughes, Martin Montez, and Sabrina Tour to the Modesto Youth Commission for the 2023-2024 school year from October 11, 2023 to June 30, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Youth Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-440

RESOLUTION AMENDING FISCAL YEAR 2023-24 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $25,000 is needed to increase the revenue and expense budgets for project 101184 – Archway Commons Phase II. This increase will capture the staff time and administrative expenses that are being used to close this project. This project is funded with Federal HOME Investment Partnership Program funding.

ENGINEERING SERVICES DEPARTMENT

- A budget adjustment in the amount of $5,000,000 is needed in the Capital Grants – Streets Capital Improvement Program (CIP) Projects Fund (3160) for Project 101519 – AB170 - County Islands Project. The project recently received a notification that there are outstanding earmarked funds available for construction from the Department of Transportation (CalTrans) on September 1, 2023. The adjustment will recognize the grant revenue and increase the project discretionary expenditure accounts.

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of $220,000 is needed in the Joint Powers Authority (JPA) – Tuolumne River Regional Park (TRRP) Special Revenue Fund – Capital Improvement Program (CIP) (6710) to establish the budget for Project 101527 – TRRP Parking Improvements at Gateway Parcel and Project 101528 – Carpenter Road Fish Habitat Restoration Project. The projects were approved by the JPA TRRP Commission on August 9, 2023. The funding will come from remaining insurance revenue proceeds in the fund balance for Fund 6710.

- A budget adjustment in the amount of $232,500 is needed in the Community Center Operations Fund 4700, Project 101251 – Modesto Centre Plaza Deferred Maintenance to allocate to the project expenditure budget. As part of the Fiscal Year 2023-24 budget adoption, the transfer was increased to the project, but the expenditure budget was not increased. This adjustment will correct the project so that the revenue and expenditure budgets are balanced.

POLICE DEPARTMENT

- A budget adjustment in the amount of $57,225 is necessary in the Police Grants (1341) to recognize the revenue related to the 2023-24 Alcoholic Beverage Control (ABC) Alcohol Policing Partnership grant and increase expenses in Project 101530 – 2023-2024 ABC Grant.

PUBLIC WORKS

- A budget adjustment in the amount of $1,200,000 is needed in the Capital Grants – Streets Capital Improvement Program (CIP) Projects Fund (3160) for Project 101317 – Carpenter/Maze/Prescott Fiber Drop. The project recently received an updated E-76 for

construction grant funds from the Department of Transportation (CalTrans) on August 4, 2023. The adjustment will recognize the grant revenue, the project discretionary expenditure accounts is not being increased as the increase was captured in the Fiscal Year 2023-24 adopted CIP budget.

- A budget adjustment in the amount of $941,404 is needed in the Capital Grants – Streets Capital Improvement Program (CIP) Projects Fund (3160) for Project 101318 – Fiber Drop Downtown (G & H). The project recently received an updated E-76 for construction grant funds from the Department of Transportation (CalTrans) on August 4, 2023. The adjustment will recognize the grant revenue, the project discretionary expenditure accounts is not being increased as the increase was captured in the Fiscal Year 2023-24 adopted CIP budget.

- A budget adjustment in the amount of $300,000 from 4891 Solid Waste Fund (4891) reserves to CC 56010 is necessary to cover the cost of code enforcement specific software. Remainder of funds will help cover legal fees associated with amending and restating hauler contracts.

- A budget adjustment in the amount of $400,000 from Carpenter Landfill Fund (4893) reserves to CC 56016 is necessary to use for hiring a consultant and installing a fence, both of which are essential to bring the City into compliance with a current Notice of Violation from the State Water Board.

- A budget adjustment in the amount of $600,000 is necessary in the Surface Transportation Fund (1700) Project 101421 – Detection Cameras Senate Bill (SB) 1 project to fund the Fiscal Year 2023-2024 replacement of vehicle detections in various locations that was approved as part of the Fiscal Year 2023-2024 SB 1 project list approved by Council per Resolution 2023-175. As part of the adjustment, the transfer from the Gas Tax Fund (1730) to the project will be increased as well.

UTILITIES

- A budget adjustment in the amount of $600,000 is necessary in the Water Fund – Capital Improvement Program (CIP) Projects Fund (4180) Project 101390 – Water Register Replacement to fund additional project expenditures for replacing registers. The increase in the project budget will be covered by the Water Fund (4100) reserves.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-441

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND DANA HARGROVE AND KWANG CHON, HUSBAND AND WIFE, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 1613 WOODLAND AVE (APN: 081-029-029), IN AN UNINCORPORATED AREA OF STANISLAUS COUNTY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Dana Hargrove and Kwang Chon, own a residential property located at 1613 Woodland Ave., which is located outside of Modesto City Limits and inside the City's Sphere of Influence; and

WHEREAS, the property located at 1613 Woodland Ave., is not connected to the City's sewer system, and is requesting a sewer connection due to a failing septic system; and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002; and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval; and

WHEREAS, the property located at 1613 Woodland Ave. is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection; and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property; and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system; and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system; and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Will Serve Letter and Outside Service Agreement between the City of Modesto and Dana Hargrove and Kwang Chon, husband and wife, to connect to the City of Modesto's existing sewer system for the property located at 1613 Woodland Ave. (APN: 081-029-029) in an unincorporated area of Stanislaus County.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter and execute the Outside Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-442

RESOLUTION APPROVING AN AGREEMENT WITH UNITED PAVEMENT MAINTENANCE, HUGHSON, CA FOR A ONE-YEAR AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED $2,350,000; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Public Works Department Curbs, Gutters and Sidewalks Division program repairs displaced or damaged concrete sidewalks, curb and gutter that have been damaged by City trees or City utilities; and

WHEREAS, the division has over 5,000 outstanding work orders that are in need for the removal and replacement of sidewalk repairs and City staff can handle about 100 work orders annually and with an outside contractor we can complete up to an additional 500 work orders; and

WHEREAS, on June 11, 2019, under Resolution No. 2019-265, Council approved an Agreement with Machado and Sons Construction Inc. Turlock, CA for as-needed concrete services for a total amount not to exceed $525,659 over the five years; and

WHEREAS, on January 14, 2020, under Resolution No. 2020-021, Council approved a First Amendment with Machado and Sons Construction Inc. Turlock, CA to increase the agreement by $150,000 to a revised total amount not to exceed $675,659; and

WHEREAS, City staff have had delay in responses with Machado and Sons being able to perform new concrete services and Machado and Sons have voiced concerns with the current price schedule under this agreement; based on these concerns, City staff and Machado and Sons have mutually agreed to terminate this agreement as of July 18, 2023; and

WHEREAS, with the approval of the Fiscal Year 2023-24 Measure H spending plan, the Council approved $1.8 million for the City to obtain an outside contractor for sidewalk repairs; and

WHEREAS, on July 10, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for concrete services and City staff explored the option of utilizing the City of Stockton bidding process conducted on May 19, 2022, for a Sidewalk Replacement Project; and

WHEREAS, with the agreement not being active due to the bid being project specific, City staff cannot utilize the City of Stockton bidding event, but this bid demonstrates with a neighboring city this vendor was the lowest priced vendor for this type of services; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." Which is justified based on the recent competitive bidding results conducted by City of Stockton.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with United Pavement Maintenance, Hughson, CA for a one-year agreement for a total amount not to exceed $2,350,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-443

RESOLUTION APPROVING THE AGREEMENTS WITH HERC RENTALS, MODESTO, CALIFORNIA (CA), HOLT OF CALIFORNIA, SALIDA, CA AND UNITED RENTALS, MODESTO, CA, BY UTILIZING THE COMPETITVE BID PROCESS WITH OMNIA PARTNERS AND SOURCEWELL FOR RENTAL FLEET SERVICES FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $400,000 AND A TOTAL AMOUNT NOT TO EXCEED $2,000,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, various operational divisions within Parks, Recreation and Neighborhood, Utilities and Public Works Departments have a need for rental equipment for City projects and programs; and

WHEREAS, on October 12, 2021, the City Manager authorized the Purchasing Manager to solicit the procurement for rental fleet services; and

WHEREAS, on June 26, 2019, OMNIA Partners issued Request for Proposal (RFP) # 269-2018-047 for Equipment Rentals and Related Products and Services on the Charlotte Observer Newspaper, North Carolina Interactive Purchasing system, and US Communities; and

WHEREAS, on November 1, 2018, the proposals were opened at Charlotte Government facility site; and

WHEREAS, three (3) proposals were received and based on the Evaluation Committee and criteria outlines in the RFP, two (2) contracts were awarded for this commodity with Herc Rentals and Bid Truck which includes Rental Fleet Services; and

WHEREAS, based on the responsive and responsible proposal provide by Herc Rentals, the City staff recommends to award to Herc Rentals for the Rental Fleet Services; and

WHEREAS, on May 1, 2020, Sourcewell issued Request for Proposal (RFP) #062320-CAT for Equipment Rentals and Related Products and Services on the Utah Salt Lake Tribune, USA Today, South Carolina's The State, Sourcewell public website, the New York State Contract Reporter and PublicPurchase.com; and

WHEREAS, on June 23, 2020, the proposals were opened electronically via Sourcewell Procurement Portal and eighteen (18) proposals were received and based on the Sourewell Evaluation Committee and criteria outlines in the RFP, four (4) contracts were awarded for this commodity which included Caterpillar Inc, Deerfield, IL with Holt of CA, Salida, CA being the Rental facilitator and United Rentals, Modesto CA for Rental Fleet Services; Caterpillar Inc. owns all of the equipment and Holt of CA is a subdivision of Caterpillar who handles all rental services for this equipment; and

WHEREAS, based on the responsive and responsible proposal provided by Caterpiller Inc., the City staff recommends to award to Caterpillar Inc, Deerfield, IL with Holt of CA being the rental facilitator, Salida, CA and United Rentals, Modesto, CA for the Rental Fleet Services; and

WHEREAS, OMNIA Partners and Sourcewell are cooperative agencies which streamlines the procurement process by developing Invitation for Bids (IFB)'s or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid; However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process

other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and by utilizing the OMNIA Partners and Sourcewell, the City is complying with the requirements defined under this code for the proposed Rental Fleet Services agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, by utilizing the Competitive Bid Process with OMNIA Partners and Sourcewell, for Rental Fleet Services for a one-year Agreement with four (4) one-year extension options, for an annual estimated amount of $400,000 and a total amount not to exceed $2,000,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreements, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager, or designee, may adjust the amount of the agreements with the three vendors, subject to a total amount not to exceed $2,000,000 over five years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-444

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PURCHASING AGREEMENTS WITH FERGUSON WATERWORKS, MODESTO, CA, ICONIX WATERWORKS, MCCLELLAN, CA, AMERICAN AVK, MINDEN, NV FOR CONCRETE BOXES, COVERS, VALVES, HYDRANTS AND FITTINGS INCREASING THE ANNUAL ESTIMATED SPENDING BY $975,000 FROM $765,000 TO A REVISED ANNUAL ESTIMATED AMOUNT OF $1,740,000 AND A REVISED TOTAL AMOUNT NOT TO EXCEED $8,700,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENTS

WHEREAS, the Water Services Divisions, utilize concrete boxes, covers, valves, hydrants and cast/ductile iron fittings throughout Modesto and the outlying areas included in the City's regional water systems; the outlying areas include Salida, Del Rio, parts of Ceres, parts of Turlock, Grayson, Empire and other County areas just outside the City limits; and

WHEREAS, on December 6, 2022, by Resolution 2022-458, Council approved agreements with three vendors: Ferguson Waterworks, Modesto CA, Iconix Waterworks, McClellan CA, and American AVK, Minden NV for concrete boxes, covers, valves hydrants and fittings with the estimated annual spending of $765,000 among all three vendors, for a total amount not to exceed $3,825,000 over five years; and

WHEREAS, due to market volatility, and supply chain insufficiencies resulting from COVID-19, pricing has fluctuated on certain commodities; and

WHEREAS, there were thirty-eight (38) items that both lowest responsive and responsible bidders were unable to hold pricing for, thus making it necessary to reach out for pricing every ninety (90) days for this specified commodity; and

WHEREAS, pricing on fire hydrants had remained steady over the course of the previous agreement, but nearly doubled in price on the new agreement; and

WHEREAS, with the meter installation program coming to a close, staff have been able to focus more on system maintenance which includes strengthen and replace older water mains; during this process existing hydrants are replaced and additional hydrants are installed; and

WHEREAS, when putting numbers together two years ago, staff relied on historical usage and did not account for the increased demand for hydrants which is triggering an overall increase of fire hydrants estimated to cost $245,000 annually; and

WHEREAS, registers are an integral part of the Badger meter and are utilized to provide digitally transmitted data of water usage which includes approximately 75,000 meters that are digitally read monthly, with about 1000 re-reads; and

WHEREAS, a re-read occurs when the data did not digitally transmit, and generally indicates register failure and staff will then manually read the meter and verify if the register is still active; and

WHEREAS, when the quantities were provided on the current contract staff did not know the rate at which the registers would be failing nor the amount of replacement lids that would be needed and updating the lids provides continued support of digital meter reading, thus saving valuable staff time and allowing for seamless customer billing; and

WHEREAS, it is estimated that 10,000 to 12,000 lids would be purchased annually, for an estimated cost of $800,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Purchasing Agreements with Ferguson Waterworks, Modesto, CA, Iconix Waterworks, McClellan, CA, and American

AVK, Minden, NV for concrete boxes, covers, valves, hydrants and fittings increasing the annual estimated spending by $975,000 from $765,000 to a revised annual estimated amount of $1,740,000 and a revised total amount not to exceed $8,700,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendments, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-445

RESOLUTION APPROVING THE SECOND AMENDMENT FOR FLEET TIRE PURCHASES WITH MCCOY TRUCK TIRE, MODESTO, CA AND VALLEY TIRE, MODESTO, CA TO INCREASE THE AGREEMENT AMOUNT BY $400,000 TO A REVISED TOTAL AMOUNT OF $2,170,000 THROUGH THE TERM OF THE AGREEMENT AND EXTENDING THE TERM DATE FROM OCTOBER 22, 2023 TO OCTOBER 22, 2024; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, McCoy Tire/McCoy Truck Tire, and Valley Tire all of which are located in Modesto, CA, are discounted programs that will be utilized when they are more cost effective at the time of purchase; and

WHEREAS, these vendors will provide tires for the City's almost 1,250 passenger cars, light duty and heavy-duty trucks, pursuit rated and emergency vehicles and transit buses at the contracted rate; and

WHEREAS, on October 23, 2018, by Resolution 2018-472, Council approved Fleet Tire Purchases utilizing the State of California for Fleet Tire Purchases between American Tire Depot, McCoy Truck Tire and Valley Tire based on availability, cost and needs at the time of purchase, for an overall annual cost of $290,000 with a total cost not to exceed of $1,772,000 over five years; however, it was determined American Tire Depot was not the lowest price vendor compared to the other two local vendors and City staff have not purchased tires from American Tire Depot; and

WHEREAS, on September 7, 2021, under Resolution 2021-349, Council approved the First Amendment for the Fleet Services Division for the purchase of tires to the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire Sales, Modesto, CA for a revised annual estimated cost to $450,000 and a total revised combined amount

to $1,770,000 over a 5-year period; this amendment was needed due to the additional fleet from the fire contract services and transit services; and

WHEREAS, the Finance Department Purchasing Division has been researching for potential piggybacking agreements for our local vendors with McCoy Tire and Valley Tire Sales and unfortunately the only options we have identified was brand specific which is very challenging based on the types of tires needed to manage City Fleet vehicles; and

WHEREAS, if the City attempts to solicit our own formal bid, the brand type and model could change through the term of the agreement; and

WHEREAS, the Purchasing Division will be conducting a price comparison with tire vendors outside of Modesto to demonstrate the cost savings gained by utilizing these two local vendors; and

WHEREAS, once this analysis is completed, the Purchasing Division will establish new agreements based on the results of this review and these local vendors are committed to provide discount pricing to ensure they continue to be the lowest price vendor for the tires needed for the City Fleet Division.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA to increase the Agreement amount by $400,000 to a revised total amount of $2,170,000 through the term of the agreement and extending the term date from October 22, 2023, to October 22, 2024.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-446

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF ONE (1) LOW-PROFILE DUMP TRUCK TO COBALT TRUCK, LAS VEGAS, NV BY $2,556, INCREASING THE PURCHASE ORDER FROM $115,932 TO A NEW TOTAL AMOUNT NOT TO EXCEED $118,488, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on April 6, 2021, Council approved Resolution 2021-101 to award the bid to Cobalt Truck for a total not to exceed $110,581; and

WHEREAS, on September 14, 2021 under Resolution 2021-363 Council approved an increase to the amount for the purchase of a Low-Profile Dump Truck to Cobalt Truck, Las Vegas, NV by $5,351, increasing the purchase order from $110,581 to a new total amount not to exceed $115,932 due to supply chain demands and the increases in overall product cost; and

WHEREAS, there have been significant delays on the Ford vehicle bank orders being requested from when the awarding vendor, Cobalt Truck, Las Vegas, NV submitted their bid and with the first increase; and

WHEREAS, when the original bid was provided by Cobalt Truck, the City was anticipating model 2021 and unfortunately, this model has been discontinued due to the availability of this vehicle; and

WHEREAS, the proposed truck is a 2022 model which is the same model captured when the original increase was approved by Council but due to increases in Producer Price Index (PPI) there is an additional cost of $1,360 and the increase with the updated sales tax rate of 8.875% from Measure H will add an additional $4,079 in sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of one (1) Low-Profile Dump Truck to Cobalt Truck, Las Vegas, NV by $2,556, increasing the Purchase Order from $115,932 to a new total amount not to exceed $118,488.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-447

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF TWO (2) ONE-TON EXTENDED CAB TRUCKS TO NAPA FORD, NAPA, CA BY $38,531, INCREASING THE PURCHASE ORDER FROM $110,114 TO A NEW TOTAL AMOUNT NOT TO EXCEED $148,645, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on February 8, 2022 under Resolution 2022-084, Council approved the award of bid for two One-Ton Extended Cab Trucks to Napa Ford, Napa, CA for a total amount not to exceed $110,114; and

WHEREAS, there have been significant delays on the Ford vehicle bank orders being requested from when the awarding vendor, Napa Ford, Napa, CA submitted their bid; and

WHEREAS, the original bid provided by Napa Ford was anticipated to be a 2022 model but due to availability and the bank allotment available the updated quote is for a 2023 model; and

WHEREAS, when reviewing the overall change in PPI over the time period from when Council approved the original bid, PPI has increased by 100% due to steel, glass, tire and motor parts manufacturing increases overall and the updated quote is capturing an increase in the amount of $34,452 or 34% which is under the PPI increase over this period of time; and

WHEREAS, with the voters' approval of Measure H the Modesto sales tax rate increased from 7.875% to 8.875% and the increase with the updated sales tax rate of 8.875% will add an additional $4,079 in sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of two (2) One-Ton Extended Cab Trucks to Napa Ford, Napa, CA by $38,531, increasing the Purchase Order from $110,114 to a new total amount not to exceed $148,645.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-448

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF FOUR (4) ONE-TON TRUCKS TO NAPA FORD, NAPA, CA BY $84,050, INCREASING THE PURCHASE ORDER FROM $188,429 TO A NEW TOTAL AMOUNT NOT TO EXCEED $272,479, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on July 6, 2021 under Resolution 2021-262, Council approved a one-ton truck (Specification A) to Towne Ford, Redwood City, CA, for a total cost not to exceed $92,314; and four of the one tons (Specification C, D, E and F) to Napa Ford, Napa, CA for a total cost not to exceed $188,429; and

WHEREAS, there have been significant delays on the Ford vehicle bank orders being requested and manufacturing delays due to COVID-19 specifically for the four of the seven One-ton Trucks; and

WHEREAS, the original bid provided by Napa Ford was anticipated to be a 2021 model but due to availability and the bank allotment available the updated quote is for a 2023 model; and

WHEREAS, if the City does not move forward with this purchase, the bank allotment will be eliminated and the purchase of these vehicles will be further delayed due to the minimum allotment allowed for Modesto each year; and

WHEREAS, when reviewing the overall change in PPI over the time period from when Council approved the original bid, PPI has increased by 105% due to steel, glass, tire and motor parts manufacturing increases overall and the updated quote is capturing an increase in the amount of $75,602 or 43% which is under the PPI increase over this period of time; and

WHEREAS, with the voters' approval of Measure H the Modesto sales tax rate increased from 7.875% to 8.875% and the increase with the updated sales tax rate of 8.875% will add an additional $8,448 in sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of four (4) One-Ton Trucks to Napa Ford, Napa, CA by $84,050, increasing the Purchase Order from $188,429 to a new total amount not to exceed $272,479.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-449

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF TWO (2) PASSENGER VANS TO NAPA FORD, NAPA, CA BY $60,308, INCREASING THE PURCHASE ORDER FROM $95,206 TO A NEW TOTAL AMOUNT NOT TO EXCEED $155,514, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on January 11, 2022 under Resolution 2022-014, Council approved the award and purchase of two (2) passenger vans to Napa Ford, Napa, CA for a total cost not to exceed $95,206; and

WHEREAS, there have been significant delays on the Ford vehicle bank orders being requested and manufacturing delays due to COVID-19 specifically for the four of the seven One-ton Trucks; and

WHEREAS, the original bid provided by Napa Ford was anticipated to be a 2022 model but due to availability and the bank allotment available the updated quote is for a 2023 model; and

WHEREAS, when reviewing the overall change in PPI over the time period from when Council approved the original bid, PPI has increased by 100% due to steel, glass, tire and motor parts manufacturing increases overall and the updated quote is capturing an increase in the amount of $53,364 or 62% which is under the PPI increase over this period of time; and

WHEREAS, with the voters' approval of Measure H the Modesto sales tax rate increased from 7.875% to 8.875% and the increase with the updated sales tax rate of 8.875% will add an additional $6,994 in sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of two (2) Passenger Vans to Napa Ford, Napa, CA by $60,308, increasing the Purchase Order from $95,206 to a new total amount not to exceed $155,514.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-450

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF TWELVE (12) HALF-TON TRUCKS TO PENSKE CHEVROLET, CERRITOS, CA BY $178,160, INCREASING THE PURCHASE ORDER FROM $425,159 TO A NEW TOTAL AMOUNT NOT TO EXCEED $603,319, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, On January 25, 2022 under Resolution 2022-041, Council approved the award and purchase of twelve half-ton trucks to Penske Chevrolet, Cerritos, CA for a total cost not to exceed $425,159; and

WHEREAS, there have been significant delays on the Chevrolet vehicle bank orders being requested and manufacturing delays due to COVID-19; and

WHEREAS, the original bid provided by Napa Ford was anticipated to be a 2022 model but due to availability and the bank allotment available the updated quote is for a 2024 model; and

WHEREAS, when reviewing the overall change in PPI over the time period from when Council approved the original bid, PPI has increased by 99.26% due to steel, glass, tire and motor parts manufacturing increases overall and the updated quote is capturing an increase in the amount of $160,018 or an average of 42% which is under the PPI increase over this period of time; and

WHEREAS, with the voters' approval of Measure H the Modesto sales tax rate increased from 7.875% to 8.875% and the increase with the updated sales tax rate of 8.875% will add an additional $18,142 in sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of twelve (12) Half-

Ton Trucks to Penske Chevrolet, Cerritos, CA by $180,160, increasing the Purchase Order from $425,159 to a new total amount not to exceed $603,319.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-451

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF ONE (1) PETERBILT CLASS 4-8 CHASSIS WITH RELATED EQUIPMENT WITH INTERSTATE TRUCK CENTER DBA VALLEY PETERBILT, TURLOCK, CA BY $16,726, INCREASING THE PURCHASE ORDER FROM $199,846 TO A NEW TOTAL AMOUNT NOT TO EXCEED $216,572, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on June 28, 2022 under Resolution 2022-286, Council approved the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) with Interstate Truck Center dba Valley Peterbilt, Turlock, CA for a Peterbilt Class 4-8 Chassis with related equipment for a total amount not to exceed $199,846; and

WHEREAS, there has been delays in manufacturing for this type of equipment due to the supply demand challenges from COVID-19; and

WHEREAS, the original bid provided by Napa Ford was anticipated to be a 2022 model but due to availability and the bank allotment available the updated quote is for a 2024 model; and

WHEREAS, when reviewing the overall change in PPI over the time period from when Council approved the original bid, PPI has increased by 97% due to steel, glass, tire and equipment manufacturing increases overall and the updated quote is capturing an increase in the amount of $13,515 which is under the PPI increase over this period of time; and

WHEREAS, with the voters' approval of Measure H the Modesto sales tax rate increased from 7.875% to 8.875% and the increase with the updated sales tax rate of 8.875% will add an additional $3,211 in sales tax.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of one (1) Peterbilt Class 4-8 Chassis with related equipment with Interstate Truck Center dba Valley Peterbilt, Turlock, CA by $16,726, increasing the Purchase Order from $199,846 to a new total amount not to exceed $216,572.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-452

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF FOUR (4) FORKLIFTS WITH CROMER MATERIAL HANDLING, PASADENA, CA BY $1,442, INCREASING THE PURCHASE ORDER FROM $155,539 TO A NEW TOTAL AMOUNT NOT TO EXCEED $156,981, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on August 23, 2022 under Resolution 2022-353, Council approved the competitive bidding process from State Department of General Services (DGS) with Cromer Material Handling, Pasadena, CA, for the four (4) Forklifts in the amount not to exceed $155,539; and

WHEREAS, with the voters' approval of Measure H the Modesto sales tax rate increased from 7.875% to 8.875% and the increase with the updated sales tax rate of 8.875% the purchase order needs to increase by $1,442 due to the increase in the Modesto sales tax rate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to the amount for the purchase of four (4) Forklifts with Cromer Material Handling, Pasadena, CA by $1,442, increasing the Purchase Order from $155,539 to a new total amount not to exceed $156,981.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-453

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE MODESTO FIRE DEPARTMENT, TURLOCK FIRE DEPARTMENT, STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT AND CAL FIRE TUOLUMNE-CALAVERAS UNIT, FOR PARTICIPATION IN THE CENTRAL VALLEY INCIDENT MANAGEMENT TEAM AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOA

WHEREAS, the Modesto Fire Department (MFD) established a Type III All-Hazard Incident Management Team in 2022, better known as Central Valley Incident Management Team (CVIMT) with agencies from Stanislaus County and CalFire Tuolumne-Calaveras Unit (TCU); and

WHEREAS, an all-hazard (Type III) incident management team is a multi-agency / multi-jurisdiction team for extended incidents formed and managed at the state, regional or metropolitan level, and is deployed as a team of 10-35 trained personnel to manage major and/or complex incidents, as well as incidents that extend into multiple operational periods and require written Incident Action Plans (IAPs); and

WHEREAS, incidents include, but are not limited to fires, tornado touchdowns, earthquakes, flooding, hostage / standoff situations, etc.; and

WHEREAS, the team operates with personnel from the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and CalFire Tuolumne-Calaveras Unit, providing the framework necessary to establish an incident command or unified command system as required by the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS); and

WHEREAS, the team has assisted with several incidents, such as the Electra Fire (Amador County), Oak Fire (Mariposa County), Mosquito Fire (Placer and El Dorado

Counties), Woods Fire (Tuolumne County) and the 2023 flooding which effected multiple counties, including Stanislaus County; and

WHEREAS, the purpose of the proposed MOA is to establish mutually agreeable terms for the development, administration and utilization of the team; and

WHEREAS, each agency with four or more personnel assigned to the team shall designate one person from that agency to be a member of the Executive Committee in order to maintain a high level of service; and

WHEREAS, it is the goal of each party to maintain a continuous partnership; therefore, the MOA will not expire, except each party is able to terminate their participation with a 30-day notice; and

WHEREAS, the Fiscal Year 2023-24 General Fund budget for the Modesto Fire Department is not impacted by this MOA, as no expenses or revenues will be generated from either party.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Agreement (MOA) between the Modesto Fire Department, Turlock Fire Department, Stanislaus Consolidated Fire Protection District and Cal Fire Tuolumne-Calaveras Unit, for participation in the Central Valley Incident Management Team.

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the MOA, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-454

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) FOR OVERSIGHT OF THE FIRE AND EMS PUBLIC SAFETY PROGRAMS BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT, AND AN INSTRUCTIONAL SERVICE AGREEMENT (ISA) BETWEEN THE YOSEMITE COMMUNITY COLLEGE DISTRICT (ON BEHALF OF MODESTO JUNIOR COLLEGE) AND THE CITY OF MODESTO FOR THE PROVISION OF CERTAIN INSTRUCTIONAL SERVICES WITHIN THE STATE OF CALIFORNIA AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the Yosemite Community College District (YCCD) and Modesto Fire Department (MFD) have recognized each other as valued partners in fire and emergency service education and training for several years; and

WHEREAS, on September 3, 2019, under Resolution 2019-383, Council approved an agreement with YCCD for use of the MJC Regional Fire Training Center (RFTC) for a five-year term, from August 1, 2019 through June 30, 2024; and

WHEREAS, this agreement has allowed MFD personnel the ability to schedule and use the MJC RFTC buildings and grounds, as available for meetings, trainings and skill evaluations, enabling the department to provide a continued high level of fire protection and emergency service to the community; and

WHEREAS, YCCD and MFD have recently shown desire to enter into an agreement to share Fire and EMS Public Safety Program management at the MJC RFTC, which both parties believe is a mutually beneficial and cost-efficient way to deliver important public safety training services in an improved manner; and

WHEREAS, MFD will dedicate one (1) 40-hr Deputy Fire Chief to provide administrative oversight to the programs; and

WHEREAS, in conjunction to the proposed MOU, YCCD (on behalf of MJC) and

MFD desire to enter into an Instructional Service Agreement (ISA) for the provision of certain instructional services within the State of California; and

WHEREAS, MFD will provide instruction for some of the college's educational courses through the ISA, and the college will, in turn, provide the students with college credit or noncredit for the successful completion of the course; and

WHEREAS, the initial term of the two (2) agreements is for three (3) years, from July 1, 2023 through June 30, 2026, which will automatically extend for an additional two (2) years through June 30, 2028 unless otherwise opposed by either party; and

WHEREAS, the current five-year partnership between YCCD and City of Modesto for use of the RFTC is set to expire June 30, 2024 but the new proposed partnership agreement will terminate the last Fiscal Year of the current agreement (FY2023-24); and

WHEREAS, YCCD will compensate MFD for the provision of administration oversight to the MJC Fire and EMS Public Safety Programs, based upon the total reasonably anticipated costs of associated time of a Deputy Fire Chief, estimating $900,000 in revenue over five years; and

WHEREAS, the Instructional Service Agreement will generate approximately $300,000 - $400,000 annually, by reimbursing MFD for our firefighters' training and education hours, based upon negotiated hourly reimbursement rate for college Full-Time Equivalent Students (FTES).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) for oversight of the Fire and EMS Public Safety Programs between the City of Modesto and Yosemite

Community College District, and an Instructional Service Agreement (ISA) between the Yosemite Community College District (on behalf of Modesto Junior College) and the City of Modesto for the provision of certain instructional services within the State of California.

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-455

RESOLUTION APPROVING AGREEMENTS FOR TREE PRUNING AND REMOVAL SERVICES WITH WEST COAST ARBORISTS, INC., ANAHEIM, CA; GREENTEK SERVICES, LLC, OROVILLE, CA; AND RUMBLE TREE, INC., MODESTO, CA IN A TOTAL AMOUNT BETWEEN ALL AGREEMENTS COMBINED NOT TO EXCEED $10,320,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, in recent years, the demand for tree pruning and removal services within the City's urban forest (including parks) has exceeded the City Forestry Division's available time and resources; and

WHEREAS, staff's difficulty in providing these services raises safety concerns and at this time there is a significant backlog of trees that need to be trimmed or removed and stumps that need to be ground; and

WHEREAS, the City does currently have an on-call vegetation management agreement with West Coast Arborists Inc., designed to address the myriad of services needed in the park system, but that agreement has been amended over the past year a couple times and City staff believes a new contract(s) to address a significant increase in additional tree pruning and removal services at all parks, street landscapes and other city properties are needed; and

WHEREAS, with an increase in funding for vegetation management over the past couple of years, the current agreement with West Coast Arborists, Inc. is continually reaching its yearly cap and is not available for other tree pruning and removal services; and

WHEREAS, on July 21, 2023, the City Manager authorized the issuing of a formal Invitation for Bids (IFB) for the furnishing of Tree Pruning and Removal

Services; and

WHEREAS, on July 25, 2023, the Purchasing Division issued IFB 2324-13 for Tree Pruning and Removal Services, on Planet Bids via the City's website and twenty-seven (27) companies downloaded the IFB document; and

WHEREAS, on August 15, 2023, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream with seven (7) companies responded and two (2) were local vendors; and

WHEREAS, based on providing the lowest responsive and responsible bid, staff recommends awarding three agreements for tree pruning and removal services as follows:

1. Agreement #1, Park Tree Services - $1,165,000 annually for Parks Tree Services to West Coast Arborists, Inc., Anaheim, CA, for a five-year total not to exceed total of $5,825,000
2. Agreement #2, Street Tree Services – $635,000 annually for Street Tree Services to Greentek Services, LLC, Oroville, CA, for a five-year total not to exceed total of $3,175,000
3. Agreement #3, Tree Removal and Stump Grinding Services Only – $520,000 the first year and $200,000 annually in future years for Tree Removal and Stump Grinding Services to Rumble Tree, Inc., Modesto, CA, for a five-year total not to exceed total of $1,320,000

WHEREAS, staff recommends a separate contract for Parks Trees and Street Trees due to the bid pricing and to ensure that one contractor is not overwhelmed by the workload requested; and

WHEREAS, staff recommends a secondary contractor for the furnishing of tree

removal and stump grinding services specifically due to the significantly lower price for these services from Rumble Trees, Inc.; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow the formal bid procedures and the award of bids outlined conform to the Modesto Municipal Code because the City complied with the formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for Tree Pruning and Removal Services with West Coast Arborists, Inc., Anaheim, CA; Greentek Services, LLC, Oroville, CA; and Rumble Tree, Inc., Modesto, CA, in a total amount between all agreements combined not to exceed $10,320,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-456

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL OPERATING BUDGET TO APPROPRIATE UNASSIGNED FISCAL YEAR 2022-23 MEASURE H FUND CARRYOVER TO INCREASE THE EXPENDITURE BUDGET BY $380,000 IN THE PUBLIC WORKS – MEASURE H – COMMUNITY FORESTRY COST CENTER (56041) IN THE MEASURE H FUND (0160) FOR THE INCREASE IN THE TREE REMOVAL AND STUMP GRINDING SERVICES AGREEMENT AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, in recent years the demand for tree pruning and removal services within the City's urban forest (including parks) has exceeded the City Forestry Division's available time and resources, and

WHEREAS, the City does currently have an on-call vegetation management agreement with West Coast Arborist Inc, designed to address the myriad of services needed in the park system, but that agreement has been amended over the past year multiple times and City staff believes a new contract(s) to address significant increases in additional tree pruning and removal services at all parks, and other city properties is needed, and

WHEREAS, on June 2023 with the passage of the Fiscal Year 2023-2024 budget, Council approved $1,550,000 of Measure H funding for tree maintenance which provided significant funding for tree pruning and removal services, and

WHEREAS, on August 15, 2023, bids for tree pruning and removal services for parks and street trees were formally opened by the City Clerk and seven (7) companies responded and two (2) were local vendors, and

WHEREAS, three agreements (West Coast Arborists, Inc., Greentek Services,

LLC and Rumble Tree, Inc.) for tree pruning and removal services are recommended for approval, and

WHEREAS, the agreement with Rumble Tree, Inc. is for Tree Removal and Stump Grinding Services Only and additional funding from Measure H unassigned carryover in the amount of $380,000 is being requested to fully fund year one of this agreement, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating Budget to appropriate unassigned Fiscal Year 2022-23 Measure H Fund carryover to increase the expenditure budget by $380,000 in the Public Works – Measure H – Community Forestry Cost Center (56041) in the Measure H Fund (0160) for the increase in the Tree Removal and Stump Grinding Services Agreement.

BE IT FURTHER RESOLVED that the City Manager is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-457

RESOLUTION APPROVING THE CULTURE COMMISSION'S NOMINATION TO MAKE THE YELLOW-BILLED MAGPIE THE CITY BIRD OF MODESTO

WHEREAS, Section 1110 of the City of Modesto Charter authorizes the Culture Commission (Commission) to act as an advisory body to the City Council and City Manager in all matters pertaining to art, literature, music, and other cultural activities; and

WHEREAS, on May 4, 2022, the Culture Commission considered a proposal from Salvatore Salerno, a representative from the Stanislaus Audubon Society (SAS) to make the yellow-billed magpie the City Bird of Modesto; and

WHEREAS, the City of Modesto does not currently have a City Bird; and

WHEREAS, on April 5, 2023, the Commission further reviewed the SAS proposal and unanimously decided to nominate the yellow-billed magpie as the City Bird of Modesto and forward to Council for approval; and

WHEREAS, the community input and research results supporting the nomination of the yellow-billed magpie as the City Bird were presented to and approved by the Safety & Communities Committee on Monday, September 18, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Culture Commission's Nomination to make the yellow-billed magpie the City Bird of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-458

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE UPGRADE TRAFFIC SIGNALS 2019 PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO ST. FRANCIS ELECTRICAL LLC OF SAN LEANDRO, CA, IN THE AMOUNT OF $1,561,400, AND CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $156,140 FOR A TOTAL AMOUNT NOT TO EXCEED $1,717,540 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for Upgrade Traffic Signals 2019 project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the Upgrade Traffic Signals 2019 project, were publicly opened at 11:00 a.m. on July 26, 2023 and two bids were received, and later tabulated by the Director of Public Works for the consideration of Council; and

WHEREAS, the Director of Public Works has recommended that the bid of $1,717,540 received from St. Francis Electrical, LLC be accepted as the lowest responsible and responsive bid and that the contract be awarded to St. Francis Electrical, LLC; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $1,561,400 and agreement for construction for the Public Works Department conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and St. Francis, LLC of Livermore, CA**,** was the lowest responsive bidder; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on

July 9, 2019, established a contract change order budget of 10% for construction contracts at least $250,000 but less than $1,000,000.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications, accepts the bid in the amount of $1,717,540 and awards St. Francis Electrical, LLC the contract for the Upgrade Traffic Signals 2019 project.

BE IT FUTHER RESOLVED, that change orders be approved up to a cumulative amount of $156,140 for a total amount not to exceed $1,717,540.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-459

RESOLUTION APPROVING THE 2024 CITY CALENDARS OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITEE MEETINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2024 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2024 Council Standing Committee Meeting Calendar **Exhibit "B,"** are 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 October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City Council Calendar
2024

January 2024

2nd	NO MEETING *
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

February 2024

6th	Council Meeting (regular)
13th	NO MEETING
20th	NO MEETING
27th	Council Meeting (regular)

March 2024

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	NO MEETING*
26th	NO MEETING

April 2024

2nd	NO MEETING
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

May 2024

7th	Council Meeting (regular)
14th	Council Meeting (regular)
21st	NO MEETING
28th	NO MEETING

June 2024

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

July 2024

2nd	NO MEETING*
9th	Council Meeting (regular)
16th	NO MEETING
23rd	NO MEETING*
30th	NO MEETING – 5th Tuesday

August 2024

6th	NO MEETING*
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

September 2024

3rd	NO MEETING *
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)

October 2024

1st	NO MEETING
8th	Council Meeting (regular)
15th	NO MEETING
22nd	Council Meeting (regular)
29th	NO MEETING – 5th Tuesday

November 2024

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	NO MEETING
26th	NO MEETING*

December 2024

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	CANCELLED per MMC 2-1.01
31st	CANCELLED per MMC 2-1.01

* January 2nd Winter Break
* March 19th Spring Break
* April 23 Budget Week
* July 2nd Fourth of July Week
* July 23rd Summer Break
* August 6th National Night Out
* September 3rd Monday Holiday
* November 26th Thanksgiving Week
* December 24th & 31st per MMC 2-1.01

City of Modesto Council and Standing Committees Calendar

2024

JANUARY

S	M	T	W	T	F	S
	H	2	3	4	5	6
7	8	9	10	11	12	13
14	H	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	H	20	21	22	23	24
25	26	27	28	29		

MARCH

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL

S	M	T	W	T	F	S
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28	29	30				

MAY

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26	H	28	29	30	31	

JUNE

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30						

JULY

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28	29	30	31			

AUGUST

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SEPTEMBER

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22	23	24	25	26	27	28
29	30					

OCTOBER

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20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER

S	M	T	W	T	F	S
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10	H	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	H	H	30

DECEMBER

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	H	26	27	28
29	30	31				

Council 5:30 PM

Safety & Communities Committee 4:00 PM

Economic Development Committee 4:00 PM
Finance Committee 4:00 PM
Appointment Committee - Quarterly 4:00 PM
Cannabis Permit Review - **As needed**

**Meeting dates and times are subject to change at the request of Council*

Draft Calendar by the City Clerk's Office 10/24/2023

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-460

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH HARRIS & ASSOCIATES FOR COMMUNITY FACILITIES DISTRICTS ENGINEERING SERVICES IN THE AMOUNT OF $100,000, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $350,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 13, 2021, the City entered into a Standard Consulting Agreement with Harris and Associates to assist with Community Facilities Districts Engineering Services for $45,000; and

WHEREAS, a First Amendment to the Standard Consulting Agreement with Harris & Associates was executed on November 23, 2021, by Resolution No. 2021-448, for an amount not to exceed $250,000; and

WHEREAS, Harris & Associates is currently assisting the City on several projects that require a variety of technical services related to engineering, infrastructure assessment, and landscaping maintenance; and

WHEREAS, the City desires to execute a Second Amendment to the Standard Consultant Agreement with Harris & Associates for Community Facilities Districts Engineering Services to increase the agreement amount by $100,000 for a total revised amount not to exceed $350,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Standard Consultant Agreement with Harris & Associates for Community Facilities Districts Engineering Services to increase the agreement amount by $100,000, for a revised Agreement total amount not to exceed $350,000.

BE IT FURTHER RESOLVED, that the City Manager or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-461

RESOLUTION APPROVING AN EIGHTH AMENDMENT TO THE PROFESSIONAL DESIGN SERVICES AGREEMENT FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT WITH DOKKEN ENGINEERING INCREASING THE AGREEMENT AMOUNT BY $37,902, FROM $9,499,031 TO A NEW TOTAL AMOUNT NOT TO EXCEED $9,536,933, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE EIGHTH AMENDMENT

WHEREAS, on May 2, 2017, by Resolution No. 2017-174, the City Council approved an agreement with Dokken Engineering for professional design services in the amount of $6,400,000, plus $600,000 for additional services, for a total contract amount of $7,000,000; and

WHEREAS, on January 22, 2019, by Resolution No. 2019-01, the City Council approved a First Amendment to the agreement with Dokken Engineering in the amount of $344,096, for a total contract amount of $7,344,096; and

WHEREAS, on May 7, 2019, by Resolution No. 2019-208, the City Council approved a Second Amendment to the agreement with Dokken Engineering in the amount of $144,422, for a total contract amount of $7,488,518; and

WHEREAS, on September 24, 2019, by Resolution No. 2019-441, the City Council approved a Third Amendment to the agreement with Dokken Engineering in the amount of $1,363,210, for a total contract amount of $8,851,728; and

WHEREAS, on December 8, 2020, by Resolution No. 2020-504, the City Council approved a Fourth Amendment to the agreement with Dokken Engineering in the amount of $304,270, for a total contract amount of $9,155,998; and

WHEREAS, on April 5, 2022, by Resolution No. 2022-147, the City Council approved a Fifth Amendment to the agreement with Dokken Engineering in the amount of $89,227, for a total contract amount of $9,245,225; and

WHEREAS, on August 23, 2022, by Resolution No. 2022-349, the City Council approved a Sixth Amendment to the agreement with Dokken Engineering in the amount of $154,858, for a total contract amount of $9,400,083; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-105, the City Council approved a Seventh Amendment to the agreement with Dokken Engineering in the amount of $98,948, for a total contract amount of $9,499,031; and

WHEREAS, Dokken Engineering has provided construction support throughout the construction of the State Route 132 project; and

WHEREAS, the project is now substantially complete and open to traffic; and

WHEREAS, Caltrans, through the City of Modesto, is expecting to grant relief of maintenance from the prime contractor in the coming weeks; and

WHEREAS, there is no more construction support needed from Dokken Engineering; and

WHEREAS, on September 5, 2023, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of $37,902, for a total contract amount of $9,536,933; and

WHEREAS, the purpose of a requested Eighth Amendment to Dokken Engineering is to support the City during the right of way and relinquishment closeout process of the project; and

WHEREAS, there are multiple parcels that the City acquired for the project which must be transferred over either to Caltrans or Stanislaus County; and

WHEREAS, this process requires mapping, surveying, and other engineering services best handled by the designer of record.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Eighth Amendment to the Agreement for the State Route 132 West Freeway/Expressway - Phase 1 Project with Dokken Engineering increasing the Agreement amount by $37,902, from $9,499,031 to a new total amount not to exceed $9,536,933.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Eighth Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-462

RESOLUTION ACCEPTING THE AREA 2 STORM WATER TO SANITARY SEWER CROSS CONNECTION REMOVAL – PHASE 2 ROOSEVELT PARK PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $6,535,419 TO D.A. WOOD CONSTRUCTION, INC., OF OAKDALE, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project was a priority project due to the need to remove direct connections of storm drain runoff to the sanitary sewer system and provide necessary storm drain improvements resulting from the removal of the cross connections; and

WHEREAS, the project captures, treats, and infiltrates stormwater runoff to augment groundwater supplies, reduce flood-related damage, and improve the quality of stormwater runoff percolating to the underlying groundwater basin; and

WHEREAS, on April 7, 2009, by Resolution No. 2009-151, Council approved an agreement with RRM Design Group, Inc. (RRM), for the preparation of a Preliminary Design Report (PDR) for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project; and

WHEREAS, the PDR's total construction cost estimate for Area 2 is $23.8 million. Due to budgetary constraints, staff determined it was necessary to break the project into four phases, one for each park. Garrison Park was chosen as Phase I due to its lowest construction cost estimate and was completed in January 2015; and

WHEREAS, Roosevelt Park was selected as Phase 2 due to its construction cost being the second lowest and being within the amount of available grant funding; and

WHEREAS, Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006, provides funds for grants to local public agencies; and

WHEREAS, the Roosevelt Park Project satisfies all the requirements of the IRWM grant with an emphasis on groundwater recharge; and

WHEREAS, the project benefits a local disadvantaged neighborhood by reducing localized street flooding and restoring a local City Park where the storm runoff volume will be stored underground; and

WHEREAS, staff submitted a Prop 84 IRWM proposal application to California Department of Water Resources (DWR) in August 2015 and requested a grant amount of $6.67 million; and

WHEREAS, in January 2016, the city was notified of a grant award of $5.05 million, and the Prop 84 Grant agreement with the DWR was signed and executed on August 24, 2016; and

WHEREAS, on November 22, 2016, by Resolution No. 2016-470, Council approved a grant agreement with California Department of Water Resources to receive the 2015 Proposition 84 Integrated Regional Water Management Implementation Grant for the project in the amount of $4,619,290 and by Resolution No. 2016-471, approved an agreement with RRM for the preparation of Final Design Services for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project; and

WHEREAS, bids were advertised on May 18, 2018, and were publicly opened on June 5, 2018, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and D.A. Wood Construction, Inc., of Oakdale, California, was the apparent lowest responsible and responsive bidder; and

WHEREAS, on August 14, 2018, by Resolution No. 2018-343, Council awarded a contract to D.A. Wood Construction, Inc. of Oakdale, CA., for the construction of the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project, in the amount of $6,124,356; and

WHEREAS, due to limited availability of the City's Construction Administration staff recommended utilizing a consultant to provide construction management, inspection, and materials testing services through completion of the construction phase; and

WHEREAS, on November 26, 2019, by Resolution No. 2019-527, Council approved an agreement with Vali Cooper Associates, Inc. (TRC), of Sacramento, CA, for construction management, testing and inspection services for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project in an amount not to exceed $99,612, plus $9,961 for additional services, for a total amount not to exceed $109,573; and

WHEREAS, on February 25, 2020, by Resolution No. 2020-105, Council approved an amendment to the agreement with Vali Cooper Associates, Inc., of Sacramento, CA, for construction management, testing and inspection services for the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project in an amount not to exceed $95,494, for a total amount not to exceed $195,106; and

WHEREAS, the contractor received the Notice to Proceed with a first working day of July 27, 2020, and all contract work was completed by August 3, 2020; and

WHEREAS, the total project costs were $7,874,437 which included design, construction, and construction administration costs. The total project amount originally budgeted was $8,136,089 which included $6,129,255 for the construction contract and contingency with D.A. Wood Construction, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-497 on November 5, 2019, and Resolution No. 2023-405 on September 12, 2023, established a contract change order authority of 8% ($498,948) of the original contract price; and

WHEREAS, there were eighteen change orders on this project with an overall increase of $411,063; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project as complete, releasing securities, releasing payments totaling $6,535,419 to D.A. Wood Construction, Inc., of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-463

RESOLUTION ACCEPTING THE RECTANGULAR RAPID FLASHING BEACON INSTALLATION PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $842,507 TO GRUENDEL INC., DBA RAYS ELECTRIC OF OAKLAND CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Rectangular Rapid Flashing Beacon (RRFB) Installation Project installed RRFBs at ten school locations throughout the city; and

WHEREAS, RRFBs are pedestrian-actuated conspicuity enhancements used in combination with a pedestrian, school, or trail crossing warning sign to improve safety at uncontrolled, marked crosswalks; and

WHEREAS, the device includes two rectangular shaped yellow indications, each with a Light Emitting Diode (LED)-array-based light source, that flash with high frequency when activated; and

WHEREAS, the ten chosen locations had inoperable in-roadway lighted crosswalks or no lighted walk at all. In addition, all locations are now solar powered and include American Disability Act (ADA) upgrades to curb ramps. Below is a list of the locations included in this project:

1. *Mt. Vernon Drive and Cheryl Lane
2. Rumble Road and Bay Lane
3. Rumble Road and Wales Street
4. College Avenue and Morris Avenue
5. College Avenue and Terminal Avenue
6. Coldwell Avenue and Campus Way

7. Tully Road and Hetch-Hetchy Trail

8. Prescott Road and Hetch-Hetchy Trail

9. Maze Boulevard and Emerald Avenue

10. Teresa Street and Carver Road

*This location was converted to an all way stop, but has ADA upgrades completed

WHEREAS, the project was originally advertised for bids on September 21, 2021. The bids were publicly opened on October 19, 2021, pursuant to pursuant to Modesto Municipal Code section 8-3.403, and three bids were received; and

WHEREAS, Gruendel Inc., DBA Rays Electric of Oakland CA., was the lowest responsible bidder at 23.9% above the engineers estimate; and

WHEREAS, on December 14, 2021, by Resolution 2021-499, Council awarded a contract to Gruendel Inc., DBA Rays Electric of Oakland CA., in the amount of $744,555 for the construction of the Rectangular Rapid Flashing Beacon Installation Project; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of March 21, 2022. All contract work was completed on April 14, 2023; and

WHEREAS, the total project costs were $975,083 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,061,316 which included $893,465 for the construction contract and contingency with Gruendel Inc., DBA Rays Electric of Oakland CA; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, and Resolution No. 2023-405 on September 12, 2023, established a contract

change order authority of ten percent (10%) for construction contracts of this dollar value. However, given the critical nature of this project, the possibility of additional work would be needed to address unexpected conditions, Resolution 2023-82 authorized an increase in the Director's Authority for the Construction Contingency to twenty percent (20%) to $148,910; and

WHEREAS, there were eight change orders resulting in an overall increase of $97,952; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Rectangular Rapid Flashing Beacon Installation Project as complete, releasing securities, releasing payments totaling $842,507 to Gruendel Inc., DBA Rays Electric of Oakland CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-464

RESOLUTION APPROVING AN AGREEMENT FOR INVESTMENT ADVISORY SERVICES TO PFM ASSET MANAGEMENT, LLC, SAN FRANCISCO, CA, BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM THE CITY OF REDWOOD CITY, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT $300,000 AND A TOTAL AMOUNT NOT TO EXCEED $1,500,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, under Municipal Code Section 2-3.401, the Finance Department is responsible for the deposit and investment of City funds in accordance with a sound treasury management; and

WHEREAS, the City of Modesto utilizes an investment services company to enhance the City's investment portfolio of over $432 million in a fiduciary capacity with oversight by the Director of Finance; and

WHEREAS, on December 15, 2015 under Resolution 2015-492, Council approved an agreement for Investment Services with Public Financial Management Asset Management LLC for a five-year term with three (3) one-year extension option with an annual estimated cost of up to $200,000 and an amount not to exceed $1,600,000 over the eight year term period; and

WHEREAS, on July 27, 2022, the City Manager authorized the Purchasing Manager to solicit the procurement for Investment Advisory Services; and

WHEREAS, on March 8, 2021, Redwood City solicited a proposal for Investment Advisory Services which was advertised through the BarkerBlue Online Platform and Redwood City public website; and

WHEREAS, three (3) proposals were received and based on the evaluation criteria outlines in the RFP, PFM Asset Management was awarded for this commodity of Investment Advisory Services; and

WHEREAS, based on the responsible and responsible proposer offering the highest rating based on firm experience, professional and qualified staff experience, portfolio management and investment philosophy, City staff recommends to award to PFM Asset Management, LLC, San Francisco, CA, for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount $300,000 and a total amount not to exceed $1,500,000 over five years; and

WHEREAS, the City utilizes the bidding process conducted by other government agencies when the Scope of Work meets the same specification defined by the City; using other government agencies bidding results streamlines the procurement process by maximizing on Invitation for Bids (IFB) or Request for Proposals (RFP)'s for similar or larger size agencies that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid; However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality."

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when

the best cost savings interest of the City would be served and by utilizing the City of Redwood City bidding process, the City is complying with the requirements defined under this code for Investment Advisory Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Investment Advisory Services to PFM Asset Management, LLC, San Francisco, CA, by utilizing the Competitive Bidding Process from the City of Redwood City, CA for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount $300,000 and a total amount not to exceed $1,500,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-465

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO CATERPILLAR INC. UNDER THE AUTHORIZED DEALER HOLT TO CALIFORNIA, STOCKTON, CA, FOR THE PURCHASE OF TWO (2) CATERPILLAR MODEL ROLLERS AND ONE (1) WHEEL RUBBER TIRE COMPACTOR FOR AN AMOUNT NOT TO EXCEED $377,637; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, on July 6, 2021, the City Manager authorized the Purchasing Manager to solicit the procurement for two (2) Caterpillar Model Rollers and one (1) Wheel Rubber Tire Compactor; and

WHEREAS, on January 31, 2019, Sourcewell issued Request for Proposals (RFP) #032119-CAT under Contract #032119-CAT for New & Used Construction & Paving Equipment, Parts & Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, State Media Company, Public Purchase, and Utah Media Group; and

WHEREAS, fifteen (15) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, nine contracts were awarded for this commodity which includes the two (2) Caterpillar Model Rollers and one (1) Wheel Rubber Tire Compactor; and

WHEREAS, the use of Sourcewell contracts are cooperative agreements to streamline the procurement process by developing IFBs or RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell to Caterpillar Inc. under the authorized dealer Holt to California, Stockton, CA, for the purchase of two (2) Caterpillar Model Rollers and one (1) Wheel Rubber Tire Compactor for an amount not to exceed $377,637.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-466

RESOLUTION APPROVING THE PURCHASE OF ONE (1) OFF-ROAD DUMP TRUCK WITH PAPE MACHINERY, FRENCH CAMP, CA FOR AN AMOUNT NOT TO EXCEED $346,149; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs); and

WHEREAS, on August 24, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for the one (1) Off-Road Dump Truck replacement vehicle; and

WHEREAS, with the monthly rentals being incurred with Pape Machinery at $17,093.38 per month, a rent to buy was offered to the City to apply the monthly rental cost for this equipment as a deduction of the purchase price less a 1% interest fee to purchase this truck; and

WHEREAS, the Finance Purchasing Division solicited other quotes for a similar type of equipment brand new at full price and the price savings with purchasing the rental equipment would generate savings for the City of about 45%; and

WHEREAS, the purchase price being proposed by Pape Machinery is $362,000 (not including taxes and fees) with a reduction in the amount of $42,916 which includes the reduction of the rental fees plus 1% interest for a total amount not to exceed $346,149 and the comparable pricing with other vendors solicited ranged from $570,992 to $644,674 for a brand new Off-Road Dump Truck; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed $50,000 for material, equipment or contractual services to

be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, by taking advantage of the option to rent to buy, the City is complying with the requirements defined under this code based on the significant discount savings gained compared to purchasing a new truck.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of one (1) Off-Road Dump Truck with Pape Machinery, French Camp, CA for an amount not to exceed $346,149.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-467

RESOLUTION APPROVING A FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH WEST COAST DOOR AND GATE, FOR THE ON-CALL COMMERCIAL ROLL-UP DOOR MAINTENANCE AND REPAIR SERVICES BY $66,000 FROM $170,000 TO A REVISED TOTAL AMOUNT OF $236,000 AND UTILIZING THE YEAR 5 EXTENSION OPTION, REVISING THE TERM OF THE AGREEMENT FROM DECEMBER 2, 2023 TO DECEMBER 2, 2024 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto Fire Department requests an amendment to the current agreement with West Coast Door and Gate in order to increase funds for on-call commercial roll-up door maintenance and services; and

WHEREAS, on December 3, 2019, by Resolution 2019-535, Council approved a two-year agreement with three one-year extension options with West Coast Door and Gate for an annual estimated cost of $34,000 and a total amount not to exceed $170,000 over five years; and

WHEREAS, at the time, this was to maintain and service the approximately 60 commercial roll-up doors at 15 fire stations located throughout the City of Modesto and City of Oakdale / Oakdale Fire Protection District; and

WHEREAS, since then, we have entered into a contract for services agreement with the Salida Fire Protection District, which added an additional six doors which are located at their facilities; and

WHEREAS, in addition, due to recent increased call volume, there has been an increase in wear and tear of the doors; therefore, as a result, and with recent inflation in mind, the department has depleted its current funds for the remainder of the current agreement year, which expires December 2, 2023; and

WHEREAS, in addition to MFD's roll-up doors, there are approximately 100 roll-up doors throughout the City that require on-call maintenance and services which are used on a daily basis and must be in working condition to ensure that Fire apparatus, Modesto Police vehicles, Fleet vehicles and other City vehicles can exit timely and safely; and

WHEREAS, due the current doors averaging 47 years of age, the department is facing an increase in repairs and, at times, the age of the doors also requires custom parts specified to the door, as original parts are no longer available; and

WHEREAS, City staff is currently working on a Facility Condition Assessment which will allow the City to plan for the deferred maintenance priorities needed to address maintenance services and avoid these unexpected maintenance services needed, which will benefit the department and prevent the department from opening emergency purchase orders with unexpected costs; and

WHEREAS, in order to meet these goals, we will need to increase the agreement by $66,000 to revise the total amount not to exceed from $170,000 to $236,000 which will be covered through the existing Fire Department General Fund discretionary budget in FY 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment increasing the Agreement amount with West Coast Door and Gate, for the On-call Commercial Roll-up Door Maintenance and Repair Services by $66,000 from $170,000 to a revised total amount of $236,000 and utilizing the Year 5 extension option, revising the Term of the Agreement from December 2, 2023 to December 2, 2024.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-468

RESOLUTION APPROVING AN AGREEMENT WITH DR. JOCELYN E. ROLAND, MODESTO, CA FOR PSYCHOLOGICAL SERVICES AND PRE-EMPLOYMENT PSYCHOLOGICAL SCREENINGS, FOR A FIVE-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $116,250, AND A TOTAL AMOUNT NOT TO EXCEED $930,000 OVER EIGHT YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department has an ongoing need for psychological services and pre-employment psychological screenings to improve the long-term health and wellness of our Peace officers, and

WHERAS, since 1980, the City of Modesto has provided counseling and psychological services to Modesto Police Department sworn personnel, and

WHERAS, on June 2, 2015, by Resolution No 2015-179, City Council approved an agreement with Dr. Jocelyn E. Roland, PhD. ABPP, for counseling and psychological services, for a five-year contract with three one-year extension options. This agreement expires December 31, 2023, and

WHEREAS, Jocelyn Roland, PhD, ABBP, is a California licensed psychologist who specializes in providing services in the specialty area of law enforcement, public safety, and forensics. She is Board-Certified in Police and Public Safety Psychology through the American Boad of Professional Psychology (ABPP), the highest credential for a psychologist indicating competence in a specialty field, and

WHEREAS, the City will pay Dr. Roland $64,000 annually for the above-described services, not to exceed $512,000 for the term of the agreement. The parties will meet on or about January 15th of each year to review the number of employees covered under the contract, and

WHEREAS, this contract will also provide pre-employment psychological screenings for all regular and reserve police officer candidates, firefighter recruits, as well as Animal Control candidates to determine emotional and metal stability, and

WHEREAS, the total for all pre-employment screenings annually is $52,250, not to exceed $418,000 per the term of the agreement, and

WHEREAS, the term of the new contract is for five years with three one-year extension options for a total of eight years, not to exceed $930,000. The contract will commence on January 1, 2024, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment, or contractual services to formally bid, and

WHEREAS, in accordance with Modesto Municipal Code Section 8-3.204 (a), exemptions to formal bidding requirements, the agreement is for professional services and therefore, exempt from the bidding requirement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it approves the agreement with Dr. Jocelyn E. Roland, Ph.D., ABPP, for psychological services and pre-employment psychological screenings, for a five-year agreement with three one-year extension options, for an annual estimated amount of $116,250, and a total amount not to exceed $930,000 over eight years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, are authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-469

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH MODESTO JET CENTER FOR AIRCRAFT HANGAR LEASE AND FUEL SERVICES TO A REVISED AGREEMENT TOTAL AMOUNT NOT TO EXCEED $945,862 AND EXTENDING THE TERM OF THE AGREEMENT FROM TWELVE MONTHS TO FOUR YEARS, ENDING OCTOBER 31, 2027; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, with the purchase of SKY1, a Gipps Aero GA8 aircraft in March of 2023, the Modesto Police Department (MPD) entered into a month-to-month agreement with Modesto Jet Center (MJC) for hangar space, and

WHERAS, the agreement with MJC also provides for a negotiated fuel price in which MJC extends to the MPD a discounted fuel price that is represented as the posted retail price plus $1.00, and

WHEREAS, the First Amendment to the Agreement will establish an agreed upon not to exceed amount of $135,000 for the services of hangar space and $810,862 for fuel, and

WHEREAS, additionally, the prior agreement did not include a term, the First Amendment will establish a four-year term, and

WHERAS, while there are other fueling options available nearby, they require flight time and/or taxiing time which creates additional costs for the aircraft in both fuel and hours on the engine resulting in an increase in maintenance needs, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her

discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, with comparing other rental and fuel costs with neighboring airports, it would be more costly for the City to have to fly to other locations for hangar space and fuel due to the increase in flight hours on the engine and the higher fuel burn rate for the additional flight time.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it herby approves the First Amendment to the agreement with Modesto Jet Center for aircraft hangar lease and fuel services to a revised agreement total amount not to exceed $945,8620 and extends the term of the agreement from twelve months to four years, ending October 31, 2027.

BE IT FURTHER RESOLVED the City Manager, or his designee, is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-470

RESOLUTION APPROVING A PURCHASE ORDER WITH MATHER AVIATION, LLC, MODESTO, CA FOR AIRCRAFT MAINTENANCE SERVICES FOR TOTAL AMOUNT NOT TO EXCEED $90,228; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, on February 28, 2023, by Resolution No. 2023-87, Council approved the purchase of a Gipps Aero GA8, now known as SKY1, for use by the Modesto Police Department (MPD), and

WHERAS, aircraft maintenance is necessary to keep the aircraft in a state of airworthiness, for the safety of the crew and everyone in the service area, and

WHERAS, aircraft maintenance is a highly regulated field requiring both scheduled and preventive servicing, inspection, testing, repair and overhaul or modification by certified maintenance technicians, and

WHEREAS, the Gipps Aero GA8 is not a common aircraft platform and Mather is the only service provider with trained personnel that have experience working on this aircraft in Northern California, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality," and

WHEREAS, Mather Aviation is the only provider for maintenance of the Gipps Aero GA8 aircraft and provides services on-site at the Modesto City-County Airport and is therefore the most logical and cost-effective choice for aircraft maintenance services for the time period needed to conduct a formal bid process.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it herby approves a Purchase Order with Mather Aviation, LLC, Modesto, CA for aircraft maintenance services for a total amount not to exceed $90,228.

BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is authorized to issue the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-471

RESOLUTION APPROVING THE AWARD OF BID FOR PURCHASE OF SLURRY ALUM ON AN AS NEEDED BASIS TO THATCHER COMPANY OF CALIFORNIA INC., SACRAMENTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $60,000, AND A TOTAL AMOUNT NOT TO EXCEED $300,000 OVER FIVE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT

WHEREAS, the Public Works Streets Division is responsible for maintaining residential streets, major arterial and collector streets, and alleys as their primary mandate; and

WHEREAS, part of this function, which is performed by the Streets Division, is to ensure the safety and drivability of the roads; this requires preserving that infrastructure by preventing the water intrusion that causes deterioration through our Slurry Seal Program and the frequent use of slurry alum as a vital component of the slurry emulsion; and

WHEREAS, on March 13, 2023 the City went through a formal proposal process for the furnishing of slurry alum, as staff realized that a formal agreement needed to be established in order to continue uninterrupted daily operation within the Street Division; and

WHEREAS, on March 13, 2023 the City Manager authorized the Purchasing Manager to issue formal Invitation For Bids (IFB) No. 2223-32 for furnishing of slurry alum on an as needed basis, for the Public Works Department, Streets Division; and

WHEREAS, on April 11, 2023 bids were formally opened by the City Clerk, and one vendor who is not local responded with a formal bid; and

WHEREAS, on August 24, 2023 formal notification was given to the proposer by Purchasing of intent to award said proposal and contract for slurry alum to that company. This company provided a responsive and responsible proposal, as well as thorough demonstration and sampling of their product(s); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for materials, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase of as needed furnishing of slurry alum from Thatcher Company of California, Inc. conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, sufficient funds to award this agreement are budgeted in Surface Transportation Fund, account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the award of Bid for Purchase and agreement for furnishing of slurry alum on an as needed basis to Thatcher Company of California, Inc., Sacramento, CA, for a one-year agreement with four one-year extension options for an annual estimated cost of $60,000 and a total amount not to exceed $300,000 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, to executed the Purchase Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-472

RESOLUTION APPROVING THE PROPOSED PLAN AND RECOMMENDATIONS FROM HDR ENGINEERING, INC. OF FOLSOM, CA TO EXPAND AND IMPROVE THE EXISTING CITY OF MODESTO COMPOST FACILITY AT 7001 JENNINGS ROAD

WHEREAS, the City of Modesto owns and operates the Modesto Co-Compost Facility (Compost Facility) at 7001 Jennings Road, located adjacent to the City's wastewater treatment plant; and

WHEREAS, the Compost Facility currently employs a turned windrow operational method of composting and is permitted to receive and process green waste, small quantities of food waste, and biosolids (which the City ceased receiving several years ago); and

WHEREAS, the Compost Facility began operation in January 1997 to comply with Assembly Bill (AB) 939's fifty percent (50%) waste diversion requirement; and

WHEREAS, the Compost Facility's primary, state-mandated purpose is to process the City's yard waste, paper waste, and food waste materials into a reusable soil amendment product (compost), thus diverting these materials from the landfill and lowering the City's disposal rate. A secondary purpose of the facility is to then market and sell the finished compost to farmers, landscapers, and backyard gardeners; this helps keep the facility financially sustainable; and

WHEREAS, compost is also donated to community gardens and landscape projects, parks, schools, churches, and has been used in City projects. Annually, the facility receives approximately 50,000 tons of raw compostable waste material and processes it into about 25,000 tons of compost; and

WHEREAS, in September 2016, Governor Brown signed the Short-Lived Climate Pollution Reduction Act (SB 1383) into law, establishing statewide targets to reduce organic waste to landfill by seventy-five percent (75%) and recover twenty percent (20%) of edible food waste for human consumption by 2025.1 California Department of Resources Recycling and Recovery (CalRecycle) finalized the SB 1383 regulations in November 2020. To be capable of accepting food waste at the quantities anticipated under SB 1383, the Compost Facility will need to undergo a permit modification which will necessitate other improvements; and

WHEREAS, on December 6, 2022, by Resolution No. 2022-466, Council approved an agreement with HDR Engineering, Inc. to conduct a Feasibility Study for the City's Compost Facility; and

WHEREAS, the purpose of the Compost Facility Feasibility Study is to explore the viability of an improved and expanded Compost Facility that will help the City achieve SB 1383's mandated organic waste diversion goals; and

WHEREAS, both the regional air district (San Joaquin Valley Air Pollution Control District Rule (SJVAPCD) 4566) and the regional water board (General Waste Discharge Requirements for Composting Operations, Order WQ 2020-0012—DWQ) require improvements to the heavy equipment operations, working surfaces, and material processing operation to protect the air and groundwater quality, respectively; and

WHEREAS, these two regulatory permitting agencies and SB 1383 require the City to undertake substantial infrastructure, site electrifications, labor, and heavy

[1] https://www.calrecycle.ca.gov/organics/slcp

equipment improvements to maintain the Compost Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed plan and recommendations from HDR Engineering, Inc. of Folsom, CA to expand and improve the existing City of Modesto Compost Facility at 7001 Jennings Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-473

RESOLUTION APPROVING THE SUBMITTAL OF APPLICATION(S) TO WASTE TIRE PROGRAM GRANTS OFFERED BY THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the City of Modesto Solid Waste Division is funded by solid waste rates collected from residential commercial and industrial accounts; and

WHEREAS, the City's policy of fiscal responsibility encourages the aggressive pursuit of grants that are consistent with City Strategic Commitments and that fund projects the City may otherwise be unable to fund; and

WHEREAS, the Solid Waste Division is approximately 40% funded by grants that support programs for household hazardous waste disposal, tire recycling, motor oil and filter recycling, recent state regulations, and community outreach; and

WHEREAS, the State of California Department of Resources Recycling and Recovery (CalRecycle) offers waste tire clean up grants, waste tire amnesty grants, rubberized pavement grants, tire-derived aggregate grants, tire-derived product grants, and waste tire enforcement grants; and

WHEREAS, the City can best utilize public resources by pursuing grant funding that aligns with Solid Waste Division goals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of application(s) to Waste Tire Program Grants offered by the State of California Department of Resources Recycling and Recovery (CalRecycle).

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign Grant Applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-474

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC., OF WALNUT CREEK, CA, FOR THE SEWER TRUNK REHABILITATION ON GRIMES, MERCY & WOODLAND AVE PROJECT IN THE AMOUNT OF $1,400,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $140,000 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,540,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the West Trunk is one of the City's five major trunk lines that convey flows to the City of Modesto Regional Water Recycling Facility - Sutter Campus (Sutter Campus), and

WHEREAS, the City's Wastewater Collection System Master Plan includes the rehabilitation of the West Trunk from the Woodland Lift Station to the Dryden Box located at the Sutter Campus, and

WHEREAS, a condition assessment concluded that the unlined reinforced concrete pipe was beginning to show missing or protruding aggregate in the crown area, and

WHEREAS, the main objective of this high priority rehabilitation project is to preserve existing pipe integrity and extend its useful life, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff recommends approval of an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with Carollo Engineers, Inc., of Walnut Creek, CA for the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project in the amount of $1,400,000, for the identified scope of services, plus $140,000 in additional services, if needed, for a total not to exceed amount of $1,540,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-475

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,790,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE DESIGN PHASE OF THE SEWER TRUNK REHABILITATION ON GRIMES, MERCY & WOODLAND AVE PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,790,000, in order to fund the Sewer Trunk Rehabilitation on Grimes, Mercy & Woodland Ave Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $1,790,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-476

RESOLUTION APPROVING THE SUBMISSION OF A FINANCIAL ASSISTANCE APPLICATION TO THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD TO FUND THE PLANNING, DESIGN AND CONSTRUCTION OF THE SEPTIC TO SEWER PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ENTER INTO A FINANCIAL ASSISTANCE AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the City of Modesto is applying for financial assistance from the State Water Resources Control Board to fund the Sepic to Sewer Project,

RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO (the "Entity"), AS FOLLOWS:

1. The City Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Septic to Sewer Project (the "Project").
2. This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Vice Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-477

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE J.M. PIKE PARK STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL AND WATER MAIN PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH MOZINGO CONSTRUCTION, INC., OF OAKDALE, CA, IN THE AMOUNT OF $30,773,449, PLUS $3,077,345 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $33,850,794 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, and

WHEREAS, the Project is the third phase of the stormwater to sanitary sewer cross connection removal program within Area 2 of the City, and

WHEREAS, the Project will remove 9 cross connections and 28 nonfunctioning rockwells, install nearly 11,000 linear feet of storm drain piping, provide an underground storage system with pretreatment for stormwater at J.M. Pike Park, and install new irrigation and sod at J.M. Pike Park, and

WHEREAS, the Project will also replace over 23,000 linear feet of aging water system prone to leaks with new mains, valves, services, and fire hydrants, and

WHEREAS, the Project was advertised for bids on July 25, 2023, and

WHEREAS, on September 12, 2023, bids were publicly opened, pursuant to City Charter Section 1307, five bids were received and Mozingo Construction Inc, of Oakdale, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow the formal bid procedures, and

WHEREAS, the award of Contract for the construction of the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project to Mozingo Construction, Inc., of Oakdale, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Mozingo Construction, Inc., of Oakdale, CA was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Plans and Specifications for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, accepts the bid, and awards a Construction Contract to Mozingo Construction, Inc., of Oakdale, CA, in the amount of $30,773,449, plus $3,077,345 in contingency (if needed), for a total amount not to exceed $33,850,794.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-478

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE J.M. PIKE PARK STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL AND WATER MAIN PROJECT FROM 8% ($2,461,876) TO 10% ($3,077,345) OF THE CONSTRUCTION CONTRACT AMOUNT OF $30,773,449 WITH MOZINGO CONSTRUCTION, INC., OF OAKDALE, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, and by Resolution No. 2023-405 on September 12, 2023, established a contract change order budget of 8% for projects over $10 Million, and

WHEREAS, given the nature and complexity of rehabilitation projects and storm drain projects of this magnitude where unforeseen utilities or buried structures, and other unaccounted for issues may arise, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($2,461,876) of the contract amount of $30,773,449, and

WHEREAS, staff is requesting authorization to increase the Directors authority to issue change orders to 10% ($3,077,345) of the contract amount of $30,773,449 due to the nature of the project and the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of the Engineering Services Department to issue change orders for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project from 8% ($2,461,876) to 10% ($3,077,345) of the construction contract price of $30,773,449 with Mozingo Construction Inc., of Oakdale, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-479

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF DAVIS, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE J.M. PIKE PARK STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL AND WATER MAIN PROJECT IN THE AMOUNT OF $2,906,333, PLUS $290,633 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $3,196,966 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in many areas of the City, there are no positive storm drain systems, and

WHEREAS, in some of these areas, excess storm runoff drains directly into the sanitary sewer collection system by means of cross connections via surface inlets, and

WHEREAS, the City of Modesto's 2007 Wastewater Master Plan identified a dramatic increase in the Peak Wet Weather Flow into the sanitary sewer collection system and ultimately into the City of Modesto Regional Water Recycling Facility – Sutter Campus following a storm event due to these cross connections, and

WHEREAS, this increase in flow from the cross connections results in surcharging and potential overflows in the sanitary sewer collection system and could increase the costs of downstream Capital Improvement Program Projects, and

WHEREAS, due to the size and complexity of this project, staff recommends utilizing a consultant to provide Construction Management and Inspection Services, and

WHEREAS, on August 22, 2023, by Resolution No. 2023-379, Council approved a pre-qualified consultant list for Construction Management and Inspection Services for various Capital Improvement Program projects, and

WHEREAS, on July 18, 2023, a Request for Proposals (RFP) was issued for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, to the City's four pre-qualified consultants who provide Construction Management and Inspection Services, and

WHEREAS, staff received proposals from three firms, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff recommends an agreement with West Yost Associates, for Construction Management and Inspection Services for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, in the amount of $2,906,333, plus $290,633 in additional services (if needed), for a total amount not to exceed $3,196,966 for Construction Management and Inspection Services for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-480

RESOLUTION APPROVING AN AGREEMENT WITH WOODARD & CURRAN, INC., OF SACRAMENTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE J.M. PIKE STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL AND WATER MAIN PROJECT, IN AN AMOUNT NOT TO EXCEED $440,482 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $44,000 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $484,482 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on June 14, 2023 by Resolution No. 2022-281, Council approved an agreement with Woodard & Curran, Inc. for Final Design Services for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, and

WHEREAS, considering the size and complexity of the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project Engineering Support During Construction will be necessary, and

WHEREAS, Woodard & Curran, Inc. is the Engineer-of-Record for the project, Engineering Support During Construction will be needed from Woodard & Curran, Inc. to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Woodard & Curran, Inc., for Engineering Support During Construction for the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project in an amount not to exceed $440,482 for the identified scope of services, plus $44,000 for additional services, if needed, for a total amount not to exceed $484,482.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-481

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $15,529,791, TO FUND THE CONSTRUCTION PHASE OF THE J.M. PIKE PARK STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL AND WATER MAIN PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $15,529,791, in order to fund the J.M. Pike Park Stormwater to Sanitary Sewer Cross Connection Removal and Water Main Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $15,529,791.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 October, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-482

RESOLUTION APPOINTING JAN VISS AND JULIE SAUGSTAD FOR A TWO-YEAR TERM WITH AN EXPIRATION OF DECEMBER 31, 2026; AND APPOINTING ABIMAEL CHAVEZ-HERNANDEZ, COLLEN PRESTON, AND ROLAND (SANDY) SUTTON, FOR A FOUR-YEAR TERM WITH AN EXPIRATION OF DECEMBER 31, 2028 TO SERVE ON THE ON THE CITIZENS' SALARY SETTING COMMISSION

WHEREAS, Section 703(b) of the City of Modesto's Charter established the formation of a Citizens' Salary Setting Commission whose function is to recommend the compensation for the Mayor and members of the Council. According to the Charter, the Commission shall meet between March 1st and April 30th of every even-numbered year; and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City's Appointments Committee; and

WHEREAS, The Citizens' Salary Setting Commission shall consist of five qualified electors residing within the City; and

WHEREAS, the term for the Citizens' Setting Commission is four years and according to the bylaws the terms should be staggered; and

WHEREAS, the Appointments Committee met on September 28, 2023, and recommended the appointments of five members to serve on the Commission with the following staggered term: Jan Viss and Julie Saugstad for a two-year term with an expiration of December 31, 2026; and appointing Abimael Chavez-Hernandez, Collen Preston, and Roland (Sandy) Sutton, for a four-year term with an expiration of December 31, 2028 to serve on the on the Citizens' Salary Setting Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments Jan Viss and Julie Saugstad for a two-year term with an expiration of December 31, 2026; and appointing Abimael Chavez-Hernandez, Collen Preston, and Roland (Sandy) Sutton for a four-year term with an expiration of December 31, 2028 to serve on the on the Citizens' Salary Setting Commission.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizens' Salary Setting Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-483

RESOLUTION APPROVING THE APPOINTMENT OF MARGARET JAMES TO THE EQUITY COMMISSION FOR A PARTIAL THREE-YEAR TERM EXPIRATION DATE OF AUGUST 1, 2026

WHEREAS, the Affirmative Action Commission of the City of Modesto was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987; and

WHEREAS, with the passage of Proposition 209, the City reviewed its employment policies, affirmative action policies and other relevant policies and procedures and amended them as necessary to comply with Proposition 209; and

WHEREAS, as part of the compliance effort, the Commission retitled from the Affirmative Action Commission to Equal Opportunity and Disability Commission by Resolution No. 98-134; and

WHEREAS, with the creation of the Diversity, Equity, and Inclusion Program which includes Equal Opportunity and Disability accessibility; and

WHEREAS, City staff retitled and repurposed the Equal Opportunity/Disability Commission to the Equity Commission and amended Article II Duties by Resolution No. 2022-054; and

WHEREAS, the Equity Commission is established to advise on matters of diversity, equity, and inclusion; and

WHERAS, the Appointments Committee met on September 28, 2023, and recommended the appointment of Margaret James to the Equity Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Margaret James to the Equity Commission for a partial three-year term, with an expiration date of August 1, 2026.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Equity Commission, and 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 November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-484

RESOLUTION APPROVING THE AWARD OF PROPOSALS AND AGREEMENTS FOR CONSULTANT SUPPORT WITH STATE ADVOCACY SERVICES TO TOWNSEND PUBLIC AFFAIRS, NEWPORT BEACH, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $60,000, AND A TOTAL AMOUNT NOT TO EXCEED $300,000 OVER FIVE YEARS, AND APPROVING AN AGREEMENT FOR CONSULTANT SUPPORT WITH FEDERAL ADVOCACY SERVICES TO VAN SCOYOC AND ASSOCIATES, WASHINGTON, DC FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $90,000, AND FOR A TOTAL AMOUNT NOT TO EXCEED $450,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, local government agencies rely on the expertise of state and federal government consultants to represent their respective government agencies in Sacramento and Washington, D.C., providing critical services such as legislative monitoring and analysis, state budget advocacy, monitoring grant opportunities, and advocacy, and

WHEREAS, these state and federal advocacy services provide support in identifying legislation and agency policies that may affect cities and reflect how the proposed policy or legislation may supplement or hinder the progress of an existing initiative or issue. The consultants work with the legislature or corresponding offices to recommend amendments to policies that reflect the City's interests and priorities, and

WHEREAS, the City has maintained agreements with Townsend Public Affairs, Newport Beach, CA, for state advocacy services and with Van Scoyoc and Associates, Washington, DC. for federal advocacy services. These agreements were executed on April 28, 2020, for 2 years with an optional 1-year extension, which was executed in April of 2022, and

WHEREAS, on January 24, 2023, the Council approved a First Amendment, Resolution No. 2023-31, which increased the agreement amount with Townsend Public Affairs for state advocacy services by $35,000, resulting in a new total amount of $215,000, and similarly increased the agreement with Van Scoyoc and Associates for federal advocacy services by $52,500, bringing the total to $322,500, and extended the term of both agreements from April 28, 2023, to November 28, 2023, and

WHEREAS, since April 28, 2020, Townsend Public Affairs and Van Scoyoc and Associates have played an instrumental role in helping the City secure $9.9 million in state and federal earmarks, with an additional $3.5 million in pending federal earmarks from Congress, and

WHEREAS, on August 29, 2022, the City Manager authorized the Purchasing Manager to initiate the procurement process for consultants to provide state and federal advocacy services on behalf of the City. Subsequently, on December 21, 2022, the Purchasing Division issued Request for Proposal (RFP) No. 2223-08 for federal and state legislative advocacy services, accessible through the City's PlanetBids public bidding website under various commodity codes, and

WHEREAS, nineteen (19) companies downloaded the RFP document from PlanetBids, with proposals formally opened on February 7, 2023, and of the respondents, three (3) companies submitted proposals, with no local proposals received, and

WHEREAS, an evaluation committee comprised of six (6) City staff members, including the Director of Finance, the Director of Utilities, the Assistant Police Chief, a Management Analyst, the Infrastructure Financing Program Supervisor, and the Parks, Planning, & Development Manager, oversaw the RFP process and considered factors

such as technical expertise, consultant program, legislative strategy, references, and pricing, and

WHEREAS, given their highest ranking in the total evaluation criteria, the evaluation committee recommends the award of the proposal for state legislative advocacy services to Townsend Public Affairs and federal legislative advocacy services to Van Scoyoc and Associates, and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. Townsend Public Affairs and Van Scoyoc and Associates were selected through a formal competitive process, which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposals and Agreements for consultant support with state advocacy services to Townsend Public Affairs, Newport Beach, CA, for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of $60,000, and a total amount not to exceed $300,000 over five years, and approving an Agreement for consultant support with federal advocacy services to Van Scoyoc and Associates, Washington, DC for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of $90,000, and for a total amount not to exceed $450,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-485

RESOLUTION APPROVING THE ACCEPTANCE OF THE FISCAL YEAR 2023-2024 CAL FIRE VOLUNTEER FIRE CAPACITY (VFC) PROGRAM GRANT AWARD IN THE AMOUNT OF $40,000, WHICH INCLUDES A 50% LOCAL MATCH, FOR THE PROCUREMENT OF WILDLAND FIREFIGHTING EQUIPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT AGREEMENT

WHEREAS, on May 2, 2023, Council approved Resolution 2023-198, authorizing the application for this grant, and

WHEREAS, on August 8, 2023, the Modesto Fire Department received notification that it has been awarded $20,000, which includes a 50% local match of funds; and

WHEREAS, the Fiscal Year 2023-2024 CalFire Volunteer Fire Capacity (VFC) Program Grant provides funding to organize, train and equip fire departments in rural areas and rural communities to prevent and suppress fires; and

WHEREAS, the Modesto Fire Department contract with City of Oakdale and Oakdale Fire Protection District allowed the department to apply for the grant; and

WHEREAS, the VFC Grant Program provides financial assistance directly to eligible fire departments for critical training and equipment, with the objective to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience; and

WHEREAS, the department intends to apply this grant towards the purchasing of wildland firefighting equipment in order to replace aging and outdated wildland equipment that is no longer in service or does not meet current standards; and

WHEREAS, there is a 50% required local match for the Cal Fire VFC Program Grant, with the awarded amount being $20,000, and local match being $20,000; and

WHEREAS, the equipment identified in the grant application has been identified as needing replacement; without this grant the Fire Department will bear the cost of the full $40,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby the acceptance of the Fiscal Year 2023-2024 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of $40,000, which includes a 50% Local Match, for the Procurement of Wildland Firefighting Equipment.

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the grant agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-486

RESOLUTION APPROVING THE FIRST AMENDMENT WITH BRIGHTVIEW GOLF MAINTENANCE, INC., IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT FOR GOLF MANAGEMENT AND MAINTENANCE SERVICES INCREASING THE ANNUAL PAYMENT BY $412,148 FOR A REVISED TOTAL NOT TO EXCEED $13,987,536, AND EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 31, 2025

WHEREAS, in June 2020, the City issued a Request for Proposals (RFP) to provide golf course management and maintenance services and six vendors attended the mandatory site visit at Creekside Golf Course; and

WHEREAS, BrightView Golf Maintenance Inc., ("BrightView"), in partnership with KemperSports Management, Inc., ("KemperSports"), was the sole bidder and staff found the bid to be responsive and responsible; and

WHEREAS, on December 8, 2020, by Resolution 2020-537, the Council approved the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two (2), two-year extension options; and

WHEREAS, the current contract with BrightView is set to expire on December 31, 2023 and an extension is required to maintain service to the City's Golf Courses; and

WHEREAS, the City wishes to extend the Agreement to December 31, 2025; and

WHEREAS, in July 2023, staff began negotiations with BrightView to exercise the first of two (2), two-year extensions allowed per the agreement; and

WHEREAS, BrightView requested an increase in compensation of 3.5% per the Western Urban Consumer Price Index; and

WHEREAS, staff is requesting an increase in compensation to increase the Water Utility and Arbor Care budget; add an Irrigation Specialist; and add landscape maintenance for the First Tee putting green; and

WHEREAS, the total annual increase to the agreement is $412,148 or $824,296 for the two-year period; and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on December 31, 2025; and

WHEREAS, this item was presented to the Safety and Communities Committee on October 9, 2023, where the Committee recommended it be forwarded to Council for approval with a recommendation to increase the marketing budget; and

WHEREAS, staff will work with BrightView to review the marketing budget and plan for the Golf Courses and return to Committee to present its findings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services to a revised total amount of $13,987,536 and extending the term of the Agreement to December 31, 2025.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-487

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH PUBLIC RESTROOM COMPANY, OF MINDEN, NV, FOR THE PURCHASE, DELIVERY, AND INSTALLATION OF RESTROOM BUILDINGS FOR GRACEADA PARK, MARK TWAIN PARK, AND ROBERTSON ROAD PARK, FOR A TOTAL AMOUNT OF $980,788, PLUS $98,079 OF CONTINGENCY, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,078,867 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, with an estimated $70+ million in deferred maintenance in our park system, many park amenities are severely in need of replacement and are either no longer safe to use or unable to be repaired; and

WHEREAS, Park, Recreation and Neighborhoods Staff established a multi-year plan to systematically address the deferred maintenance; and

WHEREAS, in June 2023, Council approved the FY 2023-2024 budget, which included $6,100,000 of Measure H funding for deferred park maintenance; and

WHEREAS, as part of the deferred park maintenance allocation, $1,400,000, is budgeted for restroom replacements at Graceada Park, Mark Twain Park, and Robertson Road Park, which will help begin addressing safety concerns in those parks and enhance public enjoyment and satisfaction of the parks; and

WHEREAS, Sourcewell is a cooperative agency which streamlines the procurement process by developing Request For Bids (RFB)s or Request For Proposals (RFP)s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, the competitive process is continually refined to best meet agency needs and allows Sourcewell to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, on November 10, 2020, Sourcewell issued RFP #081721 for restroom and shower facility solutions; and

WHEREAS, on August 17, 2021, proposals were electronically opened, and the list of all Proposers was made publicly available in the Sourcewell Procurement Portal; and

WHEREAS, seven (7) proposals were received and based on the Sourcewell Proposal review committee and criteria outlined in the RFP, Public Restroom Company was awarded contract #081721-PRM effective October 14, 2021, through October 15, 2025; and

WHEREAS, through this contract, Public Restroom Company has provided quotes for restroom buildings for the three parks for a total of $980,788; and

WHEREAS, the quotes include delivery and installation of the following:

- two (2) ADA unisex restrooms with a utility closet, at both Mark Twain Park and Robertson Road Park
- three (3) ADA and three standard, unisex restrooms along with a recreation storage room, a park operations storage room, and two pool chemical storage rooms at Graceada Park.

WHEREAS, the new restroom buildings will replace the existing bathrooms and storage buildings at the parks; and

WHEREAS, as design is not 100% finalized, materials and fixtures could potentially change and increase the cost of the restrooms; and

WHEREAS, for this reason and due to fluctuating material cost, staff recommends Council approve a 10% contingency budget in the amount of $98,079, for a

total cost not to exceed $1,078,867; and

WHEREAS, the restrooms have a final design and manufacturing timeline of about 12 months, therefore staff anticipates that these restrooms will be installed in fall 2024; and

WHEREAS, staff will be preparing construction documentation for site work related to these three restrooms and will bid that work out in spring 2024 with the expectation that the site work will cost about $320,000; and

WHEREAS, City staff recommends award to Public Restroom Company as the most responsive and responsible proposer for the purchase of restroom buildings for the three park sites, for an amount not to exceed $1,078,867; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City could be served and both requirements were met based on the Competitive Bidding Process selected by Sourcewell.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Public

Restroom Company, of Minden, NV, for the purchase, delivery, and installation of restroom buildings for Graceada Park, Mark Twain Park, and Robertson Road Park, for a total amount of $980,788, plus $98,079 of contingency, if needed, for a total amount not to exceed $1,078,867.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-488

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CLAUS ROAD AND SCENIC DRIVE SIGNAL COORDINATION CML 5059(245) & CML 5059(246) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO TENNYSON ELECTRICAL LLC OF LIVERMORE, CA, IN THE AMOUNT OF $798,200 AND A 10 PERCENT CONTINGENCY AMOUNT OF $79,820 FOR A TOTAL AMOUNT NOT TO EXCEED $878,020, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for Claus Road and Scenic Drive Signal Coordination project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the Claus Road and Scenic Drive Signal Coordination project, were publicly opened at 11:00 a.m. on September 19, 2023, and later tabulated by the Director of Public Works for the consideration of Council; and

WHEREAS, the Director of Public Works has recommended that the bid of $878,020 received from Tennyson Electrical, LLC be accepted as the lowest responsible and responsive bid and that the contract be awarded to Tennyson Electrical, LLC; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $798,200 and agreement for construction for the Public Works Department conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Tennyson, LLC of Livermore, CA**,** was the lowest responsive bidder; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, and updated by Resolution No. 2023-405 on September 12, 2023 established a contract change order budget of 10% for construction contracts up to $10,000,000.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications, accepts the bid in the amount of $878,020, and a 10 percent contingency amount of $79,820 for a total amount not to exceed $878,020, and awards Tennyson Electrical, LLC the contract for the Claus Road and Scenic Drive Signal Coordination project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-489

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECTS #101322 and #101323 IN THE AMOUNT OF $310,000, AND INCREASING THE TRANSFER FROM THE MEASURE L – LOCAL ROAD TAX FUND TO FUND THE PROJECTS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Claus Road and Scenic Drive Signal Coordination project will install new fiber optic cable and ethernet switches into the traffic signal controller cabinets on Claus Road and on Scenic Drive to allow for better communications and improved traffic signal coordination; and

WHEREAS, the lowest bidder was 41.25% above the engineer's estimate and has been deemed reasonable due to the increased costs of labor and materials; and

WHEREAS, additional funding is needed in the project to fund the increased construction costs; and

WHEREAS, funding is available in the Measure L Road Tax fund within the Traffic Management category to fund the increased costs for the project; and

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 101322 – Claus Road Signal Coordination and Project 101323 – Scenic Drive Signal Coordination in a total amount of $310,000 to increase transfers and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101322 (Claus Road Signal Coordination) and project 101323 (Scenic Drive Signal Coordination) in an amount not to exceed

$310,000 in transfers and to budget expenditures to fund the projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-490

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REGIONAL WATER RECYCLING FACILITY - SUTTER CAMPUS PARKING LOT AND SECURITY UPGRADE PROJECT AND AWARDING A CONSTRUCTION CONTRACT TO GEORGE REED, INC., OF MODESTO, CA, IN THE AMOUNT OF $6,323,880 PLUS $948,582 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $7,272,462 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the Sutter Facility Layout Plan (SFLP) identifies recommended improvements for access, traffic circulation and parking, and

WHEREAS, the project's scope of work is a combination of the SFLP identified improvements as well as improvements identified by Operations and Maintenance staff, and

WHEREAS, plans and specifications have been prepared for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, and

WHEREAS, the project was advertised for bids on August 22, 2023, and

WHERAS, on October 3, 2023, bids were publicly opened, pursuant to City Charter Section 1307, four bids were received and George Reed Inc, of Modesto, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to follow the formal bid procedures, and

WHEREAS, the award of Contract for the construction of the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project to George Reed, Inc., of Modesto, CA, conforms to the Modesto Municipal Code because the City

complied with the formal bid procedures and George Reed, Inc., of Modesto, CA was the lowest responsive and responsible bidder, and

WHEREAS, Staff recommends awarding the Contract to George Reed Inc, of Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, accepts the bid of $6,323,880 plus $948,582 in contingency (if needed), for a total amount not to exceed $7,272,462 and awards the Construction Contract to George Reed Inc, of Modesto, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-491

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE REGIONAL WATER RECYCLING FACILITY - SUTTER CAMPUS PARKING LOT AND SECURITY UPGRADE PROJECT FROM 10% ($632,388) TO 15% ($948,582) OF THE CONSTRUCTION CONTRACT AMOUNT OF $6,323,880 WITH GEORGE REED, INC., OF MODESTO, CA

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, and by Resolution No. 2023-405 on September 12, 2023, established a contract change order budget of 10% for projects up to $10 Million, and

WHEREAS, given the nature, location and complexity of this project, unforeseen conditions may be encountered; it is likely that this project may exceed the Director's Authority of 10% ($632,388) of the Construction Contract amount of $6,323,880, and

WHEREAS, Staff is requesting that the Director's Authority to issue change orders be increased to 15% ($948,582) of the Construction Contract amount.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of the Engineering Services Department to issue change orders for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project from 10% ($632,388) to 15% ($948,582) of the construction contract price of $6,323,880 with George Reed Inc., of Modesto, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-492

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF SACRAMENTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE REGIONAL WATER RECYCLING FACILITY - SUTTER CAMPUS PARKING LOT AND SECURITY UPGRADE PROJECT, IN THE AMOUNT OF $200,697 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $20,070 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $220,767 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing entrance at the Regional Water Recycling Facility - Sutter Campus presents security and safety concerns, and

WHEREAS, the Sutter Facility Layout Plan (SFLP) identified recommended improvements for access, traffic circulation and parking, and

WHEREAS, the Project's scope of work will combine the SFLP recommend improvements as well as improvements requested by Wastewater Operations and Maintenance Staff, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-22, Council approved an agreement with West Yost Associates to provide Engineering Design Services for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, and

WHEREAS, considering the size and complexity of the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, and

WHEREAS, West Yost Associates is the Engineer-of-Record for the project, Engineering Support During Construction will be needed from West Yost Associates to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, Modesto Municipal Code Section 8-3.204(d) does not require formal bidding where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, because West Yost is the Engineer-of-Record for this project, they are most qualified to address engineering questions that arise during construction, and selecting another engineering firm to provide such services will result in increased costs due to the new firm needing to familiarize themselves with the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates, for Engineering Support During Construction for the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project in an amount not to exceed $200,697 for the identified scope of services, plus $20,070 for additional services, if needed, for a total amount not to exceed $220,767.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-493

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,967,790 TO FUND THE CONSTRUCTION PHASE OF THE REGIONAL WATER RECYCLING FACILITY - SUTTER CAMPUS PARKING LOT AND SECURITY UPGRADE PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $2,967,789, in order to fund the Regional Water Recycling Facility - Sutter Campus Parking Lot and Security Upgrade Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $2,967,789.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-494

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH HACH COMPANY, LOVELAND, CO FOR NITRATE AND ANALYZER EQUIPMENT AND FIELD SERVICES FOR A THREE-YEAR AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED $530,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2006, the installation of nitrate analyzers was mandated by the California Department of Public Health (CDPH) which is now knows as the State Water Resources Control Boards (SWRCB), and

WHEREAS, the SWRCB operating permit requires nitrate concentrations to be monitored continuously by an online nitrate analyzer at facilities with high nitrate concentration levels, and

WHEREAS, the Water Services Division uses Hach nitrate analyzer equipment and services for regulatory compliance by the State, and

WHEREAS, Hach nitrate analyzers were chosen because of their reliability, ease of use and accuracy and Hach is the sole manufacturer for nitrate analyzer equipment and service, and

WHEREAS, nitrate analyzers last approximately ten years with proper maintenance and repair. The contract with Hach ensures dependable service and warranty compliance for these units, and

WHEREAS, Hach's factory-trained service personnel are authorized to perform any repair, start-up service, or maintenance on these instruments, and they do not recognize or authorize any other service organization to perform repair or recalibration on these analyzers, and

WHEREAS, on October 2, 2017, by Resolution No. 2017-387, Council approved the sole source procurement of nitrate analyzer equipment and field services to Hach Company, Loveland, CO for a three-year agreement, and

WHEREAS, on October 27, 2020, by Resolution No. 2020-444, Council approved the sole source procurement of nitrate analyzer equipment and field services to Hach Company, Loveland, CO for a three-year agreement, and

WHEREAS, the City currently has twenty-seven nitrate analyzers, and

WHEREAS, in the event of an equipment failure, a replacement unit may be needed for any existing nitrate analyzer and annual testing, if staff is unable to provide nitrate analyzers, wells will be taken offline which would negatively impact the service we provide to our customers, and

WHEREAS, keeping the system in place will not only enable the City of Modesto to maintain its current permit with the State, but also ensure compliance with the drinking water quality standards it has previously maintained, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases more than fifty thousand dollars to follow formal bidding procedures. However, MMC Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a

procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, the service and maintenance of the City's existing Hach nitrate analyzers must be done by a Hach certified technician, or the warranty will be voided. Therefore, this purchase qualifies for exemption from the formal bidding procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Sole Source Agreement of Nitrate Analyzer Equipment and Field Services with Hach Company, Loveland Co, for total amount not to exceed $530,000 over three (3) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-495

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SOLICIT PROPOSALS FOR BRIDGE HOUSING SITES AND ALLOCATING $3,000,000 FOR POTENTIAL PROJECTS

WHEREAS, to help achieve the deliverables outlined in the 2021 Stanislaus Regional Homeless Strategic Plan, on October 20, 2023, the City Council considered a comprehensive update on available housing and homelessness programs and explored potential new programs that can be made available to meet the growing needs of the population, including: Bridge Housing, and

WHEREAS, Bridge Housing, often also referred to as non-congregate shelter options and is the first level of housing for individuals who are transitioning out of homelessness, and

WHEREAS, these are temporary manufactured homes with approximately 60 sq. ft. of space for individuals and 120 sq. ft. for families, and

WHEREAS, based on feedback from the Homeless Workshop on October 20, 2023, staff is developing a framework and implementation strategy for multiple Bridge Housing sites around the City, and

WHEREAS, to assist with the facilitation, the City is in the process of releasing a request for proposals to bring additional resources to our community, and

WHEREAS, this request for proposals is to solicit social service providers who can provide case management, operators who have experience operating these sites, and bridge housing vendors who produce types of temporary units, and

WHEREAS, the private-public partnership in addressing homelessness has been essential for the City to create new programs and housing options for the homeless individuals in our community, and

WHEREAS, to continue with this partnership, the City is in the process of issuing a request for proposals to assist with identifying potential sites to add additional units of Bridge Housing and the sites will serve as short-term non-congregate shelter opportunities and serve as a bridge to longer-term housing, and

WHEREAS, the proposals will be sought from public and private entities with available land that can serve as a site for short- term non-congregate shelter, and

WHEREAS, the proposal would have to agree to utilizing the best practices for a Bridge Housing site as established by the City and will include identifying and screening potential participants based on eligibility requirements, ensuring clients are adhering to site requirements, producing intake and exit procedures, ensuring safety and fire protocols are in place, maintaining utilities and on-site maintenance, and coordinating on-site services with service providers, and

WHEREAS, upon approval of a project, the City will be working alongside the proposers of a particular site to partner them and provide a list of potential operators and service providers to ensure a successful project, for the proposer to engage with, and

WHEREAS, the City will work with the proposer to determine outside funding sources including but not limited to: Federal, State, and County funding, and

WHEREAS, based on other sites, the City is anticipating that the overall cost per unit would be approximately $75,000 which is inclusive of required infrastructure improvements and accessory buildings, and

WHEREAS, for this first request for proposals, the City is proposing to allocate $3,000,000 for these units, and if additional sites are viable Council could decide to allocate additional funding for support.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to solicit proposals for Bridge Housing sites and allocating $3,000,000 for potential projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-496

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 MULTI-YEAR NON-CAPITAL MULTI-YEAR BUDGET TO CREATE A NEW PROJECT AND ESTABLISH APPLICABLE REVENUE, EXPENSE AND TRANSFER BUDGETS FOR THE BRIDGE HOUSING PROJECTS TO BE FUNDED WITH MEASURE H FUNDS IN THE AMOUNT OF $3,000,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on November 8, 2022, Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022 by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Measure H is expected to provide the City an approximately $42 million annually in additional sales tax revenue into its General Fund, and

WHEREAS, if approved the fiscal year 2023-2024 Multi-Year Non-Capital budget must be amended, and

WHEREAS, the project(s) will be funded with $3,000,000 in Measure H funds, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the fiscal year 2023-2024 Multi-Year Non-Capital budget to create a new project and establish applicable revenue, expense and transfer budgets for the Bridge Housing projects to be funded with Measure H funds.

BE IT FURTHER RESOLVED that the City Manager or his designee is 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, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-497

RESOLUTION APPROVING AN AGREEMENT FOR EXPANDED CLIENT SERVICES WITH MODESTO GOSPEL MISSION FOR A TOTAL AMOUNT NOT TO EXCEED $100,000 FOR ONE YEAR AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, on October 20, 2023, the City Council considered a comprehensive update on available housing and homelessness programs and explored potential new programs that can be made available to meet the growing needs of the population, including (1) Safe Sleeping Program at the Modesto Gospel Mission, and (2) Bridge Housing, and

WHEREAS, to continue to build on the City's success in creating temporary housing options, the City is recommending the implementation of low barrier safe place to sleep at the Modesto Gospel Mission (MGM); and

WHEREAS, MGM has seen a growing need for unhoused women and children in the community to have a secure place to sleep without barriers, and

WHERESAS, the project scope of the safe sleep program includes a place to sleep that is safe from the elements, and other unsafe environmental factors, and

WHEREAS, the proposed program will serve women, and women who have children regardless of the gender of the child through the age of 18 who are experiencing homelessness, and

WHEREAS, this will be a drop-in site with a capacity of 40 individuals and this program will operate seven (7) days per week, with access from 8:30 pm to 6:30 am for 12 months, and

WHEREAS, the program will also include on-site security, meals, and bathroom and shower access for participants, and

WHEREAS, the Gospel Mission will intake individuals and triage for immediate support and intervention and individuals will have access to wrap around services including, individualized case management, supportive services, such as: housing search and placement, employment development, and connection to mainstream resources, and

WHEREAS, the Modesto Gospel Mission will enter participants into the Homeless Management Information System and coordinate with community partners to assist program participants with their housing needs, and

WHEREAS, the cost of this agreement is not to exceed $100,000 using American Rescue Plan Act allocated to homeless support programs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement in an amount not to exceed $100,000 to Modesto Gospel Mission for expanded client services for one year.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute agreements in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-498

RESOLUTION ACCEPTING THE RESIGNATION OF ALEXANDRA VON STADE FROM THE MEASURE H OVERSIGHT BOARD

WHEREAS, the Measure H Oversight Board was established to review all revenues and expenditures of funds from the sales tax revenue generated from the passage of Measure H, and

WHEREAS, on June 27, 2023, by Resolution No. 2023-295, Alexandra von Stade was appointed to serve as a member of the Measure H Oversight Board, and

WHEREAS, Alexandra von Stade has tendered her resignation from the Measure H Oversight Board effective September 23, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Alexandra von Stade from the Measure H Oversight Board with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-499

RESOLUTION APPOINTING ERIN BLACK TO THE CITY OF MODESTO PLANNING COMMISSION WITH A PARTIAL TERM EXPIRING DECEMBER 31, 2024

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

WHEREAS, Planning Commissioner Hank Pollard resigned the term ending on December 31, 2024, leaving a vacancy on the Planning Commission; and

WHEREAS, the Appointments Committee met on September 28, 2023, and recommended the appointment of Erin Black to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Erin Black to the City of Modesto Planning Commission, with a partial term expiring December 31, 2024.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the 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 14th day of November, 2023, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-500

RESOLUTION AMENDING SECTION 5 POLICY- EMERGENCY SOLUTIONS GRANT PROGRAM POLICIES AND ADOPTING SECTION 19 POLICY- UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES OF THE HOUSING AND URBAN DEVELOPMENT POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Modesto (the City) is an entitlement jurisdiction and receives various grant funding to address housing and homelessness from State and Federal sources, and

WHEREAS, to be eligible to receive the funding the City is required to have updated Policies and Procedures related to the use and oversight of the funding, and

WHEREAS, in October 2016, by Resolution No. 2016-476 the Council adopted a Housing and Urban Development (HUD) Policies & Procedures Manual, and

WHEREAS, this document consolidates HUD related policies and procedures for funding received by the City's Community Development Division to serve affordable housing and homelessness, and

WHEREAS, HUD provides funding to the City for various programs and projects, including those related to housing, homelessness, and community development, and

WHEREAS, policies and procedures are added and updated as necessary to ensure compliance with State and Federal Regulations, and

WHEREAS, amending Section 5 and adopting Section 19 will ensure compliance with these funding requirements, and

WHEREAS, Section 5 Emergency Solutions Grant Program Policies of the manual provides standards and guidance established by HUD and the City of Modesto for subrecipients receiving ESG funding, and

WHEREAS, amending Section 5 of the manual will provide the framework to monitor ESG subrecipients that engage in housing and homeless activities within the City to ensure compliance with applicable statutory and regulatory requirements and standards as well as the City's strategic goals, and

WHEREAS, subrecipients must have equitable practices and respond to the disproportionality in access to services, service provision, and outcomes and cannot simply rely on delivering a standardization of services to address inequity, and

WHEREAS, system and project performances provide statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking applied upon enactment of VAWA 2013 on March 7, 2013, and

WHEREAS, system and project performance measures have been established by the City for each program component based on applicable system and project-level goals established by HUD for the ESG program and City strategic priorities, and

WHEREAS, subrecipients must develop confidentiality and personal identifying information policies and procedures in writing to keep confidential every ESG applicant's or participant's personally identifiable information (PII) they receive for any reason, including participant housing locations/addresses, as well as the locations/addresses of any domestic violence shelters, and

WHEREAS, federally funded initiatives often involve real property acquisitions and may require the displacement of individuals and businesses, and

WHEREAS, to ensure the fair treatment of those affected, the Uniform Relocation Assistance and Real Property Acquisition (URA) was enacted to establish uniform procedures and guidelines for the relocation and assistance process, and

WHEREAS, URA aims to protect the rights and interest of displaced persons by providing fair compensation for their property, assistance in finding comparable replacement housing, and support in transitioning to new communities based on the needs of those being displaced, and

WHEREAS, adopting the URA policy and procedures will provide a framework for the City of Modesto, in conjunction with similar California laws, to carry out and monitor funding recipients that engage in property acquisition and relocation activities with City's federal and state funding in accordance with the URA regulations, and

WHEREAS, URA requires the City or its subrecipient offer advisory services to displaced individuals and businesses, providing information about their rights and options throughout the relocation process, and

WHEREAS, URA establishes criteria for determining eligibility and provides financial assistance to displaced persons, ensuring they receive fair compensation for their relocation expenses, and

WHEREAS, URA guarantees that displaced residential tenants are offered comparable replacement housing, which is decent, safe, and affordable, and

WHEREAS, URA outlines procedures for relocating businesses,

including reimbursement of actual and reasonable relocation expenses and assistance in reestablishing operations, and

WHEREAS, URA encourages the City to explore all reasonable alternatives to minimize displacement and to ensure that no person or business is displaced unless suitable replacement options are available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends of Section 5 Emergency Solutions Grant Program Policies and adopts Section 19 Uniform Relocation Assistance and Real Property Acquisition Policies (URA) of the Housing and Urban Development Policies and Procedures Manual.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-501

RESOLUTION APPROVING A SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH COMMUNITY REINVESTMENT FUND, USA (CRF), FOR CONTINUED LOAN SERVICING OF COMMUNITY DEVELOPMENT FUNDED LOANS BY $60,000 FROM $90,000 TO A NEW TOTAL AMOUNT OF $150,000 AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 30, 2023 TO JUNE 30, 2024 AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, as a HUD entitlement community, the City receives a formula grant allocation each year for the following type of funding: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds; and

WHEREAS, this funding is allocated to eligible projects for the City's Affordable Housing and Homeowner Repair programs; and

WHEREAS, in order to manage the loan portfolio, the City has contracted with the Community Reinvestment Fund (CRF) since 1994 as a loan servicer to maintain loan portfolio by serving as the frontline customer service agency and collects regular payments and pay-offs; and

WHEREAS, the City receives program income from these outstanding loans monthly that is utilized for eligible programs; and

WHEREAS, the current contract that was originally negotiated in 1994 was amended on August 7, 2019, by Resolution 2019-353 extending the term through June 30, 2023 and increasing the amount by $60,000 from $50,000 to a new total amount of $90,000; and

WHEREAS, the City of Modesto has a current managed loan portfolio of three hundred (300) loans with an approximate value of twenty-eight million dollars ($28,000,000); and

WHEREAS, the current terms of the CRF contract include new loan set-up, frontline customer service, monitoring, and compliance; and

WHEREAS, the services are offered at a current rate of $2,000- $2,500 per month; and

WHEREAS, in the current terms the CRF keeps its fees and then remits the remaining balance to the City in the form of program income; and

WHEREAS, the City was notified this month that CRF will no longer be providing consumer loan services and Staff started to research alternative option for loan servicing it was noted that not only did the contract expire, but as of October 1, 2023, the current contract has been expended by $6,000 more than the amount authorized by City Council in its first amendment; and

WHEREAS, the issue identified in tracking this agreement is due to the CRF method of remittance meaning that there is no invoice that draws against the value of the contract; and

WHEREAS, to ensure that there is not a lapse in service to the community, staff is recommending a third amendment to the current agreement that would increase the contract by $60,000 from $90,000 for a new total not to exceed $150,000, extending the agreement dates from June 30, 2023 to June 30, 2024; and

WHEREAS, along with rigorous tracking of the monthly expense tracking reports in order to maintain contract compliance while the City goes through an formal request for proposal to seek a new loan servicer; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to follow formal bid procedures. However, amendments to existing contracts are exempt from formal bidding pursuant to Municipal Code Section 8-3.204(e) where the Purchasing Manager, in his or her discretion, determines that the term of an existing agreement should be extended for a period of no greater than one (1) year to allow the City to complete a formal bidding process for a long-term agreement or to avoid disruption to City projects or services; and

WHEREAS, based on the need for continued service to the community while a new loan service is identified, this amendment is exempt from formal bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the agreement amount with Community Reinvestment Fund (CRF), for continued loan servicing of HUD funded loans by $60,000 from $90,000 to a new total amount of $150,000 and extending the term of the agreement from June 30, 2023 to June 30, 2024.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-502

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR WOODGLEN SUBDIVISION VILLAGE TWO, LOCATED AT AN AREA BOUNDED BY PELANDALE AVENUE, CARVER ROAD, BANGS AVENUE, AND TULLY ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, Fitzpatrick Land Development, LLC, a California limited liability company ("SUBDIVIDER"), has developed a tract of land consisting of 80.8 acres being subdivided into 367 residential lots, two open spaces/storm basin lots, one park lot, and ten landscape lots situated in the City of Modesto, known as the WOODGLEN SUBDIVISION; and

WHEREAS, Modesto Roselle, LLC, the owner of Woodglen Subdivision Village Two, has requested to divide 9.2 into 55 single-family residential lots, and approximately 2.2 acres of right-of-way offered for dedication; and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and street lights; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $920,265.78 for WOODGLEN SUBDIVISION VILLAGE TWO; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $460,132.89 for WOODGLEN SUBDIVISION VILLAGE TWO; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $92,026.58 for WOODGLEN SUBDIVISION VILLAGE TWO; and

WHEREAS, the owner of WOODGLEN SUBDIVISION VILLAGE TWO has requested that the PUBLIC IMPROVEMENTS be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepting the PUBLIC IMPROVEMENTS for Woodglen Subdivision Village Five, located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-503

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR WOODGLEN SUBDIVISION VILLAGE FIVE, LOCATED AN AREA BOUNDED BY PELANDALE AVENUE, CARVER ROAD, BANGS AVENUE, AND TULLY ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, Fitzpatrick Land Development, LLC, a California limited liability company ("SUBDIVIDER"), has developed a tract of land consisting of 80.8 acres being subdivided into 367 residential lots, two open spaces/storm basin lots, one park lot, and ten landscape lots situated in the City of Modesto, known as the WOODGLEN SUBDIVISION; and

WHEREAS, Modesto Roselle, LLC, the owner of Woodglen Subdivision Village Five, has requested to divide 8.3 into 76 single-family residential lots, and approximately 1.7 acres of right-of-way offered for dedication; and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and street lights; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $1,052,782 for WOODGLEN SUBDIVISION VILLAGE FIVE; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $526,391 for WOODGLEN SUBDIVISION VILLAGE FIVE; and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $105,278 for WOODGLEN SUBDIVISION VILLAGE FIVE; and

WHEREAS, the owner of WOODGLEN SUBDIVISION VILLAGE FIVE has requested that the PUBLIC IMPROVEMENTS be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be, in order, for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepting the PUBLIC IMPROVEMENTS for Woodglen Subdivision Village Five, located at an area bounded by Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-504

RESOLUTION APPROVING AN AMENDMENT TO THE ANNUAL COMMERCIAL CANNABIS PERMIT FEE BY ESTABLISHING TWO TYPES OF COMMERCIAL CANNABIS PERMIT FEES FOR CITY APPROVED BUSINESSES FOR AN OPERATIONAL ANNUAL COMMERCIAL CANNABIS PERMIT FEE WITH AN ANNUAL COST OF $18,732 AND NON-OPERATIONAL ANNUAL COMMERCIAL CANNABIS PERMIT FEE WITH AN ANNUAL COST OF $4,307

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria, and

WHEREAS, on December 4, 2018, under Resolution No. 2018-538, City Council imposed the Annual Commercial Cannabis Permit Fee for approved cannabis businesses to pay for on-going administration and monitoring of approved businesses in the amount of $21,740, and

WHEREAS, on November 9, 2021, under Resolution No. 2021-441, City Council approved amending the Annual Commercial Cannabis Permit Fee to decrease the amount by $3,008 from $21,740 to $18,732 annually based on estimated staff time costs, and HdL Companies consulting services including annual financial audits, annual inspections, and subject matter expertise; the Operational Annual Commercial Cannabis Permit Fee for calendar year 2024 is being proposed to be kept at $18,732 for Council approved cannabis business that are operational for the on-going administration, annual inspections, financial audits, and monitoring, and

WHEREAS, the Non-Operational Annual Commercial Cannabis Permit Fee for calendar year 2024 is being proposed at $4,307 for Council approved businesses that are non-operational for the on-going administration, and monitoring, and

WHEREAS, the annual permit fee will be reviewed and reconciled annually to capture increases or decreases related to the administration of the compliance program. The permit is approved as a cost recovery and not revenue generating, any over or under payment will be reconciled annually and applied against future year cannabis permit fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the annual commercial cannabis permit fee by establishing two types of commercial cannabis permit fees for city approved businesses, establishing an operational annual commercial cannabis permit fee with an annual cost of $18,732 and non-operational annual commercial cannabis permit fee with an annual cost of $4,307. No proration of the fee shall be made for any portion of the period for which the Annual Commercial Cannabis Permit Fee is payable, except in the case of a newly established and approved business. The Annual Commercial Cannabis Permit Fee may be prorated for the number of months remaining in the year at the time the permit is initially approved by Council, Cannabis Committee, or any other cannabis permitting authority, the City will not prorate an Annual Commercial Cannabis Permit Fee for the time between the City's approval of a business and when that business becomes operational; the Annual Commercial Cannabis Permit Fee is due annually on August 1st and delinquent at the close of business hours on the 15th of August, and for the purpose of proration, a fractional part of a month shall be considered as a full month, and in lieu of paying the Annual Commercial Cannabis Permit Fee at the City Hall, the fee may be deposited in United States mail, postage prepaid, on the due date, provided the transmitting envelope

contains a postage cancellation stamp showing cancellation not later than 12:00 p.m. on the due date, and if the due date falls on Saturday, Sunday, or Holiday the due date shall be the next regular business day on which the City Hall is open to the public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-505

RESOLUTION APPROVING AN UPDATE OF THE ANNUAL COMMERCIAL CANNABIS PERMIT FEE BILLING CYCLE TO ALIGN WITH THE ANNUAL PERMIT ISSUANCE AND EXPIRATION DATE FROM A CALENDAR YEAR TO FISCAL YEAR

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria, and

WHEREAS, on December 4, 2018, under Resolution No. 2018-538, City Council imposed the Annual Commercial Cannabis Permit Fee for approved cannabis businesses to pay for on-going administration and monitoring of approved businesses in the amount of $21,740, and

WHEREAS, on November 9, 2021, under Resolution No. 2021-441, City Council approved amending the Annual Commercial Cannabis Permit Fee to decrease the amount by $3,008 from $21,740 to $18,732 annually based on estimated staff time costs, and HdL Companies consulting services including annual financial audits, annual inspections, and subject matter expertise, and

WHEREAS, The Annual Commercial Cannabis Permit Fee due date will be changed from being billed in December and due January 1 (calendar year) to being billed each July and due August 1 (Fiscal year) to simplify the year end accrual process, to better match expenses against revenues, and to ensure same overhead rates are used for staff time on both the annual analysis and the Direct Charges Agreements (DCAs), and

WHEREAS, no proration of the fee shall be made for any portion of the period for which the Annual Commercial Cannabis Permit Fee is payable, except in the case of a newly established and approved business, the Annual Commercial Cannabis Permit Fee may be prorated for the number of months remaining in the year at the time the permit is initially approved by Council, Cannabis Committee, or any other final cannabis permitting authority, and

WHEREAS, the City will not prorate an Annual Commercial Cannabis Permit Fee for the time between the City's approval of a business and when that business becomes operational, and

WHEREAS, the Annual Commercial Cannabis Permit Fee for Cannabis business approved by Council, Cannabis Committee, or any other cannabis permitting authority is due annually on August 1st and delinquent at the close of business hours on the 15th of August, and for the purpose of proration, a fractional part of a month shall be considered as a full month, and in lieu of paying the Annual Commercial Cannabis Permit Fee at the City Hall, the fee may be deposited in United States mail, postage prepaid, on the due date, provided the transmitting envelope contains a postage cancellation stamp showing cancellation not later than 12:00 p.m. on the due date, and if the due date falls on Saturday, Sunday, or Holiday the due date shall be the next regular business day on which the City Hall is open to the public, and

WHEREAS, the annual permit fee will be reviewed and reconciled annually to capture increases or decreases related to the administration of the compliance program. The permit is approved as a cost recovery and not revenue generating, any over or under payment will be reconciled annually and applied against future year cannabis permit fees.

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

that it hereby approves an update of the annual commercial cannabis permit fee billing cycle to align with the annual permit issuance and expiration date from a calendar year to fiscal year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-506

RESOLUTION APPROVING THE CREATION OF A NEW FUND TO TRACK OVERALL COST OF PROVIDING THE CANNABIS PROGRAM; AND AMENDING THE FISCAL YEAR 2023-24 OPERATING BUDGET TO REDUCE THE GENERAL FUND (0100) REVENUE AND EXPENSE BUDGETS IN THE AMOUNT OF $299,712 AND INCREASING THE REVENUE AND EXPENSE BUDGETS IN THE NEW CANNABIS FUND (1820) BY THE SAME AMOUNT, INCREASING THE TRANSFER OUT/IN BUDGETS BY $794,117 TO INCREASE THE TRANSFER FROM THE GENERAL FUND TO THE CANNABIS FUND, AND AMEND THE FISCAL YEAR 2023-24 MULTI-YEAR NON-CAPITAL PROJECT BUDGET TO CREATE A NEW PROJECT FOR THE CANNABIS EQUITY PROGRAM IN THE CANNABIS FUND AND TO TRANSFER ANY CURRENT CANNABIS EQUITY FUNDING TO THE NEW CANNABIS FUND; AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE NECESSARY STEPS TO CARRY OUT THE APPROVED ACTION

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria, and

WHEREAS, to track overall cannabis program, a new Cannabis Fund 1820 will be established, and

WHEREAS, the Cannabis Fund 1820 will house the Annual Commercial Cannabis Permit and the Cannabis Application Fee and any Cannabis related expenses to better manage the reconciliation to ensure any overcollection and/or under collection in one year will be passed on to the approved Cannabis businesses the following year, and

WHEREAS, new cost centers will be used to track the overall accounting for the Annual Commercial Cannabis Permit in Cost Center 14471 and the Cannabis Application Fee

in Cost Center 14472, and

WHEREAS, currently, the accounting for the Cannabis program is being tracked in the General Fund 0100 and after an audit of the Cannabis Cost Center 14470, a cumulative transfer amount of $794,117 will be made in Fiscal Year 23-24 between the General Fund 0100 and the new Cannabis Fund 1820 to account for the over-collection of the cannabis permit fees and excess revenues will be applied as a credit against the annual cannabis permits until the credit has been exhausted, and

WHEREAS, the annual permit fee will be reviewed and reconciled annually to capture increases or decreases related to the administration of the compliance program; any over or under payment will be reconciled annually and applied against future year cannabis permit fees; the permit fee was approved as a cost recovery and not revenue generating, and

WHEREAS, revenue and expenditure budgeted in the General Fund 0100 for the Annual Commercial Cannabis Permit and the Cannabis Application Fee for Fiscal Year 23-24 will be eliminated from the General Fund 0100 and will be established in the Cannabis Fund 1820, Cost Center 14471 Cannabis Annual Permit Fee Program and Cost Center 14472 Cannabis Permit Application Costs, and

WHEREAS, a new project residing in the new Cannabis Fund 1820 will be created to manage the Cannabis Equity Program based on the grant funding received to date; a transfer between the current cannabis equity grant project and new cannabis equity grant will occur in Fiscal Year 23-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of a new fund to track overall cost of providing the cannabis

program, amending the Fiscal Year 2023-24 Operating Budget to reduce the General Fund (0100) revenue and expense budgets in the amount of $299,712 and increasing the revenue and expense budget in the new Cannabis Fund (1820) by the same amount, increasing the transfer out/in budget by $794,117 to increase the transfer from the General Fund to the new Cannabis Fund, and amend the Fiscal Year 2023-24 multi-year non-capital project budget in the Cannabis Fund and to transfer any current Cannabis Equity funding to the new Cannabis Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to carry out the necessary steps to implement the necessary steps to carry out the approved action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-507

RESOLUTION APPROVING AN AGREEMENT WITH SPRYPOINT SERVICES, INC., CHARLOTTETOWN, P.E., BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE CITY OF AURORA, FOR UTILITY BILLING, RECEIVABLES AND CASHIERING SOFTWARE FOR A ONE (1) YEAR AGREEMENT, WITH (1) ONE-YEAR RENEWAL OPTION FOR AN ESTIMATED ANNUAL AMOUNT OF $423,960, AND A TOTAL AMOUNT NOT TO EXCEED $2,391,960 OVER TWO (2) YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto bills for water, sewer, storm drain, and garbage services for over 76,000 utility accounts monthly with over 900,000 bills going out annually, and

WHEREAS, the Utility Billing Division has used a premise-based software program since 1997 that was developed by Central Square Technologies, and the current system has reached its end of life with outdated technology, and

WHEREAS, on May 15, 2020, the City of Aurora, Colorado issued competitive solicitation #R-2048 for new Utility Billing software through the Rocky Mountain E-Purchasing System, and

WHEREAS, based vendor qualifications such as experience, technical solution, support, implementation approach, feature availability and functionality (including configuration options), and price, four (4) firms were selected as final candidates: Tyler Technologies, Itineris, Infor, and SpryPoint Services, and

WHEREAS, interviews and demonstrations were conducted for each firm and the City of Aurora issued a Best and Final Offer request to each firm; based on Best and Final Offers, the City of Aurora selected the top-ranked firm, SpryPoint Services, Inc, based on the above criteria, and

WHEREAS, there are several similarities between the City of Modesto system setup and the City of Aurora including Central Square Naviline, Selectron IVR, Badger Beacon, and ESRI ArcGIS; in addition, the City of Aurora utilizes the same consulting firm as the City, Shibumi Consulting, that will also play an integral role in a transition process, and

WHEREAS, SpryPoint Services meet the requirements of a new system for Utility Billing with integrated online customer portal and mobile field application for Water Division; smooth integration with Oracle GL and Selectron IVR phone system; embedded Customer Relationship Management (CRM) system as a cloud-based platform decreasing security risks to City; and

WHEREAS, there are estimated cost savings of $350,000 by utilizing SpryPoint Point of Sale (POS) citywide instead of purchasing new stand-alone for current end of life system, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality"; in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and by utilizing the City of Aurora competitive solicitation, the City is complying with the requirements defined under this code for utility billing software, and

WHEREAS, the City's Cashiering and Accounts Receivable systems are over twenty

years old and also in need of replacement and

WHEREAS, this project will include the replacement of our point of sale (POS) cashiering system and miscellaneous accounts receivable system at no additional cost as part of the SpryPoint software, and

WHEREAS, the annual estimated cost for software services is $423,960, for a two-year cost of $2,391,960 which includes an increase of 4% or CPI, whichever is greater, for annual maintenance and subscription costs, and contingency costs of $300,000, and

WHEREAS, the Utility Billing Division bills for $172,188,157 in revenues annually with an uncollectible rate of less than 1% putting the cost of software replacement at less than 1.5% of annual billed revenues, and

WHEREAS, funding for the expenses is currently budgeted in Project 101396 and a budget adjustment is not needed for the expenditure budget on the project, and

WHEREAS, a budget adjustment will be completed to establish the transfers from the various funds in the table above to Project 101396 with the actual transfer amount based on the actual expenditures in the fiscal year with the transfers coming from a reduction in the funds of the Non-Capital Improvement budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with SpryPoint Services, Inc., Charlottetown, P.E., by utilizing the Competitive Bid Process with the City of Aurora, for Utility Billing, Receivables and Cashiering Software for a one (1) year Agreement, with (1) one-year Renewal Option for an estimated annual amount of $423,960, and a total amount not to exceed $2,391,960 over two (2) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby

authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-508

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH CITIBOT, INC. OF CHARLESTON, SC FOR PROFESSIONAL SERVICES AND SOFTWARE SUBSCRIPTION IN THE AMOUNT OF $111,150 PLUS A 10% CONTINGENCY IN YEAR ONE OF $4,880 FOR A TOTAL AMOUNT NOT TO EXCEED $116,030 OVER THREE (3) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on date July 11, 2023, Council approved Resolution No. 2023-345 for the award of an agreement for redesigning and rebuilding the GoModesto application to Granicus, and

WHEREAS, the City of Modesto is in the process of refreshing its external website (www.modestogov.com) and its smart device application (GoModesto), and

WHEREAS, as part of these refresh efforts, staff intends to incorporate a generative artificial intelligence (AI) chatbot that will allow natural language queries to be submitted on the website and within the GoModesto application that will return natural language answers and/or take the individual to the requested webpage containing the data, and

WHEREAS, this offers an alternative way to find and retrieve desired information as opposed to clicking on buttons, drop-down menus, or tabs to find the same information, and

WHEREAS, after reviewing multiple generative AI chatbots, including those offered by our website host service, Civic Plus, and the GoModesto application provider, Granicus, staff agreed that the chatbot solution from Citibot was vastly superior at this time to any other available offerings, and

WHEREAS, Citibot, Inc. is the only company of its kind that has built, offered for sale, sold, and has active customers that connect an artificial intelligence driven conversational chatbot through text messaging (SMS) and web chat for local government websites, and

WHEREAS, it enables local governments to automate customer service functions and fully integrates into the Granicus OneView Customer Relationship Management software platform (the engine for the new GoModesto application), and

WHEREAS, Citibot takes the data generated through the conversations between the resident and Citibot to present an analytics platform back to the City for real time decision making and analysis on how the website and GoModesto application are used and what information is being sought, and

WHEREAS, the Citibot AI chatbot is already capable of integrating with our Civic Plus website, Granicus GoModesto application, and our Lucity work order tracking system, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, MMC § 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, City staff has determined that MMC § 8-3.204(b) applies to this proposed agreement with Citibot, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sole Source Agreement with Citibot, Inc. of Charleston, SC for Professional Services and Software Subscription in the amount of $111,150 plus a 10% contingency in year one of $4,880 for a total amount not to exceed $116,030 over three (3) years.

BE IT FURTHER RESOLVED that the City Manager or his designee are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-509

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC., OF WALNUT CREEK, CA, FOR THE RIVER TRUNK REHABILITATION PHASE 1 PROJECT IN THE AMOUNT OF $850,000, PLUS $85,000 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $935,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the River Trunk was originally constructed in the 1940s, and

WHEREAS, the River Trunk is approximately five miles long, and conveys flows from six major tributaries of the City's collection system, and

WHEREAS, a recent closed-circuit television (CCTV) inspection of the River Trunk found that sections of the pipeline needed immediate repair, and

WHEREAS, due to the magnitude and complexity of this project, and to increase efficiencies, staff has requested the use of a consultant to provide engineering services for the River Trunk Rehabilitation Phase 1 Project, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement as long as the City informally solicits competitive bids, and staff satisfied this requirement by proceeding through the Request for Proposal (RFP) Process pursuant to Administrative Directive 3.1, and

WHEREAS, an RFP was sent to four pre-qualified consultants for Engineering Design Services for Wastewater Capital Improvement Program Projects, and

WHEREAS, the selection committee evaluated the proposals and determined Carollo Engineers Inc., of Walnut Creek, CA to be the most qualified and responsive.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc., in the amount of $850,000, plus $85,000 in additional services (if needed), for a total amount not to exceed $935,000 for the River Trunk Rehabilitation Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-510

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $5,260,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE RIVER TRUNK REHABILITATION PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $5,260,000, in order to fund the River Trunk Rehabilitation Phase 1 Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $5,260,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-511

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC., OF WALNUT CREEK, CA, FOR THE RIVER TRUNK REALIGNMENT – PUMP STATION PROJECT IN THE AMOUNT OF $2,500,674, PLUS $250,068 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $2,750,742 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Collection System Master Plan (WWCSMP) identified key hydraulic and condition deficiencies in the City's wastewater collection system, and

WHEREAS, these conclusions were re-evaluated as part of the 2016 WWCSMP, and

WHEREAS, the River Trunk Realignment was one of the main priority projects identified in the 2016 WWCSMP and addresses deficiencies in the River Trunk, Sutter Trunks, and Beard Brook Siphon, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, staff evaluated these projects, and consideration was given to realigning the River Trunk away from its current location to an alternate route within the public right-of-way and replacing the Beard Brook Siphon with a gravity system, and

WHEREAS, additional consideration was given to realigning the Sutter Trunk to connect to the new River Trunk, and

WHEREAS, on April 1, 2014, by Resolution No. 2014-121, Council approved an Agreement with Carollo Engineers, Inc., (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for the Project, and

WHEREAS, on March 1, 2016, by Resolution No. 2016-125, Council approved an Agreement with Carollo for Final Design Services for the River Trunk Realignment Project, and

WHEREAS, the River Trunk Pump Station was originally designed to be located at a property owned by the Tuolumne River Regional Park (TRRP) near the intersection of B Street and 9th Street, and

WHEREAS, near the end of the design phase of the project, it was discovered that the property had a deed restriction due to grant funding that had been previously received from the State and Federal Governments, and

WHEREAS, on July 11, 2023, by Resolution No. 2023-357, Council approved the purchase of the property located at 131 9th Street, Modesto, and

WHEREAS, on September 18, 2023, staff received a revised proposal from Carollo Engineers, Inc., of Walnut Creek, CA for the redesign of the River Trunk Pump Station at the new location, and

WHEREAS, as the Engineer of Record, Carollo will be overseeing the Project Management, Field Investigations, Permitting, Easement Acquisition, Stakeholder Coordination, Development of Construction Documents, Constructability Review Assistance and Bid Phase Services necessary to relocate the River Trunk Pump Station from the original design site location to the City's newly acquired property located at 131 9th Street, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality," and

WHEREAS, it has been determined that contracting with Carollo will result in the lowest possible cost at the desired quality since Carollo did the initial design work for this project and is the Engineer of Record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc., in the amount of $2,500,674, plus $250,068 in additional services (if needed), for a total amount not to exceed $2,750,742 for the River Trunk Realignment – Pump Station Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-512

RESOLUTION DENYING THE APPEAL OF CODY ALKIRE AND AFFIRMING THE BOARD OF ZONING ADJUSTMENT DECISION DENYING A VARIANCE AT THE PROPERTY AT 219 N. MORTON BOULEVARD

WHEREAS, an application for a variance from the provisions of Section 10-4.406 (b) of the Modesto Municipal Code to permit existing fences and walls that exceed the maximum height within the required 7.5-foot street-side yard and 15-foot front yard setbacks for property located at 219 N. Morton Boulevard was filed by Cody Alkire on May 26, 2023; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on September 28, 2023, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Board of Zoning Adjustment found that there are not special circumstances or conditions applicable to this property, that strict application of the provisions of Title 10 would not deprive the applicant of practical use of the property, and that the granting of the variance will be inconsistent with the intent and purpose of Title 10 and will be detrimental to the neighborhood, and consequently denied the variance; and

WHEREAS, on October 6, 2023, Cody Alkire filed an appeal with the City Clerk of the City of Modesto to the decision of the Board of Zoning Adjustment denying the variance; and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on November 14, 2023, in the Tenth Street Place Chambers, located at

1010 Tenth Street, Modesto, California, at which time said public hearing was held, evidence both oral and documentary was received and considered.

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

1. There are no special circumstances or conditions applicable to this property or buildings in question which do not exist for other properties or building in the same zone and immediate vicinity. The property is a corner lot with its front yard facing Loma Vista Way, and its street-side yard facing Lane Street. Lane Street has a slope of approximately 10 percent (in the vicinity of the project site) which is similar to other east-west streets in the neighborhood. Additionally, there are approximately eighteen (18) other corner lots in the immediate vicinity of the project site. Of those eighteen (18) lots, only one lot is larger. Additionally, only one lot is uniquely shaped (Blk 239 lot -079) which is triangular. The subject parcel (while rounded at the corner of Lane Street and Loma Vista Way) is rectangular in shape.

2. Strict application of the provisions of Title 10 would not deprive the applicant of practical use of the property because the property is located within the La Loma Terrace subdivision which was subdivided in 1938. As such, Section 10-4.106 (Front and Street-side Setback) of the zoning Code applies. Specifically, on corner lots legally created prior to July 7, 1955, the minimum Street side setback for a dwelling, accessory building, or fencing is seven and one-half (7.5) feet. Lots created after July 7, 1955 require a Street side setback of fifteen (15) feet. Therefore, the special circumstance created due to the age of this subdivision has been addressed by the zoning code. There are no other special circumstances or conditions that would deprive the applicant of the practical use of the property or buildings.

3. The granting of this variance would be inconsistent with the intent and purpose of Title 10 and will be detrimental to the neighborhood because The property owner has built walls and fencing within the required street-side setback of seven and one-half (7.5) feet that range in height from 6.3-feet to approximately 9-feet. These walls exceed the maximum height by 2.7-feet up to 5.5-feet. Section 10-4.406 of the zoning code provides: (1) No wall or fence shall exceed eight (8) feet in height, unless additional height is required as a condition of a zone, variance, use permit, development plan review, parcel map, subdivision map, noise mitigation or other similar action; and, (2) No wall or fence shall exceed forty-two (42) inches within the front and street side yard areas. In the R-1 zone, the street side setback required for fences taller than forty-two (42) inches (3.5-feet) is ten (10) feet.

BE IT FURTHER RESOLVED by the City Council that the appeal of Cody Alkire of the Board of Zoning Adjustment's decision denying a variance to allow existing fences and walls that exceed the maximum height within the required 7.5-foot street-side yard and 15-foot front yard setbacks for property located at 219 N. Morton Boulevard, is hereby denied, and the Board of Zoning Adjustment's decision denying the variance is upheld, subject to the following conditions:

1. Within 60 days of the date of City Council action, the property owner shall either remove or submit a Modification Plan (Plan) to the Community and Economic Development Director (Director) for approval to modify all fences and walls located within the required front yard setback of fifteen (15) feet; and the required seven and one-half (7.5) foot street-side yard setback. The Plan must show how the fences and walls located within these areas will be modified so as not to exceed a maximum height of forty-two (42) inches, and shall show the proposed height of each wall or fence. Alternatively, the Plan may show that the walls and fences will be relocated outside of the required front yard setback of fifteen (15) feet and the required seven and one-half (7.5) foot street-side yard setback, and will not exceed a maximum height of eight (8) feet. Note: pursuant to Section 10-2.132 of Title 10, where the grade differ on each side of a fence or wall, the height of the fence or wall shall be measured from the higher grade. Once the Plan to modify the fences and walls is approved by the Director, the property owner shall obtain all required building permits for the fences and walls, and complete the work within six (6) months from the dates of the Director's approval.

2. If any walls or fences (or portions thereof) are located in the public right-of-way, the property owner shall indicate so in the Plan, and whether the walls or fences will be modified so as not to encroach into the public right-of-way; or that the property owner will apply for an encroachment permit from the City Engineering Department. Any necessary encroachment permits shall be applied for within 60 days of the date of the Director's approval of the Plan. All needed modifications shall be completed within six (6) months of the date of the Director's approval of the Plan.

3. The appellant shall, at their sole expense, defend, indemnify, and hold harmless the City of Modesto, its agents, officers, directors, and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to, payment of attorneys' fees

and costs, by reason of, or arising out of, this denial. The obligation to defend, indemnify, and hold harmless shall include but is not limited to, any action to arbitrate, attack, review, set aside, void, or annul this denial on any grounds whatsoever. The City of Modesto shall promptly notify the property owner of any such claim, action, or proceeding and shall cooperate fully in the defense.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

*Clerical Error

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-513

RESOLUTION APPROVING AN INCREASE IN GOLF GREEN FEES AT THE CITY OF MODESTO GOLF COURSES BY $2/ROUND EFFECTIVE JULY 1, 2024, WITH AN ANNUAL INCREASE OF $1/ROUND EACH YEAR FOR THE NEXT TWO YEARS, SUBJECT TO ANNUAL REVIEW, RESCINDING RESOLUTION NO. 2018-377

WHEREAS, the City owns, operates, and manages Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course (collectively "Municipal Golf Courses"; and

WHEREAS, on June 2, 2009, the City Council, by Resolution No. 2009-236, established new green fee rates at all Municipal Golf Courses; and

WHEREAS, on May 24, 2011, the City Council, by Resolution No. 2011-178, granted the Director of the Parks, Recreation and Neighborhoods Department the authority to offer or approve golf specials at the Municipal Golf Courses, restated the 2009 green fee rates, and rescinded Resolution No. 2009-236; and

WHEREAS, on September 4, 2018, the City Council, by Resolution 2018-377, approved an increase in Golf Green Fees by $2 per round effective September 20, 2018 with an annual inflator of $1 per round each year for four years subject to annual review, and rescinded 2011-178; and

WHEREAS, the initial $2 per round increase went into effect shortly after, and the first of the $1 per round increases went into effect July 1, 2019; and

WHEREAS, in 2020, the City courses were closed for several month due to the COVID pandemic; and

WHEREAS, the City opted not to implement the second $1 per round increase due to the uncertainty of its financial impact on Golf; and

*Clerical Error

WHEREAS, in July 2021, a partial increase to Green Fees was made to offset some of the increases in the cost of operations which included Punch Cards and Annual Passes; and

WHEREAS, the final increase to Green fees was made into effect on July 1, 2022 where all green fees were increased by $1 per round; and

WHEREAS, staff began discussions for an increase to Green fees based on the imminent increase to the Golf Landscape Maintenance Agreement as it was up for renewal at the end of 2023; increases in goods and services; and the increase in Golf Carts which doubled earlier this year; and

WHEREAS, staff found an increase of $4 per round over the next three years would lessen the impact of these increases; and

WHEREAS, staff compared the proposed Golf rates with nearby courses such as Swenson Ranch (Stockton), Manteca Park (Manteca), La Contenta (Valley Springs), River Oaks (Ceres), and Rancho Del Rey (Atwater) and found the City's rates comparable and mid-range with nearby Courses; and

WHEREAS, the Golf Courses Advisory Committee reviewed and approved the increase to green fees by $2/round effective July 1, 2024 with an annual inflator of $1/round each year for the next two years subject to annual review; and

WHEREAS, on October 9, 2023, the Safety & Communities Committee unanimously recommended a $2/round increase the first year with $1 per round increases, subject to annual review, over the next two years, be forwarded to Council; and

WHEREAS, the first increase shall commence on July 1, 2024, with subsequent increases, pending review, commencing on July 1st of each year 2025, and 2026; and

*Clerical Error

WHEREAS, said matter was set for public hearing of the City Council to be held at 5:30 p.m. on November 7, 2023, in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed golf green fees; and

WHEREAS, the Council of the City of Modesto finds that the new increased fees for play need to be established at the Municipal Golf Courses to help offset the rising cost of operating the golf courses.

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

1. RATES. The rates for players for Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course are hereby established as set forth in Exhibit "A" attached hereto and effective July 1, 2024.

Subsequent annual $1/round fee increases, pending review, shall be effective on July 1st, 2025, and 2026.

2. DISCOUNTS & SPECIAL RATES. The Parks, Recreation and Neighborhoods Director, or designee, may provide discounts of the established green fees and/or offer green fee packages to encourage rounds of golf at all the municipal golf courses. Annual Pass, Special Play, Play Day, Tournament, School Team, Holiday, League, or other special or promotional rates shall be established by the Contractor, with the written approval of the Parks, Recreation and Neighborhoods Director, or his or her designee.

*Clerical Error

3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

4. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veteran's Day (November 11th), Thanksgiving Day (the fourth Thursday in November), and the day after Thanksgiving. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

5. EFFECTIVE DATE. This resolution goes into effect and be in full force and operation on and after July 1, 2024.

BE IT FURTHER RESOLVED, Resolution No. 2018-377 is hereby rescinded effective July 1, 2024.

*Clerical Error

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

*Clerical Error

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULES
EFFECTIVE: July 1, 2024 - June 30, 2025

DRYDEN PARK MUNICIPAL GOLF COURSE	
Weekdays, 9-holes	$21.50
Weekdays, 9-holes (seniors/juniors/disabled)	$19.50
Weekdays, 18-holes	$28.00
Weekdays, 18-holes (seniors/juniors/disabled)	$25.00
Weekday,s 18-holes (juniors, after noon)	$21.00
Weekdays, Mid-day, 18-holes	$24.00
Weekdays, Super-Twilight, 18-holes	$18.00
Weekdays, Replay	$17.00
Weekends/Holidays, 9-holes	$23.50
Weekends/Holidays, 18-holes	$34.00
Weekends/Holidays, 18-holes (juniors, after noon)	$23.00
Weekends/Holidays, Mid-day, 18-holes	$27.00
Weekends/Holidays, Super-Twilight, 18-holes	$21.00
Weekends/Holidays, Replay	$20.00
Punch Card, 20/40 Rounds - 18/9-holes	$480.00
Punch Card, 20/40 Rounds - 18/9-holes (seniors)	$440.00
Punch Card, 10/20 Rounds - 18/9-holes	$260.00
Punch Card, 10/20 Rounds - 18/9 -holes (seniors)	$240.00
Youth on Course	$5.00

CREEKSIDE MUNICIPAL GOLF COURSE	
Weekdays, 9-holes	$22.50
Weekdays, 9-holes (seniors/juniors/disabled)	$20.50
Weekdays, 18-holes	$31.00
Weekdays, 18-holes (seniors/juniors/disabled)	$27.00
Weekdays, 18-holes (juniors, after noon)	$22.00
Weekdays, Mid-day, 18-holes	$25.00
Weekdays, Super-Twilight, 18-holes	$19.00
Weekdays, Replay	$18.00
Weekends/Holidays, 9-holes	$25.50
Weekends/Holidays, 18-holes	$38.00
Weekends/Holidays, 18-holes (juniors, after noon)	$25.00
Weekends/Holidays, Mid-day, 18-holes	$29.00
Weekends/Holidays, Super-Twilight, 18-holes	$23.00
Weekends/Holidays, Replay	$21.00
Punch Card, 20/40 Rounds - 18/9-holes	$480.00
Punch Card, 20/40 Rounds - 18/9-holes (seniors)	$440.00
Punch Card, 10/20 Rounds - 18/9-holes	$260.00
Punch Card, 10/20 Rounds - 18/9 -holes (seniors)	$240.00
Youth on Course	$5.00

ANNUAL PASS (All Courses)
$1,800 / Year

(Restrictions Apply)

Approved by Modesto City Council
Resolution No. 2023-513
14-Nov-23

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-514

RESOLUTION APPOINTING JIM STOKES TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) FOR A FOUR-YEAR TERM BEGINNING ON JANUARY 1, 2024 THROUGH DECEMBER 31, 2027

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

WHEREAS, Jim Stokes, meets the requirements of the position and is willing to serve on the Citizen's Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on September 28, 2023, and recommended appointment of Jim Stokes to the Citizen's Housing and Community Development Committee.

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

1. Jim Stokes, is hereby appointed to the Modesto Citizen's Housing and Community Development Committee with a term expiration of December 31, 2027.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Citizen's Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-515

RESOLUTION APPOINTING DAVID SEYMOUR, BABETTE WAGNER, AND CHERYL LOPINA TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH TERMS EXPIRING DECEMBER 31, 2027

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

WHEREAS, Landmark Preservation Commissioner Naramsen Goriel's term expired on December 31, 2022; and

WHEREAS, Landmark Preservation Commissioner Will Crew's term expired on December 31, 2022; and

WHEREAS, Landmark Preservation Commissioner Patrick Cavanagh's term expired December 31, 2020; and

WHEREAS, the Appointments Committee met on November 2, 2023, and recommended the appointments of David Seymour, Cheryl Lopina, and Babette Wagner to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints David Seymour, who has experience in Real Estate, History, Law and/or Planning, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2027.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby appoints Babette Wagner, who has an interest in historic properties and preservation, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2027.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it herby appoints Cheryl Lopina, who has experience in Real Estate, History, Law and/or Planning, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto 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 5th day of December, 2023, by Councilmember Escutia-Bratton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-516

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount $50,000 is necessary to increase the budget transfers and expense budgets for project 101411 – 1208 9th Street Center for Human Services (CHS) Youth Housing Project for staff expenses providing oversight to close the project. This aspect of the project is funded by Permanent Local Housing Assistance Funds (PLHA). A transfer out from project 101377 – PLHA Funding Year 2 Allocation will also need to be budgeted. There is no impact to the General Fund.

- A budget adjustment is needed to increase the revenue budget in project 101377 – Permanent Local Housing Assistance (PLHA) Funding Year 2 Allocation to a total of $1,507,287 and changing the project program expenses to transfers to the projects being funding. The total grant amount was originally budgeted in project 101377, but the budget had been moved and split between the projects that this grant is funding. For tracking purposes, it will be preferable for the grant to be tracked in one project, 101377, and record budget transfers to the projects in which the grant expenses are incurred. Projects that would have the revenue changed to transfers include 1208 9th Street Center for Human Services (CHS) Youth Housing (101411), James St Housing (101412), Vine Street Housing Project (101185) and the 7th Street Village Housing (101493). There are no changes to the expense budgets for these projects.

- A budget adjustment in the amount of $2,000,000 is necessary to budget a transfer grant funds from Fund 1130/Community Block Development Grants (CDBG) to project 101493 – 7th Street Village Housing Project. This project was approved by Council with Reso 2023-422, however the language identifying this transfer out was not included.

FINANCE

- A budget adjustment in the amount of $1,459,000 is necessary in the Inventory Purchase Fund (5110) Litt location for the anticipated part and price increases (Brass and additional Registers) that are being requested for Stores to bring in for upcoming Water Projects which were not anticipated as part of the original budget. Registers replacements have drastically increased due to these parts reaching their useful life and must be repaired immediately to ensure the accuracy of the utility bills.

- A budget adjustment in the amount of $223,000 is necessary in the Inventory Purchase Fund (5110) for the Jefferson location. This request is being derived from the department volume and part price increases not anticipated as part of the original budget. In addition, the Stores Division is seeing and are correlated to requests for additional parts by various City departments.

ENGINEERING SERVICES DEPARTMENT-MEASURE L

- A budget adjustment is necessary to allocate higher than anticipated revenues to various Measure L projects. The total amount of the adjustment is $800,000. Each project will have an increase in the transfer out from Fund 1410 – Measure L Local Road Tax (if

applicable) to the project and an increase to the projects discretionary expense accounts. Below is the adjustment to each project.

Project Number	*Project Name*	*Amount for Adjustment*
Local Streets and Roads Category		
New Project	Claus Road Complete Street Grant	$50,000
Traffic Management Category		
New Project	Install RRFB at 10 Locations	$500,000
101482	SS4A Action Plan	$50,000
New Project	Advance School Beacon Installation	$200,000
	Total Increase to Projects	**$800,000**
	Total Transfer Out from Fund 1410	**$800,000**

- A budget adjustment in the amount of $1,048,607 is necessary in Project 101063 - Pelandale Ave. Int. - Phase 2 in the Capital Grants – Streets CIP Projects Fund (3160). The adjustment will increase the transfer out from the Streets Capital Facility Fee Fund (3410) to the project and increase the project expenditure budget. As part of the adjustment two project expenditure budgets are being reduced within the Streets Capital Facility Fee Fund, Project 100046 – Pelandale Interchange at SR99 is being reduced by $184,000 and Project 100632 – Right Turn Lane McHenry to Briggsmore is being reduced by $864,607. Both projects have been completed and the funding is no longer needed from Fund 3410.

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of $199,037 is necessary in the Non-Capital Multi-Year Project 101251 (PRN – Modesto Center Plaza (MCP) Deferred Maintenance) in Fund 4700 (Community Center Operations Funds) to match the current budget revenue in the project. The Fiscal Year 2023-24 budget included the transfer in from the General Fund to the project but did not increase the expenditure budget for the project. This adjustment will increase the expenditure budget so that it matches and balances the revenue currently on the project.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 23-24 for the activity through September 2023. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
1709	Surface Transportation Fleet Replacement	$110,581
4109	Water Fund Fleet Replacement	$113,706
	Total Transfer Outs	**$224,287**
5409	Transfer In – Fleet Management Fleet Replacement	$224,287

Total Transfer Ins	**$224,287**

A budget adjustment is necessary to establish a transfer in the amount of $110,581 from the Surface Transportation Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 15.0 truck with dump.

A budget adjustment is necessary to establish a transfer in the amount of $113,706 from the Water Fund Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) ¾ ton truck with utility.

- A budget adjustment in the amount of $265,000 is necessary in the Special Aviation Fund (4320) Project 101544 – Aviation Feasibility Study project in Fiscal Year 2023-2024 to fund the consulting services for a feasibility study for a potential runway extension of the Modesto Airport's primary runway 28R. The current length of 5904' to expand to a length of 7000'-7500'. As part of the adjustment, the transfer from the County Aircraft Tax Fund (4330) to the project will be established as well.

UTILITIES

- A budget adjustment in the amount of $50,000 is necessary in the Water CIP Fund (4180) to increase the expense budget of Project 101536 – Grayson/Westley Regional Surface Water Study. This project will fund a feasibility study on the viability of surface water supply for the Grayson/Westley area. Due to the urgent need to pay for invoices in the project, a budget adjustment in the amount of $50,000 was completed on the City Manager's authority. The adjustment will increase the budget by an additional $50,000 for a total project budget of $100,000.

- A budget adjustment in the amount of $218,000 is necessary in the Non-Capital Multi-Year Project 101396 – Utility Biling Software in the Water Fund (4100) to budget for the utility billing software agreement. In addition to the project expenditure budget being increased, transfers are needed to the project to account for their portion of the software. The following transfer outs to the project are being established. The transfer from the General Fund will come from savings within the current operating budget.

Fund	**Transfer Out to Project 101396**
Sewer Fund (4210)	$688,800
Storm Drain Fund (4480)	$59,040
General Fund (0100)	$275,520
Total	**$1,023,360**

POLICE DEPARTMENT

- A budget adjustment in the amount of $200,000 is needed in the 2023-2024 Supplemental Law Enforcement Services Fund (SLESF) Project (101539) in the Police Grants Fund (1342) to increase the expense and revenue budget to account for State revenues and offsetting expenditures.

- A budget adjustment in the amount of $580,000 is needed in the Police Grants Fund (1342) for Project 101540 – 2024 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant. The adjustment will recognize grant revenue and establish the discretionary expenditure accounts. The Modesto Police Department was awarded the grant per Grant #PT24120 and the budget appropriation is in place to expend the funds for eligible grant program categories per the grant agreement.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-517

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY SERVICES, EXTENDING THE EXPIRATION DATE TO JUNE 30, 2024 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 1, 1999, the City of Modesto and the County of Stanislaus entered into the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services ("Agreement"), creating a joint powers agency for the purpose of providing dispatch services, and

WHEREAS, on August 23, 2016, Modesto and the County entered into the First Amendment to the Agreement, amending the Term and Termination sections to make clear that the Agreement would continue until terminated by either Modesto or the County pursuant to Section 6 of the Agreement, and

WHEREAS, Section 6.1 was amended to require that any Member can terminate the Agreement at any time by providing a written notice of intent to terminate at least twenty-four (24) months in advance of the desired termination date, and

WHEREAS, pursuant to Section 6.1 of the Agreement, in October 2021, Modesto provided the Consolidated Emergency Dispatch Agency Commission and the County with written notice of intent to terminate the Agreement, effective January 1, 2024, and

WHEREAS, Modesto and the County agree to extend the Agreement to June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the fourth amendment to the Joint Exercise of Powers Agreement

between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services extending the expiration date to June 30, 2024, **attached** hereto as **Exhibit 1**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES

This Fourth Amendment to the Joint Exercise of Powers Agreement ("Fourth Amendment") is made by and between the City of Modesto ("Modesto"), a charter city and municipal corporation in the State of California, and the County of Stanislaus ("County"), a political subdivision of the State of California as of _____, 2023.

RECITALS

WHEREAS, on September 1, 1999, Modesto and the County entered into the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services ("Agreement"), creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 23, 2016, Modesto and the County entered into the First Amendment to the Agreement, amending the Term and Termination sections to make clear that the Agreement would continue until terminated by either Modesto or the County pursuant to Section 6 of the Agreement. Section 6.1 was amended to require that any Member can terminate the Agreement at any time by providing a written notice of intent to terminate at least twenty-four (24) months in advance of the desired termination date; and

WHEREAS, pursuant to Section 6.1 of the Agreement, in October 2021, Modesto provided the Consolidated Emergency Dispatch Agency Commission and the County with written notice of intent to terminate the Agreement, effective January 1, 2024; and

WHEREAS, Modesto and the County agree to extend the Agreement to June 30, 2024.

NOW, THEREFORE, Modesto and the County hereby agree as follows:

AGREEMENT

1. Section 5 "Term," Subsection 5.1, of the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services ("Agreement"), is hereby amended to read as follows:

"5.1 This Agreement shall become effective as of September 1, 1999, and shall continue in full force and effect until June 30, 2024, unless Modesto and the County mutually agree to extend the Agreement."

2. Section 6, "Termination," of the Agreement, is hereby amended to read as follows:

"6. Termination.

6.1 This Agreement shall terminate on June 30, 2024 ("Termination Date"), unless Modesto and the County mutually agree to extend the Agreement.

6.2 All indebtedness, claims, and liabilities incurred by the Agency shall be fully and completely satisfied on or before the Termination Date. Modesto and the County shall work in good faith to reach an agreement on any obligations incurred by the Agency and on the distribution of assets between Modesto and the County as required under the Agreement on or before the Termination Date.

6.3 All property owned by the Agency shall be distributed equally to Modesto and the County, unless otherwise approved by the Agency and each Member, on or before the Termination Date."

3. All other terms and conditions in the Agreement shall remain in full force and effect to the extent they are not in conflict with this Fourth Amendment.

4. The signatures of Modesto and the County to this Fourth Amendment may be executed and acknowledged on separate pages or in counterparts, which when attached to this Fourth Amendment, shall constitute one complete Fourth Amendment.

IN WITNESS WHEREOF, Modesto and the County have executed this Fourth Amendment on the day and year first above written.

CITY OF MODESTO

_____
Joseph P. Lopez, City Manager

Date:_____

Approved as to Form:

_____
Jose M. Sanchez, City Attorney

Date:_____

COUNTY OF STANISLAUS

_____
Jody Hayes, Chief Executive Officer

Date:_____

Approved as to Form:

_____
Thomas E. Boze, County Counsel

Date:_____

5482943.4

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-518

RESOLUTION APPROVING AN AGREEMENT WITH RAILPROS OF IRVINE, CA, TO PROVIDE QUIET ZONE CONSULTING SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED $304,949, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in 2005, the Federal Railroad Administration (FRA) issued 49 CFR Parts 222 and 229, the Final Rule on Use of Locomotive Horns at Highway-Rail Grade Crossings (Final Rule). The purpose of the rule is to mandate a federal requirement for the sounding of locomotive horns at all public highway-rail grade crossings; and

WHEREAS, in accordance with the Final Rule, locomotive horn sounding is not required if each public highway-rail grade crossing is equipped with Supplemental Safety Measures (SSMs) within the proposed quiet zone. SSMs are safety measures that have been determined by the FRA to adequately compensate for the lack of a locomotive horn; and

WHEREAS, the establishment of a quiet zone does not result in total elimination of all train horn noise. The Final Rule allows for the locomotive engineer to sound the locomotive horn to provide a warning to vehicle operators, animals, pedestrians, trespassers, or crews on other trains in an emergency situation if, in the locomotive engineer's sole judgment, such action is appropriate in order to prevent imminent injury, death or property damage; and

WHEREAS, in 2012, staff was directed to study the possibility of establishing Quiet Zones along portions of three railroads that operate within the City of Modesto: Union Pacific Railroad (UPRR), Modesto & Empire Traction and Burlington Northern Santa Fe Railroad (BNSF); and

WHEREAS, on July 5, 2016, via motion, the Modesto City Council accepted a quiet zone diagnostic report along the UPRR within the downtown area. The 2016 report outlined three (3) options for establishing a quiet zone in downtown along six (6) crossings, ranging from $2.5MM to $3.9MM; and

WHEREAS, the establishment of railroad quiet zones in the Downtown area continues to be a priority strategic goal for the City to ensure safe, efficient, and reliable infrastructure while also improving the quality of life for community members; and

WHEREAS, since the acceptance of the 2016 report, one (1) million dollars in American Rescue Plan Act (ARPA) funding has been allocated to the quiet zone project with additional alternative funding sources being pursued amongst local partnerships, state grants, and Federal railroad programs; and

WHEREAS, in 2023 City Staff undertook reestablishing the Downtown Quiet Zone initiative with the first step being reanalyzing the current state of the downtown railroad crossings that were identified in the 2016 diagnostic report; and

WHEREAS, on July 20, 2023, the City issued a Request for Proposals No. INF24-02 for Professional Services for Railroad Quiet Zone Feasibility Study and Establishment; and

WHEREAS, Railpros was selected as the most qualified candidate to provide quiet zone consulting services following a competitive request for proposal process. Railpros exclusively engages in railroad related engineering projects with direct experience working on five (5) quiet zone projects in California; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual

services to follow the formal bid procedures. This award conforms to the bid requirements because an RFP was issued and this entity was selected as a result of a formal competitive process; and

WHEREAS, following the award of an agreement the primary scope of work activities will include developing a feasibility study for implementing the quiet zone and then coordinating these details and proposed improvements with key stakeholders.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the Agreement with RailPros of Irvine, CA, to provide quiet zone consulting services, for a total amount not to exceed $304,949.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-519

RESOLUTION APPROVING THE ANNEXATION OF PROPERTY (ANNEXATION #1) INTO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2021-1 (WOODGLEN) AND AUTHORIZING THE LEVY OF A SPECIAL TAX UPON THE ANNEXATION AREA

WHEREAS, the Woodglen Specific Plan Area approved in July 2013, and annexed to the City of Modesto in January 2014, encompasses approximately 80 acres, and is bounded by Pelandale Avenue on the south, Carver Road on the west, Bangs Avenue on the north, and Tully Road on the east; and

WHEREAS, on June 3, 2019, the Planning Commission approved the Woodglen Tentative Subdivision Map to facilitate 367 single-family residential lots, two open space/storm basin lots, one park lot, and ten landscape lots; and

WHEREAS, on June 1, 2021, by Resolution No. 2021-196, the City Council declared the intention to establish CFD No. 2021-1 (Woodglen) and to authorize the levy of a special tax. The formation map was recorded on June 10, 2021; and

WHEREAS, on July 6, 2021, by Resolution No. 2021-268, the City Council approved the formation of Modesto Community Facilities District No. 2021-1 (Woodglen). The initial formation boundary of CFD 2021-1 (Woodglen) consisted of approximately 41.25 acres, and identified areas for future annexation into CFD 2021-1 (Woodglen); and

WHEREAS, in July 2023, The Fitzpatrick Company filed a completed application package requesting that certain parcels be annexed into CFD No. 2021-1 (Woodglen); and

WHEREAS, annexation #1 will consist of APNs 046-007-048, 046-007-049, 046-007-050 and 046-007-052, totaling approximately 24.62 acres. These parcels are within

the future annexation area as demonstrated in the initial formation boundary map. The Fitzpatrick Company and Modesto Roselle, LLC are the owners; and

WHEREAS, the parcels to be annexed were included in those designated for future annexation to CFD 2021-1 (Woodglen) at the time of initial formation; and

WHEREAS, because these parcels to be annexed were included in those designated for future annexation to CFD 2021-1 (Woodglen) at the time of initial formation, the parcel can be annexed with the unanimous approval of the owners, without needed to follow all of the formalities and take all of the steps required when CFD 2021-1 (Woodglen) was initially formed; and

WHEREAS, facilities and services to be provided by CFD No. 2021-1 (Woodglen), encompass transportation and traffic improvements, maintenance for landscaped lots, tree pruning, masonry wall maintenance, neighborhood park maintenance, storm drain basin maintenance; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, a map entitled "Boundary of Proposed Annexation #1 to the City of Modesto Community Facilities District No. 2021-1, City of Modesto, County of Stanislaus, State of California" (Annexation Map No. 1), showing the boundary of the Subject Property, has been filed with the City Clerk and a copy thereof presented to Council at the December 5, 2023 meeting; and

WHEREAS, pursuant to Section 53339.8 of the Mello-Roos Act, the Unanimous

Approval Forms request that the City execute and record a notice of special tax lien pertaining to the Subject Property in the official records of the County Recorder; and

WHEREAS, this City Council wished by this resolution to approve and direct the recordation of Annexation Map No. 1; and to direct, as soon as practicable following the recordation of Annexation Map No.1, the preparation, execution and recordation of the Notice of Special Tax Lien, with provision to cross-reference the recorded Annexation Map No. 1.

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

1. The above recitals are true and correct.

2. The City Council hereby approves Annexation Map No. 1 and authorizes and directs the City Clerk to cause the execution and recordation thereof in the official records of the County Recorder in accordance with the provisions of Section 3113 of the California Streets and Highways Code.

3. The City Council hereby levies the Special Tax on the property located within Annexation Map No. 1 and directs the City Clerk, following the recordation of Annexation Map No. 1, to cause the preparation, execution and recordation of the Notice in the official records of the County Recorder in accordance with the provisions of Section 53339.8 and Streets and Highways Code section 3114.5 (b). Upon recordation of the Notice the Subject Property shall be subject to the levy of the special tax of CFD No. 2021-1 in accordance with the rate and method of apportionment of special tax for said CFD No. 2021-1, as approved by the Resolution of Formation and **attached** thereto as **Exhibit B** thereof.

4. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-268

RESOLUTION DECLARING FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2021-1 (WOODGLEN), CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN AND CONDITIONALLY ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on February 9, 2021 pursuant to a petition filed by Redrock Ranch, LLC, a California Limited Partnership, (the "Petitioner") this City Council adopted Resolution No. 2021-196 (the "Resolution of Intention") stating its intention to form City of Modesto Community Facilities District No. 2021-1 (Woodglen) (the "Community Facilities District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth a description of the proposed boundaries of the Community Facilities District, the services to be financed by the Community Facilities District, the rate and method of apportionment of special tax proposed to be levied within the Community Facilities District, and setting a public hearing to consider this matter, on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing on July 6, 2021; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District and authorize the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolutions; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District and the levy of special taxes and were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and the proposed special taxes to be levied within the Community Facilities District was not precluded by a majority protest of the type described in Government Code Section 53324, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District and the levy of the special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in **Attachment A** hereto and (ii) the establishment of an appropriations limit for the Community Facilities District.

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

1. The above recitals are true and correct.

2. A community facilities district designated "City of Modesto Community Facilities District No. 2021-1 (Woodglen)" is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

3. The boundaries of the Community Facilities District and the proposed future annexation areas to the Community Facilities District are established as shown on the map designated "Boundary Map of Proposed City of Modesto Community Facilities District No. 2021-1 (Woodglen)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 6, at Page 23, as Instrument No. 2021-0055698.

4. The facilities and services authorized to be paid for by the Community Facilities District are those set forth in Appendix A to the Resolution of Intention (the "Facilities and Services").

5. It is the intention of the City Council, subject to the approval of the qualified electors of the Community Facilities District, to levy the proposed special

taxes at the rates set forth in **Attachment A** hereto on all non-exempt property within the Community Facilities District sufficient to pay for (i) the Facilities, (ii) the Services, and (iii) the other costs including forming the Community Facilities District and administering the levy and collection of the special tax and all other administrative costs related to the special tax levy. The City expects to incur, and in certain cases has already incurred, incidental expenses in connection with the creation of the Community Facilities District, the levying and collecting of the annual facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The rate and method of apportionment of special tax is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that **Attachment A** contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property. Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence

of delinquency or default by the owner of any other parcel or parcels within the Communities Facilities District.

a. The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in **Attachment A**, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the rate and method of apportionment of special tax **attached** hereto as **Attachment A**.

7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

9. Written protests against the establishment of the Community Facilities District have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

10. Subject to voter approval required by the Act, the annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established at $1,000,000.

11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

12. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing

regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(WOODGLEN)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2021-1 (Woodglen) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with an SFD Unit.

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to the CFD, including, but not limited to, levying and collecting Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative

Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.

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

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

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"Certificate of Occupancy" means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential or non-residential use.

"CFD" means the City of Modesto Community Facilities District No. 2021-1 (Woodglen).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property that are not Taxable Owners Association Property or Taxable Public Property for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

"Development Class" means, individually, Developed Property, Taxable Owners Association Property, and Taxable Public Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of Residential Units without further subdivision of the lots.

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

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a Special Tax, levied and collected in full by the City prior to issuance of a Certificate of Occupancy on Taxable Property. Notwithstanding the foregoing, if the City determines that a building on a Parcel of Taxable Property has been occupied and no Certificate of Occupancy was issued for such building, the One-Time Facilities Special Tax for the Parcel shall be immediately due and payable.

"Other Property" means, in any Fiscal Year, all Parcels of Developed Property within the CFD that are not Single Family Property, as defined herein.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Proportionately" means, for each Development Class, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an SFD Unit, or an individual attached residential unit within a duplex, triplex, fourplex, townhome, or condominium structure. An Accessory Dwelling Unit that shares a Parcel with an SFD Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued for: (i) construction of an SFD Unit, or (ii) construction of a residential structure consisting of two or more Residential Units that share common walls, have separate Assessor's Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor's Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Residential Units are purchased and subsequently offered for rent by the owners of the Residential Units), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Special Tax Category" means one of the categories of land uses for which a Special Tax amount is set forth in Table 1 of Section C below.

"Taxable Owners Association Property" means, in any Fiscal Year, any Parcel of Owners Association Property that satisfies both of the following conditions: (i) based on reference to the Tentative Map, the Parcel was not anticipated to be Owners Association Property, as determined by the Administrator; and (ii) if the Parcel were to be exempt from the Annual Maintenance Special Tax because it is Owners Association Property, the City has determined that there would be a reduction in Annual Maintenance Special Tax revenues that would create a deficit in funding for Authorized Services.

"Taxable Property" means all of the Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section G below.

"Taxable Public Property" means, in any Fiscal Year, any Parcel of Public Property that satisfies both of the following conditions: (i) based on reference to the Tentative Map, the Parcel was not anticipated to be Public Property, as determined by the Administrator; and (ii) if the Parcel were to be exempt from the Annual Maintenance Special Tax because it is Public Property, the City has determined that there would be a reduction in Annual Maintenance Special Tax revenues that would create a deficit in funding for Authorized Services.

"Tentative Map" means the Woodglen Tentative Subdivision Map approved by the City Council pursuant to Resolution 2013-261, including any adjustments or amendments thereto.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property that are not Developed Property, Taxable Owners Association Property, or Taxable Public Property, as defined herein.

"Welfare Exemption Property" means, in any Fiscal Year, any Parcels in the CFD that have received a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ADMINISTRATION OF THE SPECIAL TAXES

Each Fiscal Year, the Administrator shall: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) for Developed Property, categorize each Parcel as Single Family Property or Other Property; (iii) for Other Property, determine the Acreage of each Parcel; and (iv) determine the Annual Maintenance Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Annual Maintenance Special Taxes for the property affected by recordation of the parcel map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Annual Maintenance Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

The Maximum Special Taxes for a Parcel of Developed Property can be determined by reference to Table 1 below.

Table 1
Maximum Special Taxes
Developed Property

Special Tax Category	Maximum Annual Maintenance Special Tax Fiscal Year 2021-22 *	Maximum One-Time Special Tax Fiscal Year 2021-22 *
Single Family Property	$898 per Residential Unit	$990 per Residential Unit
Other Property	$9,714 per Acre	$10,709 per Acre

* Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

2. *Taxable Owners Association Property and Taxable Public Property*

The Maximum Annual Maintenance Special Tax for Taxable Owners Association Property and Taxable Public Property is $9,714 per Acre for Fiscal Year 2021-22, which amount shall increase on July 1, 2022, and each July 1 thereafter by the Escalation Factor. No One-Time Facilities Special Tax shall be levied on Taxable Owners Association Property or Taxable Public Property.

3. *Undeveloped Property*

No Special Taxes shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. *Escalation of Special Taxes*

1a. One-Time Facilities Special Tax

Beginning July 1, 2022 and each July 1 thereafter, the Maximum One-Time Facilities Special Taxes identified in Table 1 above shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

1b. Annual Maintenance Special Tax

Beginning July 1, 2022 and each July 1 thereafter, the Maximum Annual Maintenance Special Taxes identified in Table 1, and the Maximum Annual Maintenance Special Tax assigned to each Parcel in the CFD, shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

2. *Conversion of a Parcel of Public Property to Private Use*

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, the Parcel shall be subject to the levy of Special Taxes. The Administrator shall determine the applicable Maximum Special Taxes for each such Parcel.

2. *Expiration or Cancellation of Welfare Exemptions*

If, in any Fiscal Year, a Parcel that had in prior Fiscal Years been categorized as Welfare Exemption Property no longer has a welfare exemption in place, the Parcel shall be subject to the levy of Special Taxes. The Administrator shall determine the applicable Maximum Special Taxes for each such Parcel.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in the CFD and shall be collected as set forth in Section F below.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement to be collected in that Fiscal Year. The Annual Maintenance Special Tax shall then be levied according to the following steps:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Developed Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

F. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to issuance of a Certificate of Occupancy for any residential or non-residential structure within the CFD and shall be immediately delinquent if not so paid. Notwithstanding the foregoing, if the City determines that a building on a Parcel of Taxable Property has been occupied and no Certificate of Occupancy was issued for such building, the One-Time Facilities Special Tax for the Parcel shall be immediately due and payable to the City.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected unless and until the City determines that the Annual

Maintenance Special Tax no longer needs to be levied to pay Authorized Services and all Administrative Expenses have been reimbursed.

G. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Taxes shall be levied in any Fiscal Year on the following:

(1) Public Property, except Taxable Public Property.

(2) Owners Association Property, except Taxable Owners Association Property.

(3) Welfare Exemption Property

(4) Parcels owned by a public utility for an unmanned facility.

(5) Parcels subject to an easement that precludes any other use on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this RMA that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-520

RESOLUTION ACCEPTING THE JENNINGS WATER QUALITY CONTROL PLANT NEW ENTRANCE AND EXIT PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING $3,533,015 TO T&S INTERMODAL MAINTENANCE INC., D.B.A. T&S WEST OF LINDEN, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the entrance to the city's Jennings Road Water Quality Control Plant (Jennings Plant) was located off Jennings Road, adjacent to Turlock Irrigation District's (TID) Westport Drain and only allowed one-way traffic into the plant; and

WHEREAS, this entrance serves both the Jennings Plant and the Public Works' Compost Facility. The plant's existing exit roadway only allowed for one-way traffic out; and

WHEREAS, the entrance had limited line of sight for vehicles entering from the southbound lane due to the entrance being at the tail-end of the road bend; and

WHEREAS, the limited line of sight did not allow the plant's entrance to come into view before the road bend; and

WHEREAS, vehicles must reduce their speed enough to negotiate the bend and then make an immediate right turn into the facility; and

WHEREAS, this immediate transition into a right turn at the tail-end of the road bend can be hazardous, especially in foggy conditions; and

WHEREAS, the new entrance and exit are now located south of the plant's entrance at the existing exit roadway and will allow vehicles to safely enter and exit the two facilities; and

WHEREAS, the exit roadway was widened to allow two-way traffic (entrance and exit) and includes a traffic signal; and

WHEREAS, the new entrance and exit will assist in keeping the Jennings Plant's operations traffic separate from the compost facility traffic; and

WHEREAS, on June 27, 2017, by Resolution No. 2017-247, Council approved an agreement with O'Dell Engineering Inc., in the amount of $154,385 for Design Services for the Jennings Plant New Entrance and Exit Project; and

WHEREAS, bids were advertised on March 11, 2020, and were publicly opened on June 6, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and T&S Intermodal Maintenance, Inc., d.b.a. T&S West., of Linden, California, was the apparent lowest responsible and responsive bidder; and

WHEREAS, on July 07, 2020, by Resolution 2020-300 Council awarded a contract to T&S Intermodal Maintenance Inc., d.b.a. T&S West. in the amount of $3,652,785; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of October 5, 2020. All contract work was completed on December 21, 2021; and

WHEREAS, the total project costs were $4,118,164 which included design, construction, and construction administration costs. The total project amount originally budgeted was $4,804,699, which included $4,091,119 for the construction contract and contingency with T&S Intermodal Maintenance Inc., d.b.a. T&S West; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, and on September 27, 2023, by Resolution No. 23-405, established a contract

change order authority of eight percent (8%) for construction contracts of this dollar value; and

WHEREAS, however, given the nature of this project being a highly traveled rural road that will involve road closures, installation of a traffic signal and relocation of TID utility poles, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($292,223) of the contract amount of $3,652,785. On July 7, 2020 by Resolution 2020-301, Staff requested authorization to increase the contract change order budget to 12% ($438,334) due to the size of the project and the unknown challenges; and

WHEREAS, there were seventeen change orders on this project with an overall decrease of $119,771; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Jennings Water Quality Control Plant New Entrance and Exit project as complete, releasing securities, releasing payments totaling $3,533,015 to T&S Intermodal Maintenance Inc., d.b.a. T&S West of Linden, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
RECUSE:	Councilmembers:	Bavaro
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-521

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PARK TURF REDUCTION, PHASE 1 PROJECT, AND AWARDING A CONSTRUCTION CONTRACT TO MARINA LANDSCAPE, INC., OF ORANGE, CA, IN THE AMOUNT OF $342,445 PLUS $34,245 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $376,690 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in June of 2022, the California State Legislature amended the Budget Act of 2021 allocating $545 million in additional funding to the Department of Water Resources (DWR) for the purpose of awarding drought relief grants that would provide water to communities that are facing the loss, or contamination of their water supplies, to address immediate impacts on human health and safety, to secure the future of California's water supply and to protect fish and wildlife resources; and

WHEREAS, on February 14, 2023, by Resolution 2023-60, Council authorized staff to apply for the 2022 Urban Community Drought Relief Program through the Department of Water Resources (DWR); and

WHERAS, the City was notified in June of 2023 that the grant application was successful and that funding of $3,359,922 would be awarded to the City; $800,000 for the Turf Replacement Customer Rebate Program and $2,559,922 for the Park Turf Replacement Project; and

WHEREAS, through the Park Turf Replacement Project, the City proposes to remove and replace approximately 16 acres of non-functional turf grass at 21 parks with drought tolerant and permeable groundcover for an estimated water savings of approximately 21 million gallons of water annually; and

WHEREAS, Phase 1 of the Park Turf Reduction Project will remove

approximately 2.95 Acres of turf at four parks (Orchard Park, Moran Estates Park, East La Loma Park and Chrysler Park); and

WHEREAS, the Phase 1 project was advertised for bids on August 14, 2023; and

WHEREAS, bids were publicly opened on September 12, 2023, pursuant to City Charter Section 1307, and five bids were received; and

WHERAS, Marina Landscape, Inc., of Orange, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid; and

WHERAS, the award of contract for the construction of the Park Turf Reduction, Phase 1 Project, to Marina Landscape, Inc., of Orange, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the contract to Marina Landscape, Inc. of Orange, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Park Turf Reduction, Phase 1 Project, and awards a construction contract to Marina Landscape, Inc., of Orange, CA, in the amount of $342,445 plus $34,245 in contingency (if needed), for a total amount not to exceed $376,690.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-522

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101555 (PRN – 2022 URBAN DROUGHT RELIEF PROGRAM) IN AN AMOUNT NOT TO EXCEED $3,359,922 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FULLY FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 101555 – PRN – 2022 Urban Drought Relief Program, in a total amount of $3,359,922 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101555 (PRN – 2022 Urban Drought Relief Program) in an amount not to exceed $3,359,922 in transfers, revenue and to budget expenditures to fund the projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-523

RESOLUTION APPROVING AN AGREEMENT WITH VERDE DESIGN, INC. TO PREPARE CONSTRUCTION DOCUMENTATION FOR THE MARY E. GROGAN PARK SYNTHETIC TURF REPLACEMENT PROJECT FOR A TOTAL AMOUNT OF $80,000, PLUS $8,000 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $88,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Mary E. Grogan Park is a 43-acre master planned Community Park that is located on City-owned property in the Village One Community Planning Area, in northeast Modesto; and

WHEREAS, in Phase 1, approximately twenty-eight (28) acres of the Community Park have already been constructed, which includes seven (7) lighted soccer fields enclosed with a perimeter fence and gates, of which three (3) are synthetic turf fields; and

WHEREAS, these three (3) synthetic turf fields are heavily utilized throughout the year for various local and regional soccer tournaments, as well as seasonal youth soccer leagues; and

WHEREAS, the sports complex is the largest of its kind in Modesto and hosts several regional soccer tournaments annually; and

WHEREAS, the Mary E. Grogan Community Park Synthetic Turf Replacement Project will replace the existing three (3) synthetic turf fields with new synthetic turf as well as include related repairs to the existing irrigation and drainage systems as needed; and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for

Capital Projects", staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, on July 25, 2023, the City's Parks Planning and Development Division issued a Request for Proposals (RFP) #PRN-23-06 for professional design consulting services to prepare the construction documents for the Mary E. Grogan Community Park Synthetic Turf Replacement project; and

WHEREAS, on August 15, 2023, staff received two (2) consultant proposals; and

WHEREAS, a consultant selection committee was formed, and after a thorough review of the RFP responses, the committee determined that Verde Design, Inc., is the most qualified to design the Mary E. Grogan Community Park Synthetic Turf Replacement project; and

WHEREAS, based on the results of the RFP, staff recommends Council approve an agreement with Verde Design, Inc., in the amount of $80,000 to design the Mary E. Grogan Community Park Synthetic Turf Replacement project; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of $8,000 to allow for additional services that may be required due to unforeseen conditions, delays, or expenses, for an agreement total not to exceed $88,000; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement; however, staff proceeded with the RFP process pursuant to Administrative Directive 3.1.

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

that it hereby approves an agreement with Verde Design, Inc., to prepare construction documentation for the Mary E. Grogan Park Synthetic Turf Replacement Project for a total amount of $80,000, plus $8,000 for additional services, if needed, for an agreement total not to exceed $88,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-524

RESOLUTION APPROVING AN AGREEMENT WITH TODD GROUNDWATER, OF ALAMEDA, CA FOR THE GROUNDWATER SUSTAINABILITY PLAN UPDATE AND ANNUAL REPORTING, IN THE AMOUNT OF $1,813,273, PLUS $181,328 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,994,601 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 which requires, among other items, the formation of Groundwater Sustainability Agencies (GSA) and the preparation of a Groundwater Sustainability Plan (GSP), and

WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council elected to enter into a Memorandum of Understanding with the member agencies of the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) to form a GSA, and

WHEREAS, on August 14, 2018, by Resolution No. 2018-340, Council approved an Agreement with Todd Groundwater for the development of a GSP for the Modesto Subbasin, for a total amount not to exceed $1,616,225, and

WHEREAS, on June 28, 2023 a Request for Qualifications/Proposals was formally advertised through Planet Bids by the City on behalf of the STRGBA GSA, for the Groundwater Sustainability Plan Update and the preparation of Groundwater Annual Reports, and

WHEREAS, two (2) Statements of Qualifications/Proposals were received through the Planet Bid procurement process, and

WHEREAS, after careful review of the Statements of Qualifications/Proposals by a selection committee comprised of STRGBA GSA member agency representatives;

Todd Groundwater, of Alameda, CA was selected as the most qualified to provide consulting services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. The approval of an Engineering Services Agreement with Todd Groundwater, of Alameda, CA for the Groundwater Sustainability Plan Update and Annual Reporting conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services and at least three proposals were publicly solicited through the City's public bidding website, PlanetBids, and

WHEREAS, the STRGBA GSA has agreed to enter into an Equitable Project Cost Sharing and Reimbursement Agreement to equally cover the costs associated with the Todd Groundwater Agreement over six years.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Todd Groundwater, in the amount of $1,813,273, plus $181,328 in additional services (if needed), for a total amount not to exceed $1,994,601 for the Groundwater Sustainability Plan Update and Annual Reporting Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-525

RESOLUTION APPROVING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION – GROUNDWATER SUSTAINABILITY AGENCY EQUITABLE PROJECT COST SHARING AND REIMBURSEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 which requires, among other items, the formation of Groundwater Sustainability Agencies (GSA) and the preparation of a Groundwater Sustainability Plan (GSP), and

WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council elected to enter into a Memorandum of Understanding with the member agencies of the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) to form a GSA, and

WHEREAS, on August 14, 2018, by Resolution No. 2018-340, Council approved an Agreement with Todd Groundwater for the development of a GSP for the Modesto Subbasin, for a total amount not to exceed $1,616,225, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualifications and Proposals (RFQ/RFP) was formally advertised through Planet Bids by the City on behalf of the STRGBA GSA on June 28, 2023, for the Groundwater Sustainability Plan Update and the Preparation of Groundwater Annual Reports, and

WHEREAS, after careful review of the Statements of Qualifications/Proposals by a selection committee comprised of STRGBA GSA member agency representatives Todd

Groundwater, of Alameda, CA was selected as the most qualified to provide consulting services, and

WHEREAS, the STRGBA GSA has approved an Agreement with Todd Groundwater, in the amount of $1,813,273, plus $181,328 in additional services (if needed), for a total amount not to exceed $1,994,601 for the Groundwater Sustainability Plan Update and Annual Reporting, and

WHEREAS, the STRGBA GSA has agreed to enter into an Equitable Project Cost Sharing and Reimbursement Agreement to equally cover the costs associated with the Todd Groundwater Agreement over six years, and

WHEREAS, the governing board for each local agency will authorize the execution of the cost sharing agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Stanislaus and Tuolumne Rivers Groundwater Basin Association – Groundwater Sustainability Agency Equitable Project Cost Sharing and Reimbursement Agreement for the Groundwater Sustainability Plan Update and the Preparation of Annual Reports.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-526

RESOLUTION AMENDING THE FISCAL YEAR 2023/24 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $2,174,601 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISION OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $2,174,601, in order to fund the Groundwater Sustainability Plan Update and Annual Reporting Project, and

WHEREAS, the Fiscal Year 2023/24 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023/24 Multi-Year Program Budget in the amount of $2,174,601.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-527

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH WEST YOST ASSOCIATES, OF DAVIS, CA, FOR THE CHICAGO-PARADISE AREA STRENGTHEN AND REPLACE WATER MAINS PROJECT IN THE AMOUNT OF $1,031,757, PLUS $103,176 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $1,134,933 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Chicago-Paradise Area has deficient water mains that are undersized, lack pressure, and are prone to leaks, and

WHEREAS, the Chicago-Paradise Area Strengthen and Replace Water Mains Project will replace and upgrade water mains, associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, a Request for Proposal (RFP) was sent to four pre-qualified consultants for Engineering Design Services for Water Capital Improvement Program Projects, and

WHEREAS, the selection committee evaluated the proposals and determined West Yost Associates, of Davis, CA to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities, and

WHEREAS, the approval of an Engineering Services Agreement with West Yost Associates for the Chicago-Paradise Area S&R Water Mains Project conforms to

Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services and at least three informal proposals were obtained.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, in the amount of $1,031,757, plus $103,176 in additional services (if needed), for a total amount not to exceed $1,134,933 for the Chicago-Paradise Area Strengthen and Replace Water Mains Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-528

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $12,815,417 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES TO FUND THE CHICAGO-PARADISE AREA STRENGTHEN AND REPLACE WATER MAINS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $12,815,417, in order to fund the Chicago-Paradise Area Strengthen and Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of $12,815,417.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-529

RESOLUTION APPROVING THE PURCHASE OF 4,320 SQUARE FEET OF REAL PROPERTY LOCATED AT 5132 SOUTH AVENUE, EMPIRE, CA 95319 OWNED BY STANISLAUS REGIONAL HOUSING AUTHORITY FOR $26,073, PLUS $10,000 IN CLOSING COSTS, TO BE USED FOR THE WELL 312 TREATMENT & FLUSHLINE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION

WHEREAS, the Empire Service Area is located in the far southeastern corner of the City of Modesto's contiguous water service area and was originally part of the Del Este Water Company, and

WHEREAS, the existing water service area is largely provided by five groundwater wells and is supplemented by treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, in the Fall of 2016, one of the five wells in the Empire Service Area, Well 312, was turned off due to exceeding the maximum contaminant levels (MCL) for 1,2,3-Trichlorpropane (TCP), and

WHEREAS, in order to decrease the MCL levels of TCP and meet State regulations, granular activated carbon (GAC) treatment is required, and

WHEREAS, upon further research, title reports showed the Well 312 site existing within a 50'x50' easement, on real property, owned by the Stanislaus Regional Housing Authority, a California public agency, and

WHEREAS, the Well 312 Treatment System and Flushline Project requires a site expansion to account for the required GAC treatment vessels, and

WHEREAS, an appraisal prepared by Colliers International Valuation & Advisory Services, on May 22, 2023, appraised the value of the property at $26,073, and

WHEREAS, the City Council has determined that $26,073 is a fair and reasonable price for the property.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of 4,320 square feet of real property located at 5132 South Avenue, Empire, CA owned by the Stanislaus Regional Housing Authority for $26,073, plus $10,000 in closing costs, to be used by the Utilities Department for the Well 312 Treatment System and Flushline Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Purchase Agreement, in a form approved by the City Attorney, and negotiate minor changes that the City Manager deems appropriate.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute all related documents required to complete the transaction and take all other actions necessary to carry out the purpose and intent of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-530

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR MATERIAL HAULING SERVICES TO SEKHON AND SON TRUCKING, INC. OF MODESTO, CA AND CALIFORNIA MATERIALS INC. OF STOCKTON, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $475,000 AND A TOTAL AMOUNT NOT TO EXCEED $2,375,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Public Works and Utilities Departments require material hauling services for asphalt, dirt, asphalt grindings, rock, road base material and concrete, and

WHEREAS, compost, sewer, storm drain, water and street construction operations generate large amounts of materials that must be transported to and from the jobsite, and

WHEREAS, this usually requires multiple large tractor-trailer end dumps to haul the material away where it is stockpiled for recycling or reallocation, and

WHEREAS, these services are also needed for the delivery of new materials to the jobsite, and

WHEREAS, City departments do not have the trucks or the staffing to haul large amounts of materials when needed, and

WHEREAS, on July 10, 2018, by Resolution 2018-295, Council approved a two-year agreement with three one-year extension options with Destination Anywhere of Tracy, CA and California Materials, Inc. of Stockton, CA for an annual cost of $364,500 and a total combined cost not to exceed $1,900,846 over five years, and

WHEREAS, on May 9, 2023, the Director of Finance approved a first amendment to the agreement with Destination Anywhere, and California Materials extending the

approved end date by six months to a new end date of January 21, 2024. There was no increase in spending authority, therefore the combined cost through January 31, 2024, remained at a cost not to exceed $1,900,846, and

WHEREAS, on May 19, 2023, the Purchasing Division issued Invitation for Bids (IFB) No.2223-24, Material Hauling Services on the City's website, and

WHEREAS, on June 20, 2023, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. An award of bid and agreement for material hauling services to Sekhon and Son Trucking, Inc. and California Materials, Stockton, CA conforms to the Modesto Municipal Code, because the City complied with the formal bid procedures and both vendors were the lowest responsive and responsible bidders, and

WHEREAS, City staff recommends an award of bid and agreement for material hauling services to Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials, Inc. of Stockton, CA for a two (2) year agreement with three (3) one-year extension options.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement for Material Hauling Services to Sekhon and Son Trucking, Inc. of Modesto, CA and California Materials, Inc., Stockton, CA for an estimated annual amount of $475,000 and a total not to exceed $2,375,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-531

RESOLUTION APPROVING AN AGREEMENT WITH OLEA NETWORKS, INC, BEE CAVE, TX FOR LARGE COMMERCIAL WATER METER HEALTH ANALYTIC SOFTWARE AND TECHNOLOGY FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENTION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF $340,000 AND A TOTAL AMOUNT NOT TO EXCEED $1,500,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City must comply with the State Water Resources Control Board Water Code, Section 10608.34, which requires the State Water Board to develop water loss performance standards for urban retail water suppliers, and

WHEREAS, Executive Order B-37-16, making water conservation a way of life, directs the State Water Board and Department of Water Resources to minimize water waste through system leaks, and

WHEREAS, beginning in 2017, SB 555 requires the City to submit a validated water loss report for the previous year. These audits estimate distribution system losses due to leaks, bursts, billing, or meter inaccuracies and theft using the system's total water supply and actual consumption volumes, and

WHEREAS, in 2022, the Water Division engaged Olea Networks, Inc. (Olea) to conduct a pilot deployment of Meter Health Analytics (MHA) on twenty-five (25) large meters throughout the City, and

WHEREAS, throughout the pilot, it was found that of the twenty-five meters being monitored, fourteen large meters were identified and diagnosed with performance issues and prioritized for repair, and

WHEREAS, this technology has been demonstrated to have a significant positive impact on water loss reduction, water conservation, billing accuracy and revenue,

reducing customer disputes, improving maintenance processes and response times, and asset and knowledge management, and

WHEREAS, Olea will provide a detailed analysis of installed meters from site surveys, deployment of devices, data collection and detailed results related to specific failure modes, and

WHEREAS, the Water Division would like to expand the pilot program to monitor the Meter Health Analytics (MHA) of 200 large, commercial, and industrial water meters, pressure reducing valves and shut-off valves, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, MMC Section 8-3.204 (b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, additionally, MMC 8-3.204 (d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, Olea Network is the original equipment manufacturer and sole proprietor of the Smart Water Revenue System and all related components, software, and processes. Therefore, this purchase qualifies for exemption from the formal bidding procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement of Large Commercial Water Meter Health Analytic Software and Technology for a two-year Agreement with three one-year extension options for an annual estimated amount of $340,000 and a total amount not to exceed $1,500,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-532

RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO REPLACE THE 2015-2023 HOUSING ELEMENT WITH THE 2023-2031 HOUSING ELEMENT, CHAPTER IV OF THE GENERAL PLAN AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO MAKE ALL NON-SUBSTANTIVE CHANGES TO THE HOUSING ELEMENT TO MAKE IT INTERNALLY CONSISTENT OR TO ADDRESS ANY NON-SUBSTANTIVE CHANGES OR AMENDMENTS REQUESTED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO ACHIEVE STATE CERTIFICATION OF THE HOUSING ELEMENT, AND THAT SUCH CHANGES BY THE CITY MANAGER SHALL NOT CHANGE THE POLICY OF THE CITY OR INCLUDE ANY LEGISLATIVE ACTION

WHEREAS, Government Code Section 65300 et. seq. requires the legislative body of each city and county to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, a General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan" (UAGP) was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code; and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-100, 2022-193, and 2022-449, copies of which are on file in the office of the City Clerk; and

WHEREAS, the State of California requires each city to include in its General Plan a Housing Element, which must be updated every eight years pursuant to Government Code Section 65580 et. seq.; and

WHEREAS, said Housing Element must demonstrate that a city has accommodated a certain number of dwelling units to house people of different income levels per Regional Housing Needs Allocation (RHNA) process; and

WHEREAS, the City of Modesto has proposed an Amendment to the General Plan for the purpose of updating the Housing Element in compliance with the State of California Government Code Section 65302 and in conformance with the Housing Element Guidelines as established by the California Department of Housing and Community Development (HCD); and

WHEREAS, the City of Modesto has submitted a draft 6th Cycle Housing Element for the period of 2023-2031 to the Department of Housing and Community Development on July 31, 2023; and

WHEREAS, after preliminary consultation with representatives from the Department of Housing and Community Development (HCD), city staff have created, made publicly available, and submitted a revised draft of the 6th Cycle Housing Element on October 23, 2023, in order to respond to initial comments made by HCD representatives; and

WHEREAS, a comment letter from the Department of Housing and Community Development was received on October 30, 2023, identifying needed revisions to the Housing Element; and

WHEREAS, on November 6, 2023, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to replace the Housing Element, Chapter IV; and

WHEREAS, after said public hearing, the Planning Commission, by Resolution No. 2023-xx, recommending to the City Council an amendment to the Modesto Urban Area General Plan to approve the 2023–2031 Housing Element replacing the 2015–2023 Housing Element, Chapter IV of the General Plan; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 5, 2023, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan, and

WHEREAS, the City Council certifies it has received and reviewed Environmental Assessment No. EA/C&ED 2023-18, which concludes that the proposed amendment is exempt from additional review under the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15283 of the CEQA Guidelines along with Section 65584(g) of the Government Code, and consequently no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan as described in **Exhibit "A", attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby determines that adoption of the proposed amendment to the Modesto Urban Area General Plan, pursuant to Sections 15061(b)(3) and 15283 of the CEQA Guidelines along with Section 65584(g) of the Government Code, is exempt from further CEQA review. The proposed Housing Element does not rezone any property, change the intensity of any allowed uses, authorize any project not already authorized, or itself change any regulations regarding development. Accordingly, it can be seen with certainty that there is no possibility that the passage of the General Plan amendments may have a significant effect on the environment, the project is not subject to CEQA.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the proposed amendment to the Urban Area General Plan as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby determines that, based on substantial evidence in the record, including but not limited to: documentation of planned and realized densities of recent and proposed developments, potential of affordable housing in coexistence with institutional uses, the size of suitable development areas and pockets of land on nonvacant sites, large increases in residential land values, continued high market demand for residential units and desire to situate in the Modesto community, conservatively low development yields and redevelopment assumptions; that there is sufficient space on non-vacant sites identified in the sites inventory to accommodate Modesto's Regional Housing Needs Allocation (RHNA) to support infill development and that the existing uses on said non-vacant sites identified in the sites inventory to accommodate Modesto's RHNA obligations are likely

to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or designee to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department of Housing and Community Development to achieve state certification of the Housing Element, and that such changes by the City Manager shall not change the policy of the City or include any legislative action.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of the Community and Economic Development Department is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

City of Modesto Housing Element (2023-2031)

HCD Review Draft #3

November 3, 2023

City of **MODESTO**

Housing Element 2023-2031

CITY OF MODESTO CALIFORNIA

Table of Contents

INTRODUCTION 1

Purpose and Content 1
Relationship to Other Elements and Plans 1
Public Participation 1
Summary of Comments Received 4
Public Review Period 5

REVIEW OF PAST ACCOMPLISHMENTS 3

Housing Production 3
No Net Loss and Adequate Sites 4

Effectiveness at Assisting Special Needs Populations 4
Homeowner Repair Assistance Program 4
Seniors 5
Persons with Disabilities 5
Persons Experiencing Homelessness 5
Accessibility Improvements 9

Evaluation of Previous Housing Element Programs 10

HOUSING NEEDS ASSESSMENT 43

Projected Housing Needs 44
Demographic Characteristics 44
Population Trends 44
Age Composition 45
Race and Ethnicity 47
Employment Trends 49
Household Characteristics 51

Housing Stock Characteristics 57
Housing Age and Condition 60
Median Home Sale Prices 62
Rental Prices 64
Vacancy Rates 66
Overpayment and Overcrowding 66

Preservation of Units At Risk of Conversion 69
Qualified Entities 70
Inventory of At-Risk Units 70
Preservation Options 71
Federal Programs 73

State Programs *74*
Local Programs *74*
Preservation and Monitoring of Affordable Units *75*
Quantified Objectives *75*

Special Housing Needs 75
Farmworkers *78*
Large Households *80*
Female-Headed Households *83*
Persons Experiencing Homelessness *85*
Disabilities *87*
Elderly Persons *91*
Extremely Low-Income Housing Needs *94*

Summary of Housing Needs 97

AFFIRMATIVELY FURTHERING FAIR HOUSING 99

Introduction 99
Public Outreach 99
Outreach Activities *100*
Organizations Consulted *100*
Housing Element Update Website *101*
Stakeholder Focus Groups *102*
Housing Element Survey *102*
Community Workshops *103*
Meetings with Community Organizations *103*
Findings *104*

Assessment of Fair Housing 104
City Overview *104*
Fair Housing Enforcement and Outreach Capacity *114*

Integration and Segregation 118
Race and Ethnicity *118*
Income *123*
Familial Status *132*
Persons with Disabilities *136*
Findings *139*

Racially and Ethnically Concentrated Areas of Poverty and Affluence 140
R/ECAPs *140*

Racially or Ethnically Concentrated Areas of Affluence (RCAAs) 144
Disparities in Access to Opportunities 144
California Tax Credit Allocation Committee (TCAC) *144*

Economic Indicators *145*
Education Indicators *146*
Environmental Indicators *149*
TCAC Composite Score *150*
Access to Opportunities, Regional Comparisons *154*
Transportation *156*
CalEnviroScreen 4.0 ..... *159*
Findings *162*

Disproportionate Housing Needs 162
Substandard Housing *162*
Overcrowding *167*
Homelessness *169*
Displacement *173*
Findings *175*

Other Contributing Factors 176
Land Use History *176*
Patterns of Annexation *177*

Fair Housing Issues, Contributing Factors, and Meaningful Action 179

CONSTRAINTS ON HOUSING 200

Governmental Constraints 200
Locally Adopted Ordinances *200*
General Plan *201*
Zoning Ordinance *204*
Density Bonus *215*
Modesto Landmark Preservation Ordinance *216*

Providing For A Variety of Housing Types 216
Accessory Dwelling Units *217*
Senate Bill 9 ..... *218*
Emergency Shelters *218*
Low Barrier Navigation Centers *220*
Manufactured Homes *220*
Supportive and Transitional Housing *220*
Farmworker and Employee Housing *221*
Single-Room Occupancy Units *221*

Development Review and Permitting Procedures 222
Growth Management Initiative Ordinance *222*
Permit Processing and Entitlement Review Procedures *223*
Planning, Building, and Development Impact Fees *229*
Transparency of Development Standards *234*

SB 35 Approval Procedure *234*
Housing for Persons with Disabilities *235*
Building Code *238*
Code Enforcement *238*
On- and Off-Site Improvement Requirements *238*

Nongovernmental Constraints 239
Requests to Develop Below the Anticipated Density *239*
Cost and Availability of Land *239*
Construction Costs *240*
Availability of Financing *241*
Environmental and Infrastructure Constraints *241*

SITES AND RESOURCES 249

Land Inventory 249
Housing Allocation *249*
Realistic Capacity *250*
Assumed Affordability *258*
Environmental and Infrastructure Constraints *259*
Entitled and Pending Projects *262*
Accessory Dwelling Units *268*
Ability to Meet the RHNA *270*
Opportunity Site Details *278*

Financial Resources 313
Administrative Resources *313*
Countywide Programs *313*
Statewide Programs *314*
California Emergency Solutions and Housing (CESH) Program *315*
Federal Programs *315*

GOALS, POLICIES, AND PROGRAMS 318

Housing Goals and Policies 318
Housing Production *318*
Housing to Meet the Needs of All Income Levels and Special Needs Groups *318*
Removal of Governmental Constraints *319*
Conserve, Preserve, and Improve the Housing Stock *319*
Affirmatively Further Fair Housing *319*
Community Engagement and Outreach *320*

Quantified Objectives 320
Housing Programs 321

APPENDIX A: SITES INVENTORY MAP 357

APPENDIX B: SITES INVENTORY LIST 358

APPENDIX C: OUTREACH 406

List of Tables

Table 1: 5th Cycle Housing Production 4
Table 2: City Allocated Funding 6
Table 3: Review of 5th Cycle Programs 11
Table 4: City of Modesto RHNA, 2023–2031 44
Table 5: Regional Population Change, 2010–2020 45
Table 6: Regional Annual Average Population Growth, 2000–2020 45
Table 7: Population Age Distribution, Modesto 46
Table 8: Racial and Ethnic Composition, Modesto 48
Table 9: Employment Trends, Modesto 49
Table 10: Number of Households, 2000–2020 52
Table 11: Regional Average Household Size 52
Table 12: Household Size, Modesto, 2010–2020 54
Table 13: Regional Family Household Characteristics, 2010–2020 54
Table 14: Household Size by Tenure, Modesto, 2020 55
Table 15: Median Household Income by Tenure 55
Table 16: Income Range by Affordability Level Based on State Area Median Income, 2021 56
Table 17: Household Income Level by Tenure, 2019 56
Table 18: Regional Housing Units, 2000–2020 57
Table 19: Unit Size by Tenure, Modesto, 2020 58
Table 20: Regional Housing Inventory by Unit Type 59
Table 21: Housing Building Type by Tenure, Modesto, 2021 60
Table 22: Units Lacking Plumbing or Complete Kitchen Facilities, 2021 61
Table 23: Year Housing Built, Modesto 62
Table 24: Housing Tenure by Date of Occupancy, Modesto 62
Table 25: Zillow Home Value Index, Neighboring Jurisdictions 64
Table 26: Regional Median Monthly Rent, 2010–2020 64
Table 27: Affordable and Fair Market Rent for Low-Income Households (2023) 65
Table 28: Regional Occupancy Rates 66
Table 29: Gross Rent as a Percentage of Household Income, 2021 67
Table 30: Overpayment by Income Level and Tenure, 2019 67
Table 31: Overcrowding and Severe Overcrowding by Tenure 69
Table 32: Units At Risk of Conversion 71
Table 33: Replacement Cost 72
Table 35: Overview of Special Needs Groups, Modesto, 2020 76
Table 36: Inventory of Services for Special Needs Populations 76
Table 37: Modesto Farmworker Wages 78
Table 38: Number of Farmworkers and Farms, Stanislaus County, 2017 79
Table 39: Large Households by Tenure, 2020 81
Table 40: Income Distribution, Large Households 81

Table 41: Large Households by Housing Problems and Tenure, Modesto, 2019 82
Table 42: Female-Headed Households by Tenure, Modesto, 2020 84
Table 43: Female-Headed Households by Poverty Status, Modesto, 2020 84
Table 44: Regional Homeless Population....85
Table 45: Homeless Facilities in Modesto 87
Table 46: Population with Developmental Disabilities by Residence 90
Table 47: Valley Mountain Regional Center, Developmental Disabilities by Type, 2019....91
Table 48: Regional Household by Age, 2020....92
Table 49: Median Household Income for Elderly Households, 2020....92
Table 50: Income Distribution, Elderly Households, 2019 93
Table 51: Elderly People with Disabilities, 2020 93
Table 52: Elderly Households by Housing Problems and Tenure, 2019 94
Table 53: Overcrowding by Income Level 95
Table 54: Extremely Low-Income Households with Housing Problems, Modesto, 2019....96
Table 55: Comparison of Fair Housing with Respect to Location.... 109
Table 56: Fair Housing Complaints by Jurisdiction (2014-2019).... 116
Table 57: Dispute Cases by Race in Modesto, 2015-2023.... 117
Table 58: Dispute Calls by Income Category in Modesto, 2015-2023.... 117
Table 59: Opportunity Indicators 156
Table 60: Overcrowding by Tenure (2019).... 169
Table 61: Homeless Population by Jurisdiction (2020-2023).... 170
Table 62: Shelter Facilities in or Adjacent to Modesto.... 171
Table 63: Camp2Home Services Provided 173
Table 64: Contributing Factors 179
Table 65: AFFH Action Matrix.... 182
Table 66: General Plan Land Use Designations and Density Guidance 203
Table 67: Residential Zone Districts Development Standards.... 206
Table 68: Zones Allowing Residential Uses Development Standards (Commercial/Industrial Zones) 207
Table 69: Parking Requirements 209
Table 70: Downtown Master Plan Area Development Standards.... 211
Table 71: Comparison of Development Standards of Recent Projects 214
Table 72: Allowed Residential Uses Under the Zoning Code.... 217
Table 73: Typical Permit and Entitlement Processing Times 224
Table 74: Comparison of Planning Fees.... 230
Table 75: Infrastructure and Impact Fees 231
Table 76: CFD Facility and Maintenance Fees.... 231
Table 77: Vacant Lot Sales in Modesto (2022-2023) 240
Table 78: Disposition of Home Loans (2020).... 241
Table 79: City of Modesto 2023-2031 RHNA.... 249
Table 80: 2023–2031 RHNA Buffer Calculation 250

Table 81: Example Project Densities 252
Table 82: Assumed Yields 258
Table 83: Densities, Affordability, and Implementing Zones 259
Table 84: Entitled and Pending Projects 264
Table 85: ADU Construction Per Year 268
Table 86: ADU Affordability Distribution Recommendations in California 269
Table 87: ADU Affordability Assumptions 270
Table 88: RHNA Capacity and Buffer 270
Table 89: Affordable Housing Development Funding and Efforts 274
Table 90: Vacant Site Capacity by Zone 279
Table 91: Non-Vacant Site Capacity by Zone 280
Table 92: Non- Vacant Development Trend Sites 281
Table 93: Mixed-Use and PD Capacity 283
Table 94: MU-P and MU-H Zones, and Related P-D Amended Parcels – Assumed RHNA Units 284
Table 95: Test Fit Lots and Rezone Lots 292
Table 96: Non-Vacant Site Favorable Redevelopment Characteristics 297
Table 97: Quantified Objectives 320
Table 98: 6th Cycle Housing Element Programs 322

List of Figures

Figure 1: Regional Population by Age Distribution, 2020 47
Figure 2: Regional Racial/Ethnic Composition, 2021 49
Figure 3: Regional Employment by Industry, 2021 50
Figure 4: Regional Employment by Occupation, 2021 51
Figure 5: Regional Household by Size, 2021 53
Figure 6: Regional Home Prices Over Time, 2015-2022 63
Figure 7: Regional Median Rental Prices, 2010-2020 65
Figure 8: Female-Headed Households 83
Figure 9: Disability by Type 89
Figure 10: Disability by Number of Types by Age 89
Figure 11: Census Tracts and RHNA Sites 106
Figure 12: Fair Housing Complaints (2014-2019) 116
Figure 13: Racial and Ethnic Majority (2021) 119
Figure 14: Percentage of the Population that is Non-White (2020) 121
Figure 15: Percent Non-White Comparison of RHNA Units 122
Figure 16: Racial/Ethnic Dissimilarity Index (2000-2020) 123
Figure 17: Low to Moderate Income Population and RHNA Sites (2021) 125
Figure 18: Low to Moderate Income Population Comparison of RHNA Units 126
Figure 19: Households per Income Level, 2021 127

Figure 20: Median Household Income, 2021 129
Figure 21: Poverty Status (2010-2014 and 2015-2019) 130
Figure 22: Housing Choice Voucher Recipients by Tract (2021) 131
Figure 23: Percent of Children in Married Couple Households by Tract (2015-2019) 133
Figure 24: Percent of Children in Female-Headed Households and RHNA Sites by Tract (2017-2021) 135
Figure 25: Female Headed Households Comparison of RHNA Units 136
Figure 26: Disability Characteristics by Age Group, Modesto (2019) 137
Figure 27: Population of Persons with Disability by Tract (2010-2014 and 2017-2021) 138
Figure 28: Population with a Disability Comparison of RHNA Units 139
Figure 29: R/ECAPs in the City and Vicinity 143
Figure 30: Presence of a R/ECAP Comparison of RHNA Units 144
Figure 31: TCAC Opportunity Areas - Economic Score by Tract (2023) 146
Figure 32: TCAC Opportunity Areas - Education by Tract (2021) 148
Figure 33: TCAC Opportunity Areas - Environmental by Tract (2021) 150
Figure 34: Site Inventory and TCAC Composite Score by Tract (2023) 153
Figure 35: Distribution of RHNA Units by TCAC Category 154
Figure 36: Means of Transportation for Work - Modesto (2020) 157
Figure 37: StanRTA Service Area in Modesto (2023) 158
Figure 38: High Quality Transit Areas, 1/2 mile (2022) 159
Figure 39: Sites Inventory and CalEnviroScreen 4.0 Percentile Score by Tract 161
Figure 40: Distribution of RHNA Units by CalEnviroScreen 4.0 Percentile Score 162
Figure 41: Housing Problems by Tenure and Race/Elderly/Housing Size 164
Figure 42: Cost Burden by Tenure and Race/Elderly/Housing Size 165
Figure 43: Overpayment by Owners (2010-2014 and 2017-2021) 166
Figure 44: Overpayment by Renters (2010-2014 and 2017-2021) 167
Figure 45: Sites Inventory and Overcrowded Households by Tract (2017-2021) 168
Figure 46: Estimated Displacement Risk (2022) 175
Figure 47: General Plan Land Use Designation 201
Figure 48: Fire Hazard Severity Zones, Stanislaus County 243
Figure 49: Flood Hazard Map 244
Figure 50: Special Flood Hazard Areas and RHNA Sites 260
Figure 51: State Responsibility Areas Fire Hazard Severity Zones, 2022 261
Figure 52: New Mixed-Use Zone Areas 282
Figure 53: Sample Large Lot Development 293
Figure 54: Sample Narrow Lot Development 294
Figure 55: Sample Shallow Lot Development 295

Introduction

Purpose and Content

The City of Modesto's 2023-2031 6th Cycle Housing Element has been prepared in compliance with the State of California Government Code Section 65302 and in conformance with the Housing Element Guidelines as established by the California Department of Housing and Community Development (HCD). This Housing Element sets forth the City's overall housing objectives in the form of goals, policies, and programs.

Relationship to Other Elements and Plans

This Housing Element identifies goals, policies, and programs that guide housing policy for the City for the 2023 – 2031 planning period. The goals, policies, and programs are generally consistent with the direction of the City's other General Plan elements. Modesto has initiated the update of its General Plan. The General Plan Update will occur concurrently with the separate update of the Housing Element. It is expected that the General Plan Update will conclude after the adoption and certification of the Housing Element. If necessary, the Land Use Element will be updated to be consistent with any changes required by the Housing Element. The City has also initiated amendments to the zoning ordinance to rezone two corridors to mixed-use and rezone two corridors to allow more residential development by the end of 2023. These rezonings will be accompanied by any required amendments to the General Plan Land Use Element. Once the 2023 amendments and rezonings are completed, no further amendments to the General Plan are anticipated to be necessary to ensure consistency with the Housing Element or zoning ordinance. Consistency will be reviewed as part of the annual General Plan implementation progress report as required under Government Code Section 65400. As amendments are made to the General Plan, the City will also review and revise the Housing Element for ongoing consistency.

Public Participation

As required by State law (Government Code Section 65588[c]), all economic segments of the community must be provided an opportunity to review and comment on the Housing Element.

The City of Modesto has developed a comprehensive and successful public engagement strategy that has provided valuable community feedback to date, the City will continue to gather information as the Housing Element pr ogresses. It will continue to provide extensive information to guide the Housing Element update process. Outreach for the Housing Element update began in May 2023, starting with a series of stakeholder focus groups. Community outreach involved engaging a diverse group of people in the planning process, including community members, stakeholders, service providers, educators, the Planning Commission, and City Council in the identification of Modesto's Housing Element housing issues.

The Housing Element Update also considered the information provided in the Modesto Housing Plan, for which the City conducted public outreach. Guided by community feedback throughout the process, the Housing Plan works to promote greater housing diversity and opportunities. The Housing Plan relied on community input and feedback to make zoning and policy recommendations for enabling a wide range of housing choices at all levels of affordability. The Housing Element draws on the feedback and results of the Housing Plan and implements some of the policies as identified in the Housing Plan.

The City held four online workshops to receive community input on the Housing Plan. At each public workshop, the project team presented work completed to date, got comprehensive feedback on design decisions, alternatives, and clearly outline next steps. Details on the workshops are as follows:

- Workshop 1: Introduction to the Housing Plan, October 14, 2021
- Workshop 2: Analysis of Opportunity Sites, December 15, 2021
- Workshop 3: Zoning and Policy Recommendations, March 17, 2022
- Workshop 4: Draft Housing Plan, August 30, 2022.

In addition to the four workshops, the City distributed flyers in both English and Spanish and created a website for the Housing Plan.

The City made an effort to reach lower- and moderate-income individuals to participate in the Housing Element Update. As noted above, the City developed a multi-lingual outreach campaign, contacted a variety of local organizations including affordable housing developers, advocacy groups, and the fair housing service provider, local service providers, and community centered organizations. City will continue efforts to develop culturally competent outreach programs to connect residents to a variety of resources including affordable housing resources with the implementation of Program F - 1, F - 2 and F - 4.

The public participation program included:

- **Website**. An interactive housing element update website, launched on May 23, 2023 and accessed through the City's webpage, which included a description of the project, workshop dates and materials, how to provide input, how to subscribe to the project email list, and a link to the Housing Element update survey.
- **Surveys**. A multilingual (English and Spanish) online community survey was created for the Housing Element Update. As of July 2023, the City has received 89 completed surveys and will continue to collect and analyze surveys through the Housing Element planning process.
- **Focus Groups**. Three focus groups were held. The first was held on May 23 at 12:00 PM and two were held on May 31 at 12:00 PM (due to high attendance) to gather input from community members and housing service providers. Several dates and times were offered to community members to ensure equity and flexibility for participants.

- The organizations participated in the focus groups included:
  - The Chamber of Commerce
  - Korazón.io Konsultants
  - Building Industry Association of Central California
  - City Ministries Network
  - Habitat for Humanity
  - Tuolumne River Trust
  - West Modesto Community Collaborative – People of Action Council
  - Stanislaus Regional Housing Authority
  - El Modesto Commitè
  - Community Housing & Shelter Services
  - Project Sentinel
- **Community Workshops.** Two virtual community workshops were held on Thursday, July 6, 2023, and Wednesday, July 12, 2023 to gather input regarding issues the community faces and recommendations to alleviate the identified housing issues. Both workshops had simultaneous Spanish translation as well as the question and answer in portion in Spanish. The website was updated to include information about the community meetings and the City sent emails to notify individuals on the mailing list which included stakeholders, community service providers, and members of the public. The links to the presentation video recording were posted on the Housing Element Update website.
- **Meeting with Modesto Commitè.** A meeting with the community organization Modesto Commitè was held on Monday, July 10, 2023, to gather input from organization members.
- **Meeting with West Modesto Collaborative.** A meeting with the community organization West Modesto Collaborative held on Wednesday, July 12, 2023, to gather input from organization members.
- **Meeting with Emanuel Lutheran Church.** A meeting with the community organization Emanuel Lutheran Church held on Wednesday, July 19, 2023, to gather input from organization members.

The City extensively advertised opportunities to participate and used various forms of media to reach the diverse population of Modesto. Efforts to notify the community about engagement opportunities include the following:

- Social media postings on the City of Modesto's Facebook and Instagram pages as well as Nextdoor, see APPENDIX C:Outreach;

- Email notifications to the interested parties contact list; and
- The project page on the City's website to stay informed as well as materials and updates regarding the Housing Element update.

Summary of Comments Received

During the initial outreach process (prior to the release of the public draft) the City heard comments ranging from concerns with homelessness, insufficient housing supply including affordable and supportive housing, the need for housing for a variety of groups including seniors, veterans, single mothers, and students, barriers for community outreach including access to materials languages other than English, and preference on locations for future housing. Many of the programs proposed as well as the RHNA sites inventory in the 2023-2031 Housing Element reflect the community input. In summary, the community engagement and input yielded the following themes and feedback:

- **ADU Incentives:** Participants expressed the difficulties and barriers to ADU development in Modesto. The City recently updated its ADU ordinance to comply with state laws that make it easier to build an ADU. Additionally, Program A - 10 establishes ADU incentives including preapproved/prereviewed plans, a fee exemption from Capital Facilities Fees, and educational promotion efforts.
- **Education and Outreach:** Participants expressed the challenges and barriers for community engagement and education as it related to affordable housing, available housing services and programs, housing policy, and other City events. Participants noted the need for improved access to bilingual materials and bilingual messaging to Modesto residents. Program F - 1, F - 2 and F - 4 implement outreach and education strategies to increase community awareness ADUs, housing resources, and available fair housing support. Program F - 3 focuses on providing bilingual materials to the City residents. The full housing element is also being translated into Spanish and will be posted along with the English version of the housing element.
- **Prioritizing Affordable Housing for a Variety of Groups:** Participants addressed the need for prioritizing development for veterans, seniors, students, and single mothers. Programs D - 1, D - 5, and D - 8 are included to provide resources and facilitate and support affordable housing.
- **Disparity of Investment Across Modesto Neighborhoods:** Participants noted a disparity in housing and quality of infrastructure and amenities between West Modesto, the Airport District, and South Modesto and the rest of the City. Participants noted the importance of investing in these areas to provide access to necessary resources and adequate infrastructure concurrently with housing development. Programs E - 1 and E - 2 are included to ensure place-based improvements are occurring in the areas listed as well as downtown Modesto.

- **Ease of Permitting Process:** Participants highlighted the ease of going through the permitting process. They specifically noted the willingness of the City to be flexible, responsive, and assist applicants in navigating the permitting process.

Public Review Period

Pursuant to Assembly Bill 215 (AB 215), the City distributed the Draft 2023-2031 Housing Element for a 30 day public review period from June 16, 2023, through July 17, 2023. Public notification included social media postings and notifications through emails to the City's stakeholder list as well as a public review digital copy on the City's website. The City didn't receive any comments during the public review period however, during the period from June 16 – July 26, 2023, the Housing Element website had over 460 page views.

The City did receive several comments and gathered significant feedback during the public workshops that were held during the public review period. During the live polling portion of the workshop the following housing issues and priorities were identified.

The top three housing issues in Modesto were:

- Difficulty paying rent, mortgage, down-payment etc;
- Insufficient housing supply; and
- Lack of suitable or needed housing types.

The top three programs identified to improve housing access were (4 programs choices had the same number of selections):

- Provide incentives to developers that restrict a portion of units to be affordable;
- Extend price control period on existing affordable units;
- Require affordable units in new developments;
- Allow more higher-density (multi-family) housing; and
- Simplify the process to approve projects.

Comments during the workshop ranged from a desire for improved multilingual communication in City documents and information sessions; as well as questions regarding what measures are used to accomplish fair housing, how will the City ensure enough homes will be built, and what incentives can the City implement to increase the availability of low-income housing.

Review of Past Accomplishments

City of **MODESTO**

Housing Element 2023-2031

CITY OF MODESTO CALIFORNIA

Review of Past Accomplishments

California Government Code Section 65588[a] requires each jurisdiction to "review its housing element as frequently as appropriate to evaluate all of the following:

> (1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
>
> (2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.
>
> (3) The progress of the city, county, or city and county in implementation of the housing element.
>
> (4) The effectiveness of the housing element goals, policies, and related actions to meet the community's needs, pursuant to paragraph (7) of subdivision (a) of Section 65583."[1]

Per the California Department of Housing and Community Development (HCD), the three areas of requisite analysis are:

- Review the results of the previous housing element's goals, objectives, and programs. The results should be quantified where possible but may be qualitative where necessary.
- Compare what was projected or planned in the previous housing element to what was achieved. Determine where the previous housing element met, exceeded, or fell short of what was anticipated.
- Based on the above analysis, describe how the goals, objectives, policies, and programs in the updated housing element are being changed or adjusted to incorporate what has been learned from the results of the previous housing element.

Housing Production

The 5th Cycle Regional Housing Needs Allocation (RHNA) for the City of Modesto is shown in Table 1. The 5th Cycle allocation for the City consisted of 1,546 very low-income units, 991 low-income units, 1,100 moderate-income units, and 2,724 above moderate-income, for a total of 6,361 units. As of December 2022, 2,064 units have been permitted during the 5th Cycle. There is a remaining RHNA need of 1,429 very low-income, 727 low-income, 552 moderate-income, and 1,589 above moderate-income units.

[1] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65588.#:~:text=65588.,of%20the%20state%20housing%20goal

Table 1: 5th Cycle Housing Production

	Very Low	Low	Moderate	Above Moderate	Total
5th Cycle RHNA Allocation	1,546	991	1,100	2,724	6,361
Permitted	117	264	548	1,135	2,064
Remaining Requirement	1,429	727	552	1,589	4,297

Source: City of Modesto, 2022 Annual Progress Report.

No Net Loss and Adequate Sites

Pursuant to Senate Bill (SB) 166, the City must always maintain adequate sites to accommodate the remaining RHNA requirement. The City saw development of 2,064 units over the 5th Cycle.

As documented in the 5th Cycle Housing Element, the City provided capacity for 8,616 units in the 5th Cycle, a surplus of 2,255 units beyond the identified RHNA. This included availability for 4,723 units on vacant and underutilized sites, as well as a projected 8 ADUs, 74 units in a funded/entitled project, and 297 in the Downtown Form Based Code. The rest of the units were accommodated through various specific plans including Fairview Specific Plan, Kiernan Business Park East, North Byer Specific Plan, Tivoli Specific Plan, Village One, and Woodglen Specific Plan.

At no point during the 5th Cycle did the City have a net loss of capacity. The City maintained a surplus of available sites for all income levels throughout the 2015 to 2023 planning cycle.

Effectiveness at Assisting Special Needs Populations

This section reviews the City's efforts on assisting populations with special housing needs during the 5th Cycle. The City implemented multiple programs to assist special needs populations over the 5th Cycle.

Homeowner Repair Assistance Program

The Homeowner Repair Assistance Program provides financial and technical assistance to low- and moderate-income owner-occupied households to repair or eliminate critical health and safety hazard conditions in homes, and assist persons in making their homes more accessible. Since 2015, a total of $5,147,700 was distributed in loans and grants through the City's Homeowner Repair Assistance Program. A households with health and safety repairs, including but not limited to installation of energy-efficient windows, energy-efficient HVAC systems, reroofing, electrical repairs, and bathroom improvements and ramps compliant with the Americans with Disabilities Act (ADA).

Seniors

The City is facilitating the Stanislaus Regional Housing Authority's property acquisition and development efforts at 412 Vine Street for the development of two apartment complex for a total of 34 units. Of these 34 units, the project called Helen White Cottages consists of 11 units dedicated to seniors. To continue these efforts the City has also facilitate the acquisition of a portion of a property located at 1500 Robertson Road in Modesto, which is currently owned by the Tuolumne River Regional Park Joint Powers Authority (composed of the Cities of Ceres and Modesto, and County of Stanislaus). The Housing Authority plans to build 92 affordable housing units and related improvements on approximately 4 acres of land. The project, by the name of Parque Rio, will provide much-needed housing for low-income families (70 units) and seniors (22 units).

Additionally, the Modesto Senior Citizens Center provides programs and capacities for those 60 years and older. This includes a free hot meal service every Monday through Thursday.

A recent Capital Improvement Program Project, Senior Playground 2014, renovated Ralston Tower Park into a senior-oriented public park with senior playground/fitness equipment, sports courts, and an outdoor plaza. Project design has been completed and construction is anticipated to be completed by summer 2023.

Persons with Disabilities

The City continues to partner with Stanislaus County Affordable Housing Corporation (STANCO) on affordable housing projects that serve mental health clients, which is a population at high risk of homelessness. The units they produce and manage are ADA-accessible and are tailored with the tenants' medical team to meet these accommodations.

Persons Experiencing Homelessness

Through a community-wide visioning and planning process, the City identified priorities to develop and implement a comprehensive homelessness action plan that reduced encampments in public spaces, ensured the provision of supportive services, and identified strategies for permanent housing. The City has allocated significant funding for shelter/housing, programs and services, and community accountability, as outlined in the table below.

Table 2: City Allocated Funding

Type of Assistance	City Funding
Shelter/Housing	$22,556,853
Programs/Services	$7,254,561
Community Accountability	$5,284,048
Total	$35,095,462

Source: City of Modesto

The allocation $3,300,000 in CARES funding, offered the City the ability to create Camp2Home – The Road to Self-Sufficiency for our Homeless Community program in 2020. Camp2Home aims at tackling homelessness on five key fronts: engagement, shelter, job training, employment, and permanent housing. With its continued partnership with the Stanislaus Community System of Care's (CSOC), the following programs were carried out to address the five key fronts:

Outreach and Engagement:

- Blight Abatement Team (BAT): BAT assists the Community Health and Assistance Team (CHAT) team by cleaning up abandoned homeless camps and other blight throughout the city.
- Coordinated Entry: The Stanislaus CSOC continues to manage the Coordinated Entry System to coordinate the intake, assessment, and referral process within the CoC and efficiently expand the system's ability to deliver the appropriate resources to individuals and families who are experiencing homelessness.
- Community Assessment, Response, and Engagement (CARE) Multidisciplinary personnel strategy: The CARE team facilitates the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within Stanislaus County subject to the provisions of the Welfare and Institutions Code.
- Community Health and Assistance Team (CHAT): CHAT, formerly known as the HEART team, engages with homeless individuals to build relationships, links them to mainstream services, and connects them with shelter and housing programs. The Camp2Home initiative allowed for the hiring of an additional 6 team members to actively support data collection, engagement, and referral support to shelter and supportive services. The program has made 5,480 total contacts with unsheltered individuals and provided over 4,700 services throughout the City.
- Center for Human Services – Youth Navigation Center – Street Outreach: The program provides street outreach to youth and young adults ages 13-24 years old who are experiencing homelessness. The program aims to engage youth and young adults who are unsheltered and offer support and services with the goal of shelter and permanent housing. With a total amount awarded around $208,000 in Emergency Service Grant

(ESG-CV) and Emergency Solutions Grant (ESG) funds since 2018, the Street Outreach Program has been able to engage 370 individuals.

- Mobile Crisis Response Team (MCRT): This program is focused on community-based intervention designed to provide de-escalation and relief to individuals experiencing a behavioral health or substance use-related crisis wherever they are, including at home, work, school, or in the community. The program pairs two Mental Health Clinicians with police officers in a co-response model. It has leveraged $1.2 million in funding over 5 years and had been awarded $800,000 of American Rescue Plan Act funds (ARPA) and $850,000 ongoing Measure H funding.

Shelter and Transitional Housing:

- The Salvation Army operates two emergency shelters for individuals experiencing homelessness, the Access Center Emergency Shelter (ACES) and the Berberian Emergency Shelter. Additionally, ACES is co-located with the County's Access Center offering mental health, employment, social security and referrals to partner programs. Since 2018, the City has assisted in bringing over $1,200,000 to help fund the shelters, who assisted over 4,000 individuals during that time.
- Center for Human Services – Youth Navigation Center – Pathways Program: Pathways is a 15-bed transitional housing program ran by Center for Human Services that assists young adults ages 18-24 years old who are experiencing homelessness. Pathways provides a stable place to live while young adults work towards self-sufficiency. Since 2015, Pathways has supported 253 young adults.
- Haven Women's Center -Emergency Shelter: Haven operates the only confidential domestic violence shelter in Stanislaus County and offers a variety of supportive services to individuals and families impacted by domestic violence, sexual assault, and human trafficking. Victims fleeing abuse, who are homeless or imminently homeless, are eligible for up to six weeks of shelter and services, including 24-hour crisis intervention and safety planning, peer counseling, legal advocacy, and support groups for adults and children affected by trauma. The shelter has received $178,000 in Emergency Service Grant (ESG-CV) and Emergency Solutions Grant (ESG) funds and has sheltered 603 individuals.
- Children's Crisis Center: The Children's Crisis Center of Stanislaus County is dedicated to serving the needs of high-risk children impacted by family crisis. The immediate goal is to reach children at-risk and intervene with protective childcare and shelter before they are harmed. The program has awarded around $245,000 since 2016 and has supported over 1,800 families and children.
- A number of supportive and emergency shelters are currently under construction or pending in Modesto. This includes the 14-bed Garden Gate Respite Center- Expansion that is currently under construction. Proposed projects include Bridge Housing,

Recuperative Care at Gospel Mission and other locations, and Short Term- Post hospitalization locations to provide more permanent supportive housing.

Job Training and Permanent Employment:

Downtown Streets Team (DST) assists the City in progressing the job training and employment goals of Camp2Home. Downtown Streets Team provides individuals experiencing or at-risk of homelessness with case management services, including participation in regular sessions on key topics such as resume development, interview decorum, mental health counseling, budget and financial management, and other critical topics. Team members also gain job experiencing through volunteering in community beautification and clean-up projects. The goal is to help team members secure permanent employment after one year in the job training program. The City and Downtown Streets Team actively work with public and private partners such as the County of Stanislaus, Modesto Irrigation District, Modesto Junior College, Opportunity Stanislaus, United Way, Chamber of Commerce, and others to secure employers that are willing to hire graduates of the job training program. Employers who partner with the City of Modesto to hire Camp2Home graduates will be considered a "fair chance employer." In addition, after graduating from the program, participants will receive ongoing case management from the Downtown Streets Team for one year. This ongoing case management further assists individuals that have developed a pattern living in "survivor mode" and helps transition them to a thriving, forward-planning lifestyle. Each graduate of the job training initiative also receives a housing subsidy for one year following their graduation, pushing towards Camp2Home's goal to permanent housing. Since its implementation, The City as assisted in allocating $2,400,000 to Downtown Streets Team to provide services to 161 individuals.

Permanent Supportive Housing:

The City has assisted in creating 181 permanent supportive housing units, listed below, for individuals experiencing homelessness, expanding on the goals of the Camp2Home program.

- The City, Stanislaus Regional Housing Authority, and Stanislaus County Behavioral Health and Recovery Services partnered in creating 39 permanent supportive housing units to assist individuals experiencing homelessness that utilized services provided by Stanislaus County Behavioral Health and Recovery Services. The project was supported by $800,000 in HOME funding and $550,000 in additional leveraged funds.
- The construction of Glendale Veteran's Quarters, using $540,000 in HOME funds, created 4 permanent supportive units for veteran's experiencing or at-risk of homelessness.
- In 2019, the City contributed $450,000 in Community Development Block Grant funding to fund the rehabilitation of 201 E. Coolidge to create 39 permanent supportive housing units.

- Finalized in 2020, Kansas House provided 103 units to individuals experiencing homelessness or at-risk of homelessness. The City assisted in providing $2,500,000 in Community Development Block Grant funding, while leveraging $8,565,869 in additional funding.
- The City assisted in provided about $450,000 in HOME funds and $150,000 Community Development Block Grant funds and leveraged an additional $1,104,864 to complete 522 E Granger, creating 5 additional permanent supportive units.
- The City leveraged $2,899,408 in funding while contributing $450,000 in Community Development Block Grant funds and leveraged $2,899,408 to acquire 835 California Ave for permanent supportive housing. The City partnered with Stanislaus Equity Partners and Stanislaus County Affordable Housing Corporation to acquire the newly constructed apartment, 112 James Street, adding 7 units of permanent affordable housing to our community. The City assisted with $200,000 of Permanent Local Housing Allocation funds in addition to $1,724,175 in Homekey 2.0 funding.
- Using $3,973,353 leveraged state Homekey 2.0 funding and $500,000 in Permanent Local Housing Allocation funds, the City assisted in the acquisition and rehabilitation of 1208 9th Street, creating 14 units for young adults ages 18-24 experiencing homelessness.

In addition to the creation of permanent housing units, the City has also supported Rapid-Rehousing and Homeless Prevention programs, assisting individuals experiencing homelessness find units in the community and retain permanent housing. The City has awarded over $480,000 to Community Housing and Shelter Services, Family Promise, and Turning Point to fund their Rapid-Rehousing and Homelessness Prevention programs, assisting 264 individuals. The City's leveraged funding has assisted in providing 1,798 total beds/units and 32 total positions.

Accessibility Improvements

The City continues to evaluate accessibility through a team composed of multiple departments such as Traffic Engineering, Facilities Management, Transportation Engineering & Design, Human Resources, and Risk Management. Findings and recommendations for potential physical barriers are found in the web based DACTrak software program. DACTrak has photographs of barriers, GIS information, findings, recommendations, estimated costs and other information. The City provides ongoing notice of the identity of the City of Modesto ADA/504 Coordinator on its website and in frequently used publications or documents accessed by the general public and by recipients of programs, services, and activities.

Since 2017, a total of $4,041,000 in funds have been allocated by Council to address ADA accessibility improvements, including $1,704,000 in 2020. A total of 333 ADA ramps have been constructed or replaced across the City during this time period.

Other accessibility improvements recently completed or highlighted in the 2023-2024 FY Capital Improvement Program include:[2]

ADA access to two residential neighborhoods through the Dry Creek Trail Pavement Rehabilitation & ADA Upgrade Phase II.
ADA improvements to residential neighborhoods through the Neighborhood ADA Improvement Program.
ADA ramp upgrades completed in 2022 through The Crows Landing Road Pavement Rehabilitation.
ADA ramp upgrades and bike lanes completed in 2022 through The Paradise Road Pavement Rehabilitation.
ADA sidewalk and curb ramps along Sisk Road as a part of the Pelandale Avenue Interchange, Phase II. Construction is anticipated to begin in the summer of 2023.

Evaluation of Previous Housing Element Programs

This section illustrates the accomplishments and statuses in implementing the housing programs identified for the 2015-2023 5th Cycle Housing Element. It also analyzes the continued appropriateness of each program for the 2023-2031 6th Cycle. Programs that have been successfully completed, are no longer pursued by the City, or that consist of routine staff functions are marked as "remove," as these programs are no longer necessary for the 6th Cycle. Previous programs that are continued with no or minor modifications are marked as "continue." Finally, programs marked as "retain/modify" are programs that will be continued, but have updated goals and metrics, and may involve combining multiple existing programs into a single 6th Cycle program for ease of use and streamlining.

[2] Fiscal Year 2023-2024 Capital Improvement Program: https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3805

Table 3: Review of 5th Cycle Programs

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
Program 1.1a: Community Housing Coalition	A community housing coalition, the Stanislaus Housing and Support Services Collaborative, was formed in 2000 to address housing issues Countywide. This group holds monthly meetings, with representation by more than 40 involved agencies, to discuss housing policy, homelessness issues, and coordination within the County. **Eight-Year Objectives and Time Frame:** Participate in monthly meetings of the Stanislaus Housing and Support Services Collaborative.	8 years	Attended ongoing meetings. This program was created prior to the development of the Community System of Care in 2017. This program has been merged and no longer exists in this form. This will reorganize into the Community System of Care (local CoC) and its various subcommittees.	Retain – modify. Combine into one CoC program.	D - 1
Program 1.1b: Affordable Housing Resources	The City, in coordination with Stanislaus County, affordable housing developers, and others, will continue to pursue affordable housing resources at the national, State, and local levels. With staffing constraints and the competitive nature of most funding programs, the City will focus on pursuing those determined to be most cost-efficient, given the possibility of successful funding applications. **Eight-Year Objectives and Time Frame:** • HUD requires the City of Modesto to prepare a five-year plan, also known as the Consolidated Plan, to discuss the manner in which CDBG, HOME and ESG funds will be	8 years	Ongoing. City staff is actively evaluating funding that can serve low-income households including operations, rental assistance, and housing development. ▪ Funding sources include: PLHA: $6,274,519 ▪ CDBG: $11,083,497 ▪ HOME: $5,903,063 ▪ HOME-ARP:$2,800,000 ▪ Homekey: $5,697,510 ▪ Affordable Housing and Sustainable Communities: ▪ $14,238,248	Retain – modify to set quantified objectives based on previous success of 5th Cycle program.	D - 5

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	applied in the community during the period. The City also prepares an annual action plan and an annual performance report on the expenditure of these funds. Separate community development and housing program objectives are included in the Consolidated Plan. • Establish a target of 50 percent of very low-income rental assistance for extremely low-income households during the 2015 – 2020 Consolidated Plan period. • Monitoring funding cycles annually.		An estimated 330 households have been assisted based on 294 units created.		
1.1c Consolidated Plan	The City is an entitlement jurisdiction eligible to receive Community Planning and Development (CPD) funds from HUD. Annually, the City receives approximately $2.5 million in CDBG, HOME, and ESG funds from HUD. To receive these funds, the City must develop a Consolidated Plan that outlines the City's strategy for addressing housing and community development needs. The Consolidated Plan must be consistent with the policies and programs of the Housing Element. The Consolidated Plan strategy must be updated at least once every five years, and an annual Action Plan is required to describe the City's planned use of HUD funds. **Five-Year Objectives and Time Frame:** • Prepare action pan annually	5 years	Ongoing. The City has prepared and adopted the 2020-2025 Consolidated Plan. Annual Action Plan and Consolidated Annual Performance Reports are submitted annually.	Retain – combine with Program 1.1b above. All Consolidated Plan actions to be in one program. 2025-2030 is the time frame for the next consolidated plan. Time frame to be every 5 years, or in accordance with applicable federal laws.	A - 6

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	• Prepare new Consolidated Plan for 2015-2020				
1.1d Non-Profit Housing Development Corporations	The City will support non-profit corporations in their efforts to make housing more affordable to lower and moderate income households. Specifically, the City will work with City-designated Community Housing Development Corporations (CHDOs) to promote, assist, and/or sponsor housing developments in Modesto for lower income households. The City will provide some financial support for preserving, rehabilitating, restoring, converting, and acquiring affordable units and provide logistical support for projects by expediting any necessary approvals. **Eight-Year Objectives and Time Frame:** • Ongoing financial and logistical support on an as-needed bases	8 years	Ongoing. This program is a part of the efforts of the Consolidated Plan. The City is actively engaging with nonprofit developers to develop and maintain affordable housing. See responses to Programs 1.1b and 1.1c for ongoing Consolidated Plan efforts.	Retain – combine with Programs 1.1b and 1.1c. All Consolidated Plan actions to be in one program. 2025-2030 is the time frame for the next consolidated plan.	A - 6
1.1e Land Banking / Land Trust / Surplus Land	The City will continue its land banking efforts for the development of lower and moderate income housing. The City, working with nonprofit organizations such as CHDOs, will try to purchase land suitable for affordable housing in the near future. Land banking will ensure preservation of areas in the City for future affordable housing by removing these areas from the private development market and	8 years	Ongoing. The City is currently developing a Housing Trust fund with American Rescue Plan Act funds as the seed funding.	Retain – split into two separate programs, one for compliance with the Surplus Lands Act and one for ongoing Housing Trust efforts.	A - 8

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	allowing the City to work with nonprofit organizations to develop affordable projects that serve the specific needs of the community, such as the need for entry-level and step-up housing. The City's efforts at disposing of surplus land have most recently resulted in the opening of the Tower Park senior housing project, on the site of a former park in downtown. The City will also explore other mechanisms such as a land trust to facilitate the development of affordable housing. Land trusts are an increasingly popular mechanism used by communities where high land costs make the provision of affordable housing difficult. Typically, a nonprofit organization forms a trust that holds the title of the land on which affordable housing is developed. When the housing is developed, the individual homebuyers purchase only the improvements (the housing units) on the land, but do not hold the title to the land, thereby making the purchase prices affordable to lower- and moderate-income households. The City will continue to identify and monitor surplus public lands suitable for residential development. The surplus land could be purchased by the city's Nonprofit Housing Corporation or other housing providers to develop affordable housing.				

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	Eight-Year Objectives and Time Frame: • Ongoing land banking efforts • Explore the use of land trust for affordable housing within the 2015 – 2020 Consolidated Plan period • Ongoing efforts to identify public surplus land				
1.1f Homebuyer Assistance	The City offers a range of homebuyer assistance programs to promote homeownership among lower and moderate income households. Three homebuyer assistance programs are available: • Down Payment Assistance Program: The City provides down payment assistance of up to $10,000 to lower income households (up to 80 percent of County Median Income) using CDBG funds. Homebuyers must provide minimum initial investment of 1.75 percent of the sales price. The loan accrues at an annual fixed rate of 3 percent and is secured by a promissory note and Deed of Trust recorded after the primary mortgage. • Family Self Sufficiency Program (FSS): The Housing Authority currently has 175 active members on the Family Self Sufficiency Program. There are 220 FSS slots available (180 of which are mandated slots), ten of which we will target from the Shelter Plus Care program, and twenty targeted for the Family Unification Voucher program. Eligible individuals and families who are on the FSS Waiting List must indicate a	8 years	The City has discontinued its Homebuyer Down Payment Assistance Program. Down Payment Assistance Program: Homebuyer Assistance Program assisted low- and moderate-income households with affordable safe and secure housing in Modesto; the City provided financial assistance to eligible individuals to assist in the purchase of a residence. One approved applicant was assisted through this program. Due to the housing market economy at the time, this program was not feasible to maintain in operation. In continuous efforts to promote homeownership among lower- and moderate-income households, the development of Edward Estates was funded using HOME funds. The City provided a $488,657 CHDO loan to Great Valley Housing Development Corporation (GVHDC) to construct two single-family homeownership units for low-income households. The use of the funds will allow	Remove – the program has been discontinued.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	willingness to participate in the FSS program. A participating family is required to fulfill all obligations under the Contract of Participation or the Housing Authority may withhold or terminate supportive services and the family forfeits any Escrow Account Funds. The Contract indicates the appropriate supportive services the participating family will receive as well as spelling out the responsibilities of the participating family, such as requiring the head of household to seek and maintain suitable employment. **Eight-Year Objectives and Time Frame:** • Assist 8 lower and moderate income households annually for the 2015 – 2020 Consolidated Plan period through the City's Homebuyer's Assistance Program: 40 households; FSS, 220 slots, with an objective of assisting 260 households over 5 years. At the end of this period, a new Consolidated Plan will be prepared and a new objective adopted. • Assist annually in the dissemination of information on available homebuyer assistance programs through brochures available in the City's central and field offices, City website, referrals, attendance at homebuyer fair, presentations to lenders and realtors, ads in local newspapers (e.g.		GVHDC to construct the two affordable housing units, sell the units at an affordable rate to first time home buyers, and use the proceeds to develop the rest of existing lots at Village One-Edwards Estates. The 33 units are going through the permitting process and will be completed in the 6th Cycle. The CHDO funds received would in essence result in many more units being constructed than just the initial two. Stanislaus Regional Housing Authority acquired the land and went into contract with the homeowners to lease the land. This supports the access to housing at affordable prices through the long-term leasing of land under said housing. Homebuyer Assistance Program is available online.		

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	Modesto Bee, Vida en el Valle) and in the City monthly utility insert bulletin • Annually review the down payment assistance amount and loan term to assess if adjustments are necessary to reflect local housing market conditions and affordability of housing relative to household incomes (such as lower interest rate or higher down payment assistance)				
1.1g Rental Assistance	The Section 8 Rental Assistance Program for very low income households is administered by the Stanislaus County Housing Authority. As of December 31, 2015, 4,288 households receive rental assistance under the Section 8 Rental Assistance program annually. Under this program, the participants typically pay no more than 30 percent of their household income on rent (affordable housing cost threshold). The Housing Authority pays the rental property owners the difference between the payment standards established by the Authority and the affordable housing cost threshold. **Eight-Year Objectives and Time Frame:** • Ongoing support for the Housing Authority to petition for increased Section 8 allocation • Promote the program to eligible households through City website, brochures, newsletters, and referrals	8 years	Ongoing. The City collaborates with the Housing Authority for the development of both rental and homebuyer housing developments.	Retain.	C - 3

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	• Establish a target of 50 percent of very low income rental assistance for extremely low income households during the 2015 – 2020 Consolidated Plan period.				
1.1h Relocation Assistance	When housing units are being rehabilitated under the City's Housing Repair Program, or when households are displaced because of City housing code enforcement efforts, the City offers temporary relocation assistance to displaced households. **Eight-Year Objectives and Time Frame:** • Assist annually in the dissemination of information on available relocation assistance programs through brochures available in the City's central and field offices, City websites, referrals, attendance at homebuyer fairs, presentations to lenders and realtors, ads in local newspapers (e.g. Modesto Bee, Vida en el Valle) and in quarterly in the City's monthly utility insert bulletin • By 2019, develop a relocation assistance brochure to be used by Neighborhood Preservation	8 years	The City has not been required to displace any families during the 5th Cycle program. This program as with others is subject to the Uniform Relocation Act and should this event occur the City has policies in place to ensure it is handled in conjunction with these regulations.	Retain – modify to be a displacement prevention program that complies with federal guidelines.	E - 4

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
1.1i Continuum of Care for the Homeless	In adherence with the Continuum of Care model, the City continues to address the needs of homeless persons and families by funding local nonprofit agencies that provide direct services to the homeless, including emergency shelters, transitional housing facilities and programs, and supportive services. Specifically, the City has leased repossessed houses from HUD for transitional housing services and has provided funding to nonprofit organizations to purchase houses that would be used for transitional housing. Additionally, Modesto has held a series of public meetings in recent months to seek and develop solutions. **Eight-Year Objectives and Time Frame:** • Support of the Continuum of Care Plan and participate in the Collaborative • Annually allocate funding resources to support agencies that serve the homeless • Seek to increase the transitional housing inventory by five units during the 2015 – 2020 Consolidated Plan period. • Work with Stanislaus County during the next ten (10) years to strengthen families and prevent homelessness through a new partnership program called Focus on Prevention.	8 years	Ongoing. Multiple supportive housing projects were completed in the 5th Cycle. This includes 103 permanent supportive units completed. Projects include 8 units of permanent supportive housing being built on California Avenue, 7 units of permanent supportive housing being built on James Street, and a grant applied for 14 units of permanent supportive housing on 9th Street. The Focus on Prevention website is live and detailed.	Retain – set new quantified objective. Continue allocation of funds and partnership.	D - 1; D - 2

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
1.2a Transitional Housing Program	The City works with HUD and the Community Housing Shelter Services in providing transitional shelter (single family residences), and counseling services to homeless families. Transitional housing is provided primarily by Center for Human Services, which operates the Hutton House, Laura's House, and Samaritan House as well as a few others. **Eight-Year Objectives and Time Frame:** • Support during the 2015 – 2020 Consolidated Plan period. • Provide four (4) additional family units annually (20 over five years) and three (3) additional units for individuals annually (15 over five years).	8 years	The City no longer pursues transitional supportive units. City staff continues to monitor existing deed-restricted programs.	Remove.	N/A
1.2b Land Assembly in Existing Neighborhoods	In conjunction with Programs 1.1b, 1.1d, 4.1b, 4.1c, and 4.2a the City will encourage and facilitate development on underdeveloped sites by providing assistance with site identification and entitlement processing, provide marketing materials for residential opportunity sites and provide technical assistance to interested developers; including technical assistance to acquire necessary funding, offering fee waivers and deferrals for affordable housing projects, and providing financial support when available, in accordance with Programs 1.1b and 1.1d. As funding becomes available, the City will also organize special marketing events and workshops geared towards the development	8 years	Ongoing. The City provides technical assistance to facilitate development of housing projects. This includes preapplication meetings, review, and fee waivers and deferrals for affordable housing projects.	Retain – include technical assistance program for RHNA site owners and for other housing projects.	A - 13

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	community. The City will monitor and evaluate development of underdeveloped parcels and report on the success of strategies to encourage residential development in the annual Housing Element report, per Planning and Zoning Law section 65400(a)(2)(B). **Eight-Year Objectives and Time Frame:** • Ongoing support				
1.3a Foreclosure Assistance	Stanislaus County has been at the forefront of the national foreclosure crisis, consistently ranking in the top five counties nationally by rate of foreclosure. Stanislaus County is also among the poorest counties in California, making the foreclosure crisis even more difficult for the local economy. **Eight-Year Objectives and Time Frame:** • Provide counseling to homeowners to avoid defaulting on mortgage payments. Offer alternative financing to address delinquencies and refinance eligible homeowners into more favorable fixed-rate loans. Provide advocacy service to negotiate with lenders for alternative financing. • Purchase foreclosed properties and resell as affordable housing to income qualified buyers. Acquire and/or rehabilitate 14-15 units annually, for 73 units over five (5) years	8 years	Project Sentinel provides fair housing services for the City. From 2014 to 2019, Project Sentinel opened 122 fair housing discrimination cases for investigation and provided fair housing education and tenant/landlord mediation to over 5,500 individuals in the City. The City does not offer any foreclosure assistance.	Remove.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
2.1a Manufactured Housing	Pursuant to State law, the City will continue to permit manufactured housing/mobile homes in all residential districts, provided that they meet the same standards as conventional housing and are placed on a permanent foundation. **Eight-Year Objectives and Time Frame:** Continue to provide information on permitting requirements for manufactured housing/mobile homes with the objective of achieving 6 units per year for a total of 30 units during the 2015 – 2020 Consolidated Plan period.	8 years	Ongoing. The City maintains a homeowner repair assistance program for mobile homes and continues to manage its Mobile Home Rent Stabilization Ordinance. The repair assistance program provides mobile homeowners up to $20,000 forgivable grant for low- and moderate-income households to repair or eliminate critical health and safety hazard conditions in homes, as well as making homes more accessible for persons with a disability.	Retain – set objective for number of homes assisted for the mobile home rehabilitation program.	C - 3; C - 2
2.1b Handicapped Accessible Housing	The City complies with the 1988 Fair Housing Access Act through building inspections, as well as the Disabled Access Assistance Program (Program 3.1). Standards from the Fair Housing Access Act have been incorporated into the California Building Code and are enforced by the building inspectors. **Eight-Year Objectives and Time Frame:** • Ongoing compliance with Fair Housing Access Act through enforcement of the California Building Code • Ongoing assistance in promoting awareness of accessibility requirements through City website and brochures • See also Program 3.1c.	8 years	Ongoing. The City has an ADA coordinator that manages this program. The City is in the process of reviewing draft protocols for an application for reasonable accommodation that would allow review at staff level instead of requiring a variance through the Board of Zoning Adjustment, reducing time and expense for persons with ADA access issues.	Retain – adopt process and policy for reasonable accommodation applications.	B - 7

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
2.1c Fair Housing Services	The City actively furthers fair housing in the community. Specifically, the City continues to support the Human Relations Commission in their activities to promote fair housing. The Human Relations Commission is a seven-member advisory group that meets bimonthly to promote good human relations in the community and is staffed by the City Manager's Office. Furthermore, the City contracts with Project Sentinel to provide fair housing services and counseling for the community, working to eliminate housing discrimination and remove impediments to equal housing opportunities. The City also coordinates seminars on tenant rights and responsibilities and to address illegal activities in rental housing. **Eight-Year Objectives and Time Frame:** • Ongoing provision of fair housing services • Periodically report to the Human Relations Commission on fair housing issues • Assist annually in the dissemination of information on fair housing rights and violation remedies through brochures available in the City's central and field offices, City websites, referrals, attendance at homebuyer fairs, presentations to lenders and realtors, ads in local newspapers (e.g. Modesto Bee, Vida en el Valle) and in occasionally in the City's monthly utility bulletin insert	8 years	Ongoing; report submitted annually. Project Sentinel provides fair housing services for the City. From 2014 to 2019, Project Sentinel opened 122 fair housing discrimination cases for investigation and provided fair housing education and tenant/landlord mediation to over 5,500 individuals in the City.	Retain – set quantified objective.	E - 3

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
2.2a Accessory / Second Units	The Zoning Ordinance allows the development of an accessory living unit in all residential districts. **Eight-Year Objectives and Time Frame:** • Continue to facilitate the development of accessory units and promote the use of the City of Santa Cruz's Accessory Dwelling Unit Manual and Prototype Plan Sets with the objective of achieving 1 unit per year for a total of 8 units over eight years	8 years	In 2022, 31 ADUs were permitted. 50 ADUs have been permitted since the beginning of 2019. The City collaborated with Stanislaus County to increase the accessibility to ADU development through preapproved open source plans. There are ongoing ADU ordinance updates to comply with State regulations.	Retain – set new quantified objective and geographic targeting for ADU promotion. Promote the Stanislaus County options.	A - 9, A - 10, F - 2
2.3a Small-Lot Development	In order to further promote entry-level for-sale housing, the city allows lot sizes for detached houses to be less than 5,000 square feet in Specific Plan areas and Planned Development zones if the developer has followed the City's APA award-winning "Guidelines for Small-Lot Single-Family Residential Developments" (Guidelines) (May 2005). **Eight-Year Objectives and Time Frame:** • Facilitate the development of small-lot single-family detached houses (less than R-1 minimum lot size of 5,000 square feet) by providing guidance to applicants and staff for the design of small lot development, reducing review cycles, and reducing uncertainty in the entitlement process. • Continue to utilize the Guidelines for Small-Lot Single-Family Residential Developments	8 years	Ongoing. Several Specific Plans permit development on lots less than 5,000 square feet, including Village One Specific Plan, Woodglen Specific Plan, and Tivoli Specific Plan. The City has approved significant development on small lots in the past 8 years, particularly 137 small lots in the Village One Specific Plan and 214 small lots in the Woodglen Specific Plan. These developments have been by-right, not requiring additional planning entitlements. Other small lot developments have occurred by rezoning to Planned Developments, including 67 small lots in Vintage Square.	Retain.	A - 14

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
3.1a Housing Rehabilitation and Improvement	The City offers a range of housing rehabilitation and improvement assistance to lower income households (up to 80 percent of County MFI). These include the Emergency Home Repair Program, Disabled Access Program, Minor Home Repair Grant Program, and Energy Efficiency Improvement Grant. **Eight-Year Objectives and Time Frame:** • Assist 25 households annually (12-13 annually through MHRGP, 7-8 annually through EHRP) through the housing rehabilitation and improvement programs, with an objective of assisting 60 households during the 2015 – 2020 Consolidated Plan period. A new Plan will be developed at the end of that period. • Continue to promote the availability of the various housing rehabilitation and improvement programs through neighborhood and community organizations, and by using the most effective media, including brochures, newsletter, City website, and referrals.	8 years	Ongoing. In 2016-2017, the Minor Home Repair Program operated the Energy Efficiency Improvement Program and assisted 10 households in receiving energy efficiency improvements in their home and the Homeowner Repair Assistance Program assisted 22 households. The repair program is currently the only rehabilitation program in place. The City keeps assessing new approaches to assist lower-income households with rehabilitation and improvements. A total of 64 households were assisted, which met the goal.	Retain – set new quantified objective.	C - 3
3.1b Energy Conservation and Efficiency	The City will continue to encourage development and construction standards that encourage energy conservation in residential buildings. The California (Green) Building Code is designed to maximize energy efficiency, and has been applied to all new construction since 2013. The City provides no cost or low-cost	8 years	Ongoing. This program has been consolidated with the City 's Homeowner Repair Assistance Program. That program assisted 64 households throughout the planning period.	Retain – consolidated with Program 3.1a above and set new quantified objective based on 5th Cycle achievements.	A - 17

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	weatherization to low-income households through the Disabled Access Assistance Program and Emergency Housing Repair Program (Program 3.1). Energy efficiency improvements are automatically included and required in all housing rehabilitation projects. In addition, the City provides literature and information on programs for increasing energy efficiency in residential structures. **Eight-Year Objectives and Time Frame:** • Ongoing distribution of program materials through brochures and City website • Assist 10 households annually through the Disabled Access Assistance Program and Emergency Housing Repair Program with the objective of assisting 35 households during the 2015 – 2020 Consolidated Plan period.				
3.1c Reasonable Accommodation	The City will continue to refine its reasonable accommodation process to provide individuals with disabilities, reasonable accommodations in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this effort is to provide a clear and consistent process for individuals with disabilities to make requests for reasonable accommodation in order to obtain relief from the various land use, zoning, building laws, rules, policies, practices and/or procedures of the City.	8 years	The City initiated a self-evaluation and updated the ADA Transition Plan in 2017. A 2021 Summary Update addresses progress and ongoing activities, identifies areas of responsibility, and outlines future efforts to address barriers to access. Since 2017, a total of $4,041,000 in funds have been allocated by Council to address ADA accessibility improvements with the most recent year at $1,704,000. A total of 333 ADA-compliant ramps were constructed or	Retain.	B - 7

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	Eight-Year Objectives and Time Frame: • Ongoing enforcement of the California Building Code and operation of the Disabled Access Appeals Board • By 2018, develop an informational handout for Modesto's Reasonable Accommodation process.		replaced across the City during the same time period. A brochure was completed and is available in the public lobby of City Hall. The City is also in the process of reviewing draft protocols for an application for reasonable accommodation that would allow review at staff level instead of requiring a variance through the Board of Zoning Adjustment, reducing time and expense for citizens with ADA access issues. This process would include an application through the Planning Division, who would consult with all appropriate City Departments and Divisions, including the City's ADA Coordinator in all cases.		
3.1d Coordinate w/ County to address "islands"	Within Modesto's Sphere of Influence, there are many areas that have been developed with residences, often at urban densities, under the governance of Stanislaus County. These areas are commonly referred to as "County islands." Policies relating to the annexation of County islands are Policy II.C.1 on page II-5 of the 2008 Urban Area General Plan; Policy VIII.D on pages VIII-2 and VIII-3 in the 2008 Urban Area General Plan; and Policy VIII.V on pages VIII-17 and VIII-18 in the 2008 Urban Area General Plan. **Eight-Year Objectives and Time Frame:** • The City will work with Stanislaus County to address any property tax issues as money	8 years	Ongoing. After the positive sewer advisory vote for the county islands in November 2015, additional updates to the Urban Growth Review are no longer needed.	Retain – modify to include place-based improvements in the County islands.	E - 2

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	becomes available to annex "island" properties to Modesto. • Update Urban Growth Review as needed, including the identification of infrastructure upgrades and develop cost estimates for upgrading infrastructure in compliance with applicable municipal code provisions and regulations. • Modesto held a positive sewer advisory ("Measure M") vote in November 2015 for developed county islands				
3.2a Preservation of Units at Risk	The City will strive to preserve all units in the at-risk property category. The City will annually identify, meet with, and pursue funding with nonprofit organizations as potential purchasers/managers of at-risk housing units. As part of coordination with nonprofit partners, the City will annually explore funding sources available to purchase affordability covenants on at-risk projects, transfer ownership of at-risk projects to public or nonprofit agencies, purchase existing buildings to replace at-risk units, or construct replacement units. **Eight-Year Objectives and Time Frame:** • Current administration a Housing Rehabilitation Program to assist homeowners rehabilitating housing units that preserve affordability that is at risk of being abandoned or converted to market rate housing. Based on projected funding	8 years	Ongoing. The City assisted with 3 LITC preservation projects as Tax Equity and Fiscal Responsibility Act (TEFFRA) hearings. The projects include Ralston Tower, Maple Manor, and Cameron Villa apartments.	Retain – this program will be modified to set updated concrete goals and timelines.	C - 1

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	sources and levels, it is anticipated that approximately 70 owner-occupied units and 375 rental units can be assisted. • Monitor owners of at-risk projects on an ongoing basis, at least annually, in coordination with other public and private entities to determine their interest in selling, prepaying, terminating, or continuing participation in a subsidy program. • Maintain and annually update the inventory of "at-risk" projects through the use of existing databases (e.g. HUD, State HCD, and California Tax Credit Allocation Committee) • Take necessary steps to ensure that a project remains in or is transferred to an organization capable of maintaining affordability restrictions for the life of the project, including proactively ensuring notices to qualified entities, coordinating an action plan with qualified entities upon notice, and assisting with financial resources or supporting funding applications. • Annually monitor local investment in projects that have been acquired by non- or for-profit entities to ensure that properties are well managed and maintained and are being operated in accordance with the City's property rehabilitation standards.				

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	• Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. Annually contact project owners, gauge interest, and identify non-profit partners and pursue funding and preservation strategy on a project basis. • Annually meet with stakeholders and housing interests to participate and support, through meetings and technical assistance with local legislators in federal, State, or local initiatives that address affordable housing preservation (e.g. support State or national legislation that addresses at-risk projects, support full funding of programs that provide resources for preservation activities) • Annually identify funding sources for at-risk preservation and acquisition rehabilitation and pursue these funding sources at the federal , State, or local levels to preserve at-risk units on a project-by-project basis. • The City should actively pursue affordable housing opportunities and maintain a list of interested and qualified affordable housing developers. The City will update this list annually. • Tenant Education: The California Legislature extended the required notification period, requiring property owners give a 12-month				

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	notice of their intent to opt out of low-income use restrictions. The City will work with tenants of at-risk units and provide them with education regarding tenant rights and conversion procedures.				
4.1a Zoning Code Amendments	As part of this Housing Element update, the City has identified Zoning Code revisions necessitated by recent changes to State law, and to further facilitate the development of affordable and special needs housing. **Eight-Year Objectives and Time Frame:** • By 2019, consider amendment to create incentives for land assembly by allowing greater densities on progressively larger lots. • Annually review zoning ordinance, subdivision regulations, and development policies and procedures for consistency with State and Federal law. Amend zoning code as needed. • Prior to 2018, Modesto will identify at least one (1) zone district in which additional emergency shelters will be permitted by right (administratively). Zones Modesto is considering are C-M, M-1, and M-2, which are the zones in which one (1) additional shelter is currently allowed by right. At such time that City staff can definitively document a sufficient number of beds – by type / category – within various shelter	8 years	Ongoing. The reasonable accommodation procedure is completed through the Building Division. The City has not implemented any of the considerations regarding incentivizing land assembly by allowing greater densities on progressively larger lots. The City continues to update its Code, policies, and procedures to align with State Law. Recent examples of this include ADUs, Density Bonus, Permit Streamlining, and transitional housing. The City is preparing or researching additional Code and policy updates regarding SB-9, Emergency Shelters, Low Barrier Navigation Centers, Reasonable and Accommodations under ADA law. The City did identify C-M, M-1, and M-2 zones to allow an additional emergency shelter by right by 2018. The City is also in the process of updating the Emergency Shelter and Low Barrier Navigation Center portions of its Code to comply with more recent changes in State Law. Staff is currently reviewing a draft reasonable accommodation procedure with the City's ADA Coordinator using best practices from	Remove; Zoning amendments to be completed prior to adoption of 6th Cycle housing element.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	facilities to accommodate the need as determined by the most recent point-in-time survey, all subsequent emergency shelters will be subject to a Conditional Use Permit process.		model ordinances and other cities' existing procedures. A code amendment for Emergency Shelters is scheduled to go to Planning Commission on June 19, 2023.		
4.1b Large Sites for Lower-Income Housing	To assist the development of housing for lower income households on suitable sites, the City will facilitate land divisions, lot line adjustments, and specific plans resulting in parcel sizes that facilitate multi-family developments affordable to lower income households in light of state, federal and local financing programs. The City will work with property owners and non-profit developers to target and market the availability of sites with the best potential for development. In addition, the City will offer the following incentives for the development of affordable housing, including but not limited to: streamlining and expediting the approval process for land division associated with affordable housing production; ministerial review of lot line adjustments; and, providing technical assistance to secure funding. **Eight-Year Objectives and Time Frame:** • Annually review zoning ordinance, subdivision regulations, and development policies and procedures for consistency	8 years	Ongoing, as requested. Although the City does not currently have a formal policy to expedite affordable housing projects, the City's practice has been to expedite the processing of affordable housing projects, particularly as they relate to tight deadlines related to State and Federal funding requirements. Vine Street, a 23-unit veterans affordable housing project, and Archway Commons Phase II, a 74-unit 100% affordable housing development, both with reduced parking requirements, have received this assistance in the past 8 years. The City encourages and assists affordable housing developers, provides technical assistance, and encourages lower income housing projects throughout the City. The City also works with affordable housing developers to expedite review in order to meet grant deadlines. Recent projects that the City has supported include Vine Street and Archway Commons.	Remove; The City will provide other incentives for lower-income housing on lots of all sizes.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	with State and Federal law. Perform zoning code amendments as needed.				
4.1c Lot Consolidation	To assist the development of housing for lower income households on smaller sites, the City will play an active role in facilitating lot consolidation. For example, the City will work with non-profit developers and owners of small sites to identify and consolidate parcels to facilitate the development of housing affordable to lower-income households. The lot consolidation procedure will also be posted on the City's website and discussed with developers during the preliminary stages of project concept review. Incentives offered for lot consolidation could include allowing higher densities on the larger parcels once consolidated, flexible development guidelines/standards, and expedited processing. Applications for lot consolidation will be processed ministerially. **Eight-Year Objectives and Time Frame:** • Assist affordable housing developers to consolidate lots, where necessary, to develop affordable housing. • Prior to 2018, amend the Zoning Code to establish a Housing Incentive Program, similar to the County of Sacramento's, which provides a mechanism to facilitate expedited subdivision map processing, density bonus, and relaxed development	8 years	Ongoing, as requested. The City has not developed a formal program for this process.	Remove.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	guidelines and/or relief from specific standards for affordable housing projects – particularly those that provide housing for any of the special needs groups referenced within this Housing Element.				
4.2a Residential Sites Inventory	As part of this Housing Element update, the City has reviewed in detail its residential land inventory for vacant and underutilized sites available for housing development. To meet the State mandate of accommodating the RHNA and to maintain consistency with the City's goal of focusing growth within the Baseline Development Area and the Planned Urbanizing Area, the City is committed to maintaining this sites inventory. Modesto will ensure that adequate sites are available as shown on Table 4-11. All affordable housing numbers used in this Housing Element are approximate, based upon current data. Update residential sites inventory annually **Eight-Year Objectives and Time Frame:** • Update residential sites inventory annually	8 years	An entire citywide inventory for use with GIS is almost 100% complete (residential inventory is complete). Will be updated automatically when new building permit software is installed.	Retain.	A - 1
5.1a Reduction of Parking Standards	Modesto allows a reduction in parking standards for senior housing developments and has established lower parking ratios for housing in the downtown form based code area. The objective is to match parking standards with need to reduce costs. As the City begins to promote mixed-use developments along the	8 years	The City uses mixed-use and shared parking standards, as well as reduced parking for senior housing and low-income projects. Projects that have taken advantage of reduced parking requirements include: • El Rio – senior housing in Kiernan Business Park (also memory care)	Retain.	B - 6

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	commercial corridors, flexible parking standards may be adopted for mixed use projects and projects that involve small units. Elements of an individual project, the area in which it is located, and the transportation system must be evaluated when considering reducing parking requirements. Typically, developments within a five-minute walk of a transit stop are considered for reduced parking. **Eight-Year Objectives and Time Frame:** • Continue to offer reduced parking requirements for senior housing developments and for development in the downtown form based code area. • Review parking requirements as needed for mixed-use projects to offer flexibility in meeting parking needs (such as shared parking with commercial uses, off-site parking, reduced parking due to potential reduced trips)		• Magnolia Garden – 2600 Block of W. Rumble Rd. • Mable Apartments • Tower Park • Archway Commons Phase II • Vine Street Developments		
5.2a Multi-Family Developer Incentive Program	The Stanislaus County Housing Authority and nonprofit sponsors of housing for very-low-income households are exempt from the City's Capital Facilities Fees (developer fees). For multi-family projects with density bonuses, 20 percent of the project units must serve low income households or 10 percent of the units must serve very low income households. For these projects, developer construction fees are levied by deferring payment of Capital Facility Fees	8 years	Ongoing, as needed. There have been 220 multifamily exemptions since 2015.	Retain – modify quantified objective.	D - 7

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	with 20 percent required down and five years to pay. **Eight-Year Objectives and Time Frame:** Assist multi-family density bonus project developers with fee deferrals of Capital Facilities Fees, for projects serving very low and low-income households with an objective of assisting 30 units per year or 150 units over the 2015-2020 Consolidated Plan period.				
5.3a Streamlined Application Review, Permit Process	The City complies with the State-mandated Permit Streamlining Act, which ensures timely processing of planning development applications. The City building permit inspections and review have a minimal turnaround time, and no processing procedures result in extensive delays for affordable housing. **Eight-Year Objectives and Time Frame:** Continue the City's periodic reviews of the application review and permit processing procedures and time frame to ensure continued compliance with the Permit Streamlining Act	8 years	Ongoing. The City has taken numerous steps in the last 8 years to streamline the Development Review Process. With the help of eTrakit software, the City has increased the efficiency of the review process for permits and entitlements, complying with the State-mandated 30-day turnaround time for notifying applicants for completion, and standardizing and streamlining the timeframes for different levels of review. The City has also amended the Municipal Code requirements to reduce barriers to permit acquisition and align with State Law including ADUs, Density Bonus, and transitional housing.	Retain – modify.	B - 4
5.3b Administrative Coordination	Currently, several departments in the City are responsible to the delivery of various housing programs. For example, the CDBG- and HOME-funded housing programs are administrated by the Parks, Recreation, and Neighborhoods Department. Uses of the redevelopment	8 years	This program has been consolidated and is no longer valid as of 2015.	Remove.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	housing set-aside funds are overseen by the Community and Economic Development Department. The coordination of program delivery and uses of funds among departments requires increased efforts and sometimes results in duplicated efforts. Particularly, if a Housing Trust Fund is created to consolidate various funding sources (Program 1.3), the City may consider assigning the responsibility of overseeing the Trust Fund to one department. **Eight-Year Objectives and Time Frame:** • Continue internal coordination to facilitate the construction of affordable housing on an as-needed basis.				
5.3c Annual Report of General Plan	Charter cities are not required to conduct annual reviews of their general plans. If undertaken, review should include the progress of the Housing Element in meeting its share of the regional housing needs. The City makes any necessary adjustments to the General Plan elements to ensure consistency among the elements, to promote effective policy and program implementation, and to reflect changed conditions and regulations. If undertaken, the City may evaluate its progress in meeting its share of the Regional Housing Needs Allocation (RHNA). If components of the RHNA are not met, the City will evaluate the reasons for this occurrence and respond in	8 years	Ongoing. Maintained and filed every year.	Remove – this is a standard process.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	conformance with implementation programs as set forth in the Housing Element **Eight-Year Objectives and Time Frame:** • Conduct annual reviews of the General Plan implementation				
6.1a Urban Growth Policy Review Update	The Modesto General Plan calls for the City to maintain a five-year supply land served with urban infrastructure and available for development (Chapter II, Section C, General Plan Maintenance, page II-5). In addition, the General Plan provides that new development should occur next to existing development. This avoids situations in which the City might become responsible for extending urban services (for example, sewer lines) through open areas to new development. **Eight-Year Objectives and Time Frame:** • Continue to prepare the Urban Growth Review report every two (2) years to direct and manage growth, ensuring adequate urban services for new developments	8 years	No Urban Growth Review reports were conducted in 2021 due to the low level of development and large amount of developable land within City limits.	Remove – not a relevant Housing Element program.	N/A
6.2a Encourage Infill Development	In an effort to maximize efficiency of existing infrastructure, the City will establish a program to provide regulatory, financial, or other incentives to promote infill development to meet projected housing needs. The City will solicit input from local developers and interested parties to determine the greatest	8 years	Ongoing. The City prepared a Housing Plan to identify potential additional sites for housing and to recommend policies and regulations that can be revised to facilitate housing.	Remove.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	obstacles to infill development, and develop strategies accordingly to address these obstacles. The creation of marketing materials by the City to promote infill development may be a part of this program. Marketing materials may include development fee waivers for the development of affordable housing, the availability of CDBG grants to assist with public infrastructure improvements to affordable housing projects, the availability of vacant residential sites inventory report, listing site locations, acreages, ownership, zoning and entitlement requirements. **Eight-Year Objectives and Time Frame:** • Continued encouragement • By 2019, solicit input from the development community to determine the greatest obstacles to infill development.		The City supported the following infill development projects during the 5th Cycle: • Tower Park • Kansas House • Archway Commons Phase II • Vine Street Developments		
7.1a Coordination of Housing and Economic Development Efforts	Despite the loss of thousands of Modesto residents immediately before and during the mortgage crisis, Modesto continues to have fewer jobs than needed to achieve a balance between jobs and housing and thus reduce commuting distances. A jobs-housing imbalance exists, jeopardizing the quality of life offered by Modesto, creating impacts on the City's infrastructure systems, air quality, and economic well-being of the community. To attempt balancing housing growth and	8 years	Ongoing. This is a part of efforts taken for the Consolidated Plan. The 2020-2025 Consolidated Plan was adopted.	Remove.	N/A

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	economic development, the City offers these mechanisms: • Urban Growth Policy Review Update (Program 6.1): to ensure a balanced inventory of land is available for the upcoming five years; • Regional and inter-agency agreements for provision of both potable and non-potable water supplies; • Significant transportation system improvements, including reconstructed interchanges along SR99 and widening of SR219; and, • Revenue Bonds to provide for the construction and rehabilitation of major infrastructure and facilities necessary to support economic development efforts. • A Community Benefit District for downtown revitalization (established 2015) • Ongoing business attraction, retention, and expansion programs • Various economic incentives for new and existing businesses Partnership with community and public organizations in workforce development programs, including the Stanislaus Business Alliance and Modesto Junior College to train young people to perform jobs that are needed by local businesses.				

5th Cycle Program Name and Number	Action/Target	Time Frame in HE	Status of Implementation	Continued Appropriateness	6th Cycle Program Number
	Eight-Year Objectives and Time Frame: • Ongoing development efforts • Comprehensive General Plan Update to include an Economic Development Element to begin by 2019.				
7.1b Affordable Workforce Housing	Through economic development efforts (Program 7.1), Modesto will work with businesses to create higher paying jobs. The City will also coordinate with the business community to address the housing needs of workers. Modesto will also revise the Municipal Code to comply with the Employee Housing Act, found in California Health and Safety Code Section 17000 – 17062. **Eight-Year Objectives and Time Frame:** • Ongoing efforts to develop affordable housing consistent with this element of the Urban Area General Plan • Update Municipal Code to comply with the Employee Housing Act by 2020.	8 years	Ongoing. The City is working with several nonprofit developers and the local housing authority to develop workforce housing, including 1612 Sisk, which has an application for development of 150 moderate income units.	Remove.	N/A

HOUSING NEEDS ANALYSIS

City of **MODESTO**

Housing Element 2023-2031

CITY OF MODESTO CALIFORNIA

Housing Needs Assessment

The housing needs assessment analyzes the varied needs of all segments of the community. The assessment evaluates characteristics that inform housing need including population trends, demographics, employment trends, household characteristics, housing stock characteristics, housing inventory and market conditions, and preservation of at-risk units. The assessment also analyzes housing needs of various special needs groups, including elderly persons, large households, female-headed households, persons with disabilities (including developmental disabilities), homeless persons, farmworkers, and extremely low-income households. These components are presented in the context of the City of Modesto, Stanislaus County, and other regional or neighboring areas as appropriate. The housing needs assessment guides the identification of appropriate goals, policies, and programs for the City to implement during the 2023 – 2031 Housing Element cycle.

The housing needs assessment uses multiple data sources for analysis. Primary data sources include the 2020/2021 American Community Survey (ACS), the 2015-2019 Comprehensive Housing Affordability Strategy (CHAS) published by the US Department of Housing and Urban Development (HUD), and the 2020/2021 US Census. The CHAS provides information related to households with housing problems, including overpayment, overcrowding, and/or housing without complete kitchen facilities and plumbing systems. CHAS data is based on the 2015–2019 ACS data files but differs from the standard files by including a variety of housing need variables shown by HUD-defined income limits and HUD-specified household types. CHAS data uses the HUD area median family income (HAMFI), which does not differ from the area median income (AMI) used by the California Department of Housing and Community Development (HCD) except that the categories vary slightly from AMI income categories (shown below). Both HAMFI and AMI use the same median income from the metropolitan area, which for Modesto is the Sacramento-Stockton-Modesto metropolitan district. Tables that use HAMFI instead of AMI are noted.[3]

HCD uses five income categories to evaluate housing need based on the AMI for each metropolitan statistical area; they are used for both funding and planning purposes. The categories are as follows:

- Extremely low-income households, between 0% and 30% of the AMI
- Very low-income households, between 30% and 50% of the AMI
- Low-income households, between 50% and 80% of the AMI
- Moderate-income households, between 80% and 120% of the AMI
- Above moderate-income households, above 120% of the AMI

[3] Note that data from the different sources and different years may have varying estimates for totals such as population or number of households.

Extremely low-, very low-, and low-income households may be grouped together for planning purposes and referred to as "lower-income households.

Projected Housing Needs

As required by California Government Code Section 65583, each jurisdiction must have land zoned to accommodate its fair share of the regional housing need. Each jurisdiction's share of needs is known as the Regional Housing Needs Allocation (RHNA). HCD determines the needs for each region of the state. The Stanislaus Council of Governments (StanCOG) is the regional planning agency for the nine cities and unincorporated county and responsible for assigning each jurisdiction its share of the RHNA. The RHNA is broken down into the five income levels: extremely low, very low, low, moderate, and above moderate.

As determined by HCD, the RHNA for Stanislaus County over the 2023 – 2031 planning period is 34,344 units. Modesto was assigned a RHNA of 11,248 total units, as shown in Table 4.

Table 4: City of Modesto RHNA, 2023–2031

Income Group	% of County AMI	Units	% of Units
Extremely Low[1]	0–30%	1,403	12.5%
Very Low	30–50%	1,404	12.5%
Low	50–80%	1,943	17.3%
Moderate	80–120%	1,981	17.6%
Above Moderate	> 120%	4,517	40.2%
Total	**-**	**11,248**	**100%**

Source: Final Regional Housing Needs Allocation (RHNA) Plan: Stanislaus County Region Cycle 6 (2023-2031).

[1]Pursuant to AB 2634, local jurisdictions are also required to project the needs of extremely low-income households (0–30% of AMI). Fifty percent of the very low-income households are presumed to qualify as extremely low-income households.

Demographic Characteristics

Understanding the demographic characteristics and trends in a City is an important facet of planning for the needs of a community. This section summarizes the population size, age, and racial/ethnic composition of the City and region.

Population Trends

The City of Modesto, one of nine cities in Stanislaus County, is located centrally and largely surrounded by unincorporated county. Table 5 displays the population trends of Modesto and surrounding areas in Stanislaus County. Modesto has a population of 218,464 as reported by the 2020 US Census. The County saw a 6.2 percent increase in population over the 10-year time span. Modesto experienced a larger growth rate of 7.3 percent, about 14,944 people. This

is a comparable growth rate to the County as a whole and slightly lower than nearby jurisdictions of Riverbank and Oakdale, which saw higher population changes at 9.3 percent and 10.7 percent, respectively, while Turlock experienced a lower rate of growth at 12 percent.

Table 5: Regional Population Change, 2010–2020

Jurisdiction	2010	2020	% Change
Stanislaus County	514,453	546,235	6.2%
Modesto	203,520	218,464	7.3%
Ceres	45,899	49,302	7.4%
Turlock	68,560	72,740	6.1%
Riverbank	22,748	24,865	9.3%
Oakdale	20,703	23,181	12.0%

Source: San Joaquin Valley Regional Planning Agencies Policy Council Regional Data Set.

Table 6 provides annual average population growth from 2000 through 2020. Between 2010 and 2020, Stanislaus County experienced an average annual growth rate of approximately 0.6 percent per year. During the same ten-year period, Modesto saw slightly higher annual average growth at 0.7 percent (an increase of 14,944 residents), which was nearly identical to the 2000–2010 span, where the City's population estimate increased by 14,664, or approximately 0.7 percent annually on average.

Table 6: Regional Annual Average Population Growth, 2000–2020

Jurisdiction	2000	2010	2020	2000–2010		2010–2020	
	Total Population			Population Increase	AAGR	Population Increase	AAGR
Modesto	188,856	203,520	218,464	14,664	0.7%	14,944	0.7%
Stanislaus County	446,997	514,453	546,235	67,456	1.5%	31,782	0.6%

Source: San Joaquin Valley Regional Planning Agencies Policy Council Regional Data Set.

Age Composition

Modesto's current and future housing needs are determined in part by the age characteristics of its residents as each age group typically has distinct housing needs and preferences. For instance, a higher proportion of young adults generally indicates a need for rental units and first-time homebuyer or first move-up opportunities, including condominiums, townhomes, and smaller single-family homes. Middle-aged residents are usually at the peak of their earning power and typically occupy larger homes. Senior residents are generally homeowners who have resided in their single-family homes for an extended period of time and may be in need

of making home adaptation improvements to facilitate aging in place or transitioning to smaller living spaces and/or assisted living facilities.

Table 7 summarizes the population's age distribution and percentage change from 2000 to 2020. From 2010 to 2020, the largest increases in population were in the age groups of 65–74 years (53.1 percent or 6,284 individuals) and 60–64 years (48.7 percent or 1,828 individuals). The largest decline was in the 15–19-year age group (-16.3 percent) followed by the 45–54-year age group (-3.0 percent). The 2000–2010 and 2010–2020 time periods both show a declining trend in the 35–44-year age group in Modesto; over the course of the 20-year period, this age group decreased 11.5 percent.

The growing 60–74-year age group suggests that there is a need for senior housing, which may take the form of age-restricted developments, smaller units, and housing with increased support services and proximity to healthcare. The growing 25–34-year age group could represent a need for first-time homeownership opportunities and larger housing units, as this age group is likely to start families.

Table 7: Population Age Distribution, Modesto

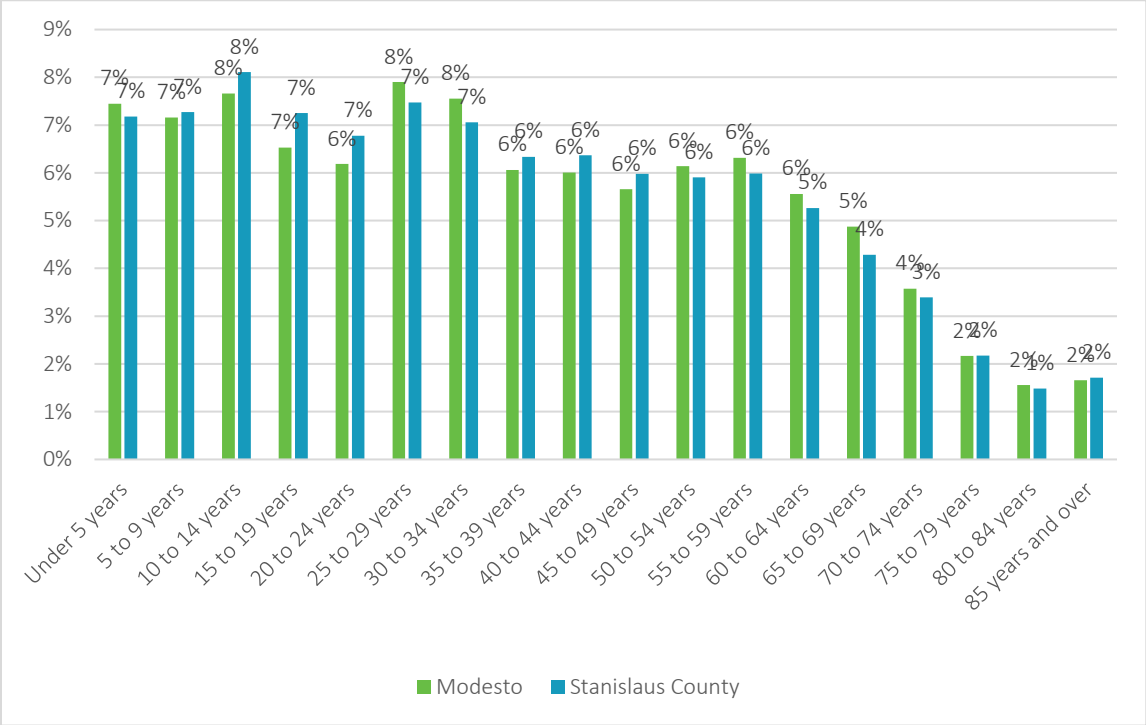
Age Group	2000	2010	2020	Change 2000–2010		Change 2010–2020	
Under 5 years	14,335	16,151	15,968	1,816	12.7%	-183	-1.1%
5 to 9 years	16,303	14,957	15,348	-1,346	-8.3%	391	2.6%
10 to 14 years	16,556	16,578	16,438	22	0.1%	-140	-0.8%
15 to 19 years	15,264	16,727	13,999	1,463	9.6%	-2,728	-16.3%
20 to 24 years	12,435	13,561	13,264	1,126	9.1%	-297	-2.2%
25 to 34 years	25,421	27,701	33,140	2,280	9.0%	5,439	19.6%
35 to 44 years	29,185	26,361	25,886	-2,824	-9.7%	-475	-1.8%
45 to 54 years	24,117	26,106	25,312	1,989	8.2%	-794	-3.0%
55 to 59 years	8,088	12,664	13,541	4,576	56.6%	877	6.9%
60 to 64 years	6,190	8,018	11,923	1,828	29.5%	3,905	48.7%
65 to 74 years	10,568	11,837	18,121	1,269	12.0%	6,284	53.1%
75 to 84 years	7,598	7,916	7,986	318	4.2%	70	0.9%
85 years and over	2,796	3,321	3,559	525	18.8%	238	7.2%
Total	188,856	201,898	214,485	13,042	6.9%	12,587	6.2%

Source: US Census Bureau, Census 2000 SF1, Table P12; Census 2010 SF1, Table P12; American Community Survey 5-Year Data (2016–2020), Table DP05.

Figure 1 shows the age distribution of Modesto and Stanislaus County in 2020. The distribution is nearly identical between the two as Modesto has approximately 40 percent share of the

overall County population. The largest percentage of the population is the same in both the City and County (10-14 and 25 – 34 year age groups).

Figure 1: Regional Population by Age Distribution, 2020



Source: US Census Bureau, American Community Survey 1-Year Estimate 2020, Table B01001.

Race and Ethnicity

An understanding of the racial and ethnic trends in a region contributes to an analysis of housing demand. According to 2020 ACS data, Non-White populations in Modesto occupy multifamily units at a higher rate than White populations.[4] Race and ethnicity characteristics also can be correlated with income levels. Table 8 summarizes the racial and ethnic composition of Modesto's population in 2010 and 2020. As of 2020, 41 percent of Modesto residents of any race were of Hispanic origin and 59 percent were Non-Hispanic. Of the Non-Hispanic population, 42.5 percent were White, 7.5 percent were Asian or Pacific Islander, and 5 percent were Black or African American. Between 2010 and 2020, the White Non-Hispanic population decreased by 11 percent, and the Black or African American population increased by 39 percent.

[4] US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B25032A-E.

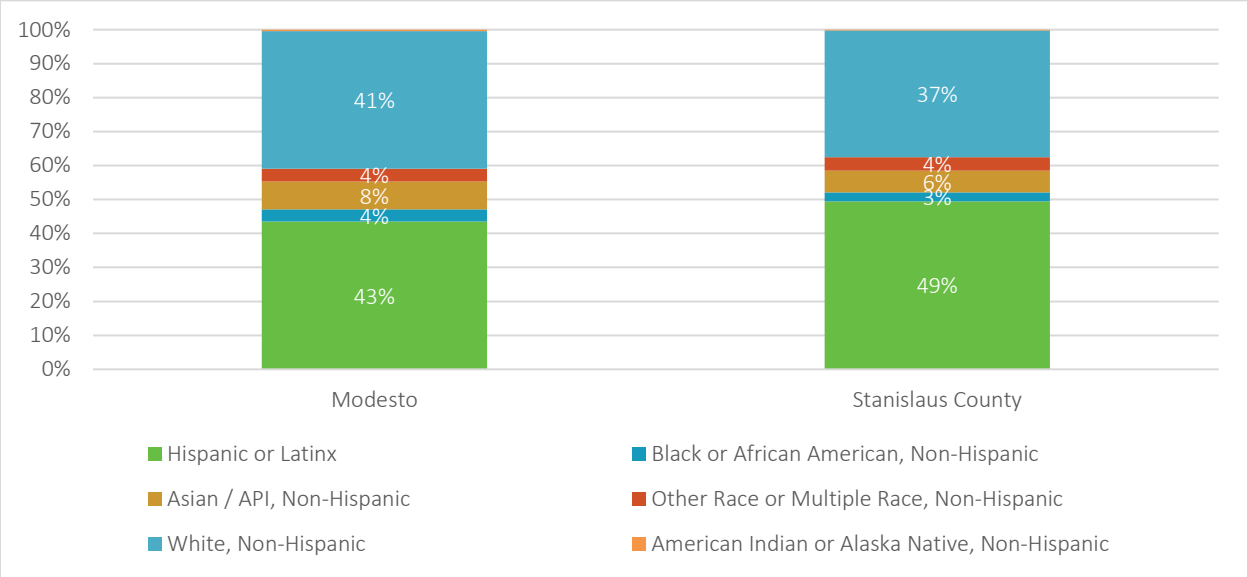
Table 8: Racial and Ethnic Composition, Modesto

Racial/Ethnic Group	2010		2020	
	Number	%	Number	%
Not Hispanic or Latino				
White	102,441	50.7%	91,149	42.5%
Black or African American	7,193	3.6%	10,034	4.7%
American Indian & Alaska Native	1,221	0.6%	1,240	0.6%
Asian	12,908	6.4%	15,987	7.5%
Native Hawaiian & Pacific Islander	1,631	0.8%	2,195	1.0%
Some other race alone	316	0.2%	298	0.1%
Two or more races	5,173	2.6%	6,181	2.9%
Subtotal	130,883	64.8%	127,084	59.3%
Hispanic or Latino				
White	50,215	70.7%	55,316	63.3%
Black or African American	564	0.8%	612	0.7%
American Indian & Alaska Native	739	1.0%	1,246	1.4%
Asian	235	0.3%	411	0.5%
Native Hawaiian & Pacific Islander	223	0.3%	109	0.1%
Some other race alone	14,919	21.0%	16,919	19.4%
Two or more races	4,120	5.8%	12,788	14.6%
Subtotal	71,015	35.2%	87,401	40.7%
Total	201,898	100%	214,485	100%

Source: US Census Bureau, American Community Survey 5-Year Data 2010 and 2020, Table B03002.

Figure 2 compares the racial and ethnic composition of Modesto to Stanislaus County as a whole. Modesto is a fairly diverse community mostly comprised of Hispanic and White, Non-Hispanic populations. The population composition of Modesto and Stanislaus County is relatively similar with nominal differences. In Modesto, a smaller proportion of the population is Hispanic or Latino (43 percent) compared to the County (49 percent). The other notable difference is the Asian population, which represents 8 percent of Modesto's population compared to Stanislaus County at 6 percent.

Figure 2: Regional Racial/Ethnic Composition, 2021



Source: US Census Bureau, American Community Survey 1-Year Data (2021), Table B03002.

Employment Trends

Employment trends in a region also influence housing needs. The quality and/or pay of available employment can determine the need for various housing types and prices.

Table 9 shows the labor force and employment trends in Modesto in 2010, 2015, and 2020. The labor force has increased by over 6,800 between 2010 and 2020 as well as the population not in the labor force. However, the not in the labor force population has decreased from 2015 to 2020. The unemployment rate increased from 7.8 percent to 8.5 percent, between 2010 and 2020 and, according to Local Area Unemployment Statistics (LAUS), it decreased from 18.6 percent in 2015 to 7.9 percent in 2020. In 2020, the unemployment rate for Modesto at 8.5 percent was lower than the County's unemployment rate of 8.8 percent, according to the 2020 Census.

Table 9: Employment Trends, Modesto

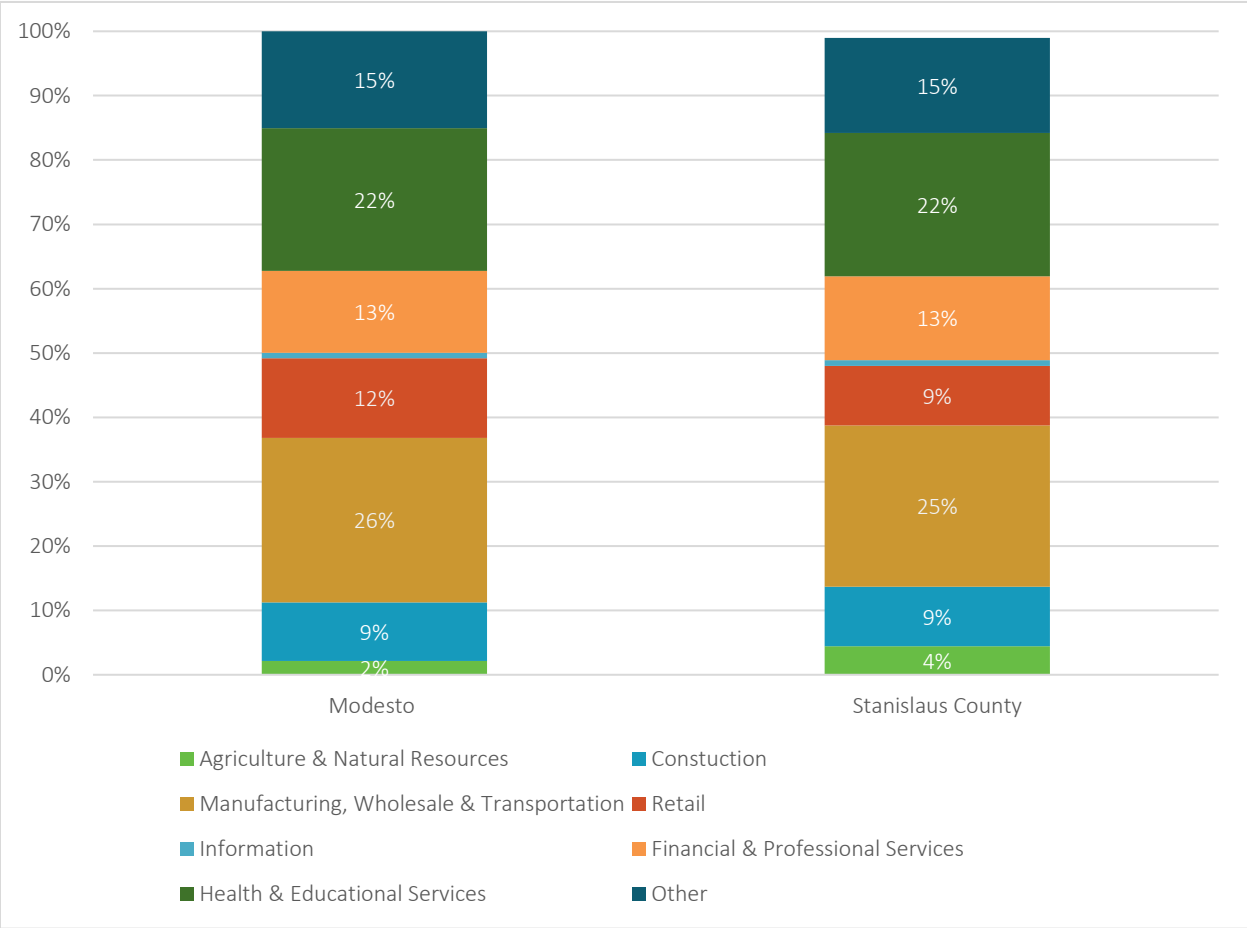
Year	In Labor Force	Not in Labor Force	Employment	Unemployment	Unemployment Rate	
2010	92,867	58,117	81,111	11,756	*7.8%*	18.6%*
2015	96,879	66,786	82,547	14,332	*8.9%*	10.7%*
2020	99,744	64,189	91,291	8,453	*8.5%*	7.9%*

Source: US Census Bureau, American Community Survey 5-Year Data 2010, 2015, and 2020, Table DP03.

*Source: CA Employment Development Department, Local Area Unemployment Statistics (LAUS) program

Figure 3 displays the employment share by industry in Modesto and Stanislaus County. The employment by industry breakdown when compared between the City and County are largely similar, but have a few nominal differences. Modesto has a slightly larger percentage of workers employed in the Retail and Manufacturing, Wholesale & Transportation sectors than in Stanislaus County, the latter comprising the largest sector in Modesto at 26 percent. The City and County share a similar or identical percentage of workers employed in several other services sectors.

Figure 3: Regional Employment by Industry, 2021

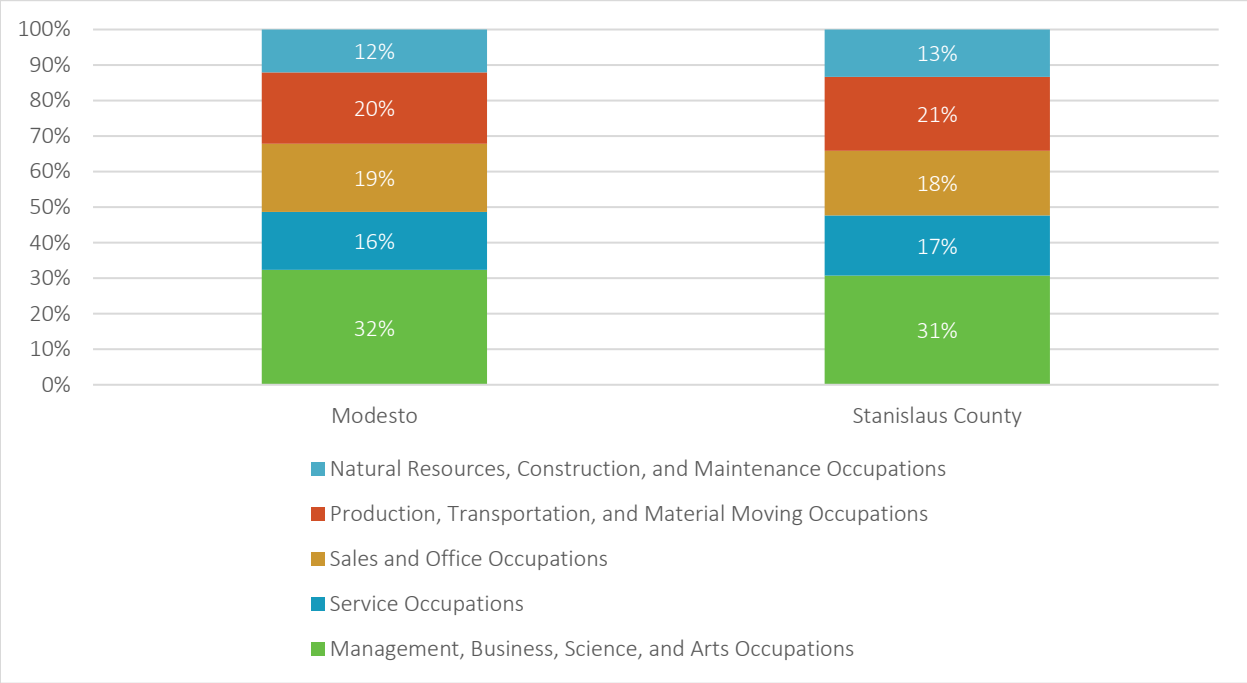


Source: US Census Bureau, American Community Survey 1-Year Data (2021), Table C24030.

Figure 4 displays the regional employment by occupation for Modesto and Stanislaus County. As with regional employment by industry, the makeup of employment by occupation is very similar across the City and County, one percent difference between each industry. Modesto has a slightly higher percentage of people employed in management, business, science, and arts occupations (32 percent) than the County (31 percent); management services is also the highest percentage of all employment by occupation categories. The second highest percentage of employment was in production, transportation, and material moving (20

percent) which was slightly less than the County (21 percent). The comparison of regional employment by occupation and industry shows no specific housing need unique to Modesto as compared to the County.

Figure 4: Regional Employment by Occupation, 2021



Source: US Census Bureau, American Community Survey 1-Year Data (2021), Table C24010.

Household Characteristics

This section describes Modesto's household characteristics, including data on the number of households, household size, and household income. The US Census Bureau defines a household as all persons living in a single housing unit, whether or not they are related. A household can be one person, a single family, multiple families, or any group of related or unrelated persons. The US Census Bureau defines a family as related persons living within a single housing unit.

As shown in Table 10, the number of households in Modesto increased by 6.4 percent between 2000 and 2010. The County experienced twice the amount of growth as Modesto during the same time period (12.8 percent). Between 2010 and 2020, Modesto's household growth was slightly lower, at 2.9 percent, than the County and the State, at 6.7 percent and 5.7 percent, respectively. In 2020, the US Census Bureau reported 71,113 households in Modesto.

Table 10: Number of Households, 2000–2020

Area	2000	2010	2020	% Change 2000–2010	% Change 2010–2020
Modesto	64,959	69,107	71,113	6.4%	2.9%
Stanislaus County	145,146	163,841	174,826	12.8%	6.7%
California	11,502,870	12,392,852	13,103,114	7.7%	5.7%

Source: US Census Bureau, Decennial Census 2000, Table DP1; American Community Survey 5-Year Data 2010 and 2020, Table S1101.

The average number of persons per household in Modesto was 3.0 in 2020, a slight increase from 2.9 in 2010. The County and State also saw an increase in household size since 2010. As shown in Table 11, the average number of persons per household in Modesto is lower than the countywide average (3.1) but slightly higher than the statewide average of 2.9. A larger household size may indicate a need for larger housing units with more bedrooms. It may also suggest a need for more affordable units to alleviate the pressure for individuals to cohabitate primarily because of high housing costs. These issues are further analyzed in the Overpayment and Overcrowding section of the needs assessment.

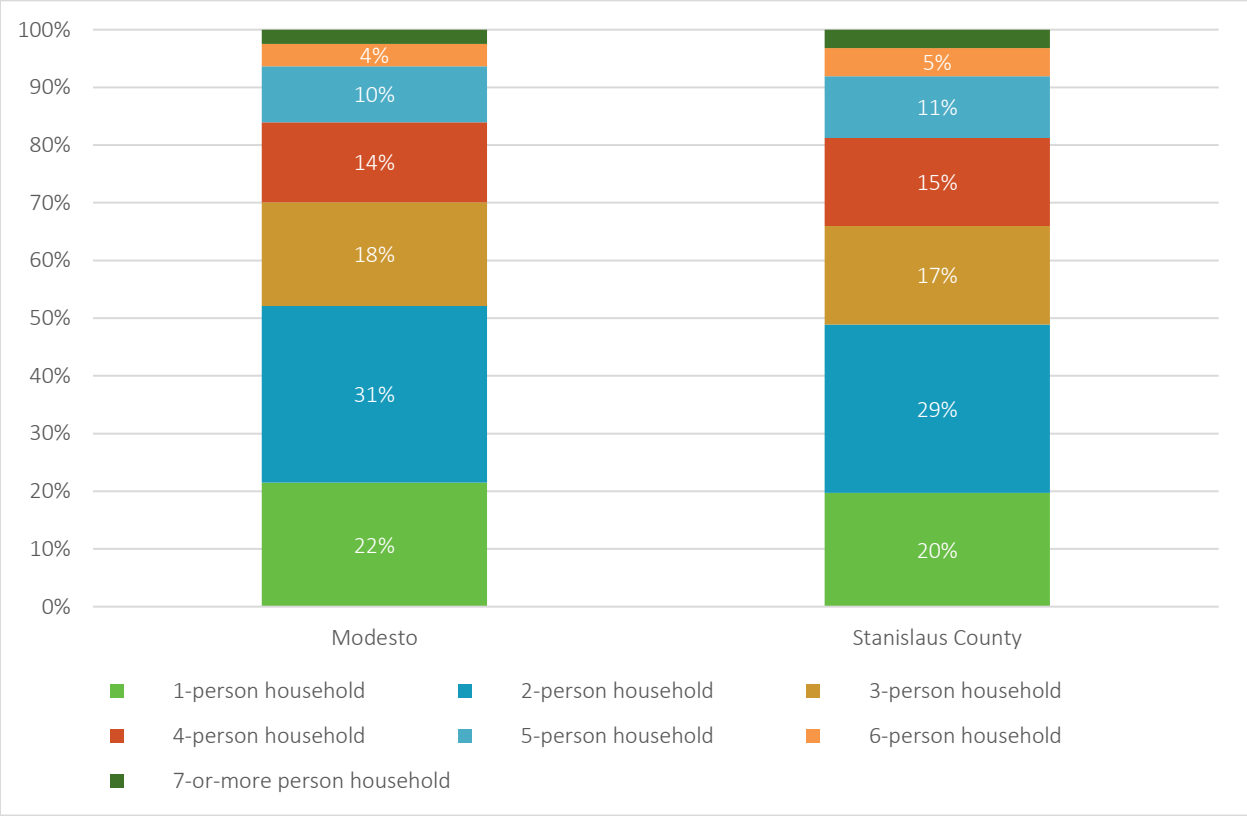
Table 11: Regional Average Household Size

Area	2000	2010	2020
Modesto	2.9	2.9	3.0
Stanislaus County	3.0	3.1	3.1
California	2.9	2.9	2.9

Source: US Census Bureau, Decennial Census 2000, Table DP1 SF2; American Community Survey 5-Year Data 2010 and 2020, Table S1101.

Figure 5 shows the household size distribution of Modesto and Stanislaus County. The distribution is similar between the City and County. Modesto has a slightly higher proportion of one-person and two-person households than the County and fewer four- and five-person households.

Figure 5: Regional Household by Size, 2021



Source: US Census Bureau, American Community Survey 1-Year Estimates (2021), Table B25009.

Table 12 shows trends in household size from 2010 through 2020. The largest increase has been in 3-person households. In 2010 and 2015, they made up about 15 percent of all households and now comprise over 17 percent of total households. This represents a 19 percent increase in three-person households over the 10-year period. Households with five persons increased over 18 percent from 2010 to 2020. In the same time frame, two-person households decreased slightly (2 percent) and six-person households declined substantially (21 percent).

Table 12: Household Size, Modesto, 2010–2020

Household Size	2010		2015		2020		2010–2020
	Units	% of Total	Units	% of Total	Units	% of Total	% Change
1-Person Household	15,822	23.1%	17,334	24.6%	16,136	22.7%	1.9%
2-Person Household	21,122	30.9%	21,630	30.7%	20,692	29.1%	-2.0%
3-Person Household	10,482	15.3%	10,802	15.3%	12,497	17.6%	19.2%
4-Person Household	10,429	15.3%	10,476	14.9%	10,860	15.3%	4.1%
5-Person Household	5,315	7.8%	5,622	8.0%	6,306	8.9%	18.6%
6-Person Household	3,364	4.9%	2,749	3.9%	2,655	3.7%	-21.1%
7-or-More Person Household	1,833	2.7%	1,868	2.7%	1,967	2.8%	7.3%
Total	68,367	100%	70,481	100%	71,113	100%	4.0%

Source: US Census Bureau, American Community Survey 5-Year Estimates (2006–2010, 2011–2015, 2016–2020), Table B25009.

The decrease in two- and six-person households may partially be attributed to Modesto's recent trend toward the average family size of 3.5, as shown in Table 13. Average family size marginally increased from 3.50 in 2010 to 3.53 in 2020. This contrasts with the County's increase in average family size from 3.55 to 3.60 over the same period. This correlates with Table 7, which shows that the 15–19-year age group decreased 16 percent and the 20–24 year age group decreased by 2 percent between 2000 and 2020. This data may indicate that as families grow, the children are leaving the City, possibly to pursue higher education.

Table 13: Regional Family Household Characteristics, 2010–2020

Area	2010	2015	2020	Change 2010–2020
Modesto				
Families as % of All Households	70.7%	69.4%	71.8%	1.1%
Average Family Size	3.50	3.47	3.53	0.3
Stanislaus County				
Families as % of All Households	74.6%	73.7%	74.3%	-0.3%
Average Family Size	3.55	3.58	3.60	0.5

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020, 2011–2015, and 2006–2010), Table S1101.

Table 14 displays household size by tenure in Modesto. Just over 55 percent of housing units are owner-occupied citywide. When looking at tenure by household size, five-person and more households have a lower homeownership rate than other household sizes. Finding a home

large enough to accommodate five or more persons may make it more challenging to finance a home.

Table 14: Household Size by Tenure, Modesto, 2020

	Owner Occupied				Renter Occupied				Total			
Persons/ House-hold	Modesto		Stanislaus County		Modesto		Stanislaus County		Modesto		Stanislaus County	
1	8,052	11.3%	18,351	10.5%	8,084	11.4%	17,499	10.0%	16,136	22.7%	35,850	20.5%
2	13,529	19.0%	33,525	19.2%	7,163	10.1%	15,850	9.1%	20,692	29.1%	49,375	28.2%
3	6,158	8.7%	16,709	9.6%	6,339	8.9%	13,981	8.0%	12,497	17.6%	30,690	17.6%
4	5,941	8.4%	16,656	9.5%	4,919	6.9%	11,680	6.7%	10,860	15.3%	28,336	16.2%
5	3,418	4.8%	9,513	5.4%	2,888	4.1%	7,493	4.3%	6,306	8.9%	17,006	9.7%
6	1,411	2.0%	4,427	2.5%	1,244	1.7%	3,612	2.1%	2,655	3.7%	8,039	4.6%
7+	1,104	1.6%	3,494	2.0%	863	1.2%	2,036	1.2%	1,967	2.8%	5,530	3.2%
Total	**39,613**	**55.8%**	**102,675**	**58.7%**	**31,500**	**44.3%**	**72,151**	**41.4%**	**71,113**	**100%**	**174,826**	**100%**

Source: US Census Bureau, American Community Survey 5-Year Data (2016-2020), Table B25009.

The median household income for Modesto in 2021 was $70,469, which is within 5 percent of the median income for the County ($73,982). In the City, the median income for owner-occupied households ($89,213) was about $39,990 higher than the median income for renter-occupied households ($45,993). The County has slightly less of an income disparity between owners and renters, with owner-occupied households earning about $33,300 more than renter-occupied households.

Table 15: Median Household Income by Tenure

Jurisdiction	2021 Median Income
Modesto	$70,469
Owner-Occupied Households	$89,213
Renter-Occupied Households	$49,223
Stanislaus County	$73,982
Owner-Occupied Households	$91,608
Renter-Occupied Households	$49,305

Source: US Census Bureau, American Community Survey 1-Year Data (2021), Table B25119.

The State of California uses five income categories to determine eligibility for housing programs. Table 16 shows the State-defined income ranges for each affordability category based on the Stanislaus County AMI of $70,700 for a household of four.

Table 16: Income Range by Affordability Level Based on State Area Median Income, 2021

Affordability Category	% of County Median	Income Range
Extremely Low Income	< 30%	≤ $26,500
Very Low Income	31%–50%	$26,501–$35,650
Low Income	51%–80%	$35,651–$57,050
Moderate Income	81%–120%	$57,051–$84,850
Above Moderate Income	> 121%	> $84,850

Source: California Department of Housing and Community Development, Revised State Income Limits for 2021, Dec. 31, 2021.

Table 17 provides a breakdown of income level by tenure in Modesto, using the 2015–2019 CHAS data. Approximately 45 percent of households in Modesto are renter-occupied, compared to 42 percent of households in the County. In Modesto, about 48 percent of households are above the HUD HAMFI, which is comparable to the County's 47.5 percent.

Table 17: Household Income Level by Tenure, 2019

Income Level	Owner Occupied	%	Renter Occupied	%	Total	%
Modesto						
Less than or equal to 30% of HAMFI[1]	2,110	2.9%	6,200	8.6%	8,310	11.5%
Greater than 30% but less than or equal to 50% of HAMFI	2,905	4.0%	5,860	8.1%	8,765	12.1%
Greater than 50% but less than or equal to 80% of HAMFI	5,920	8.2%	7,385	10.2%	13,305	18.4%
Greater than 80% but less than or equal to 100% of HAMFI	3,790	5.2%	3,220	4.5%	7,010	9.7%
Greater than 100% of HAMFI	25,145	34.8%	9,795	13.5%	34,940	48.3%
Total[2]	39,875	55.1%	32,460	44.9%	72,330	100%
Stanislaus County						
Less than or equal to 30% of HAMFI[1]	6,005	3.5%	14,430	8.3%	20,435	11.8%
Greater than 30% but less than or equal to 50% of HAMFI	8,400	4.8%	13,695	7.9%	22,095	12.7%
Greater than 50% but less than or equal to 80% of HAMFI	14,975	8.6%	16,055	9.2%	31,030	17.8%
Greater than 80% but less than or equal to 100% of HAMFI	10,365	6.0%	7,300	4.2%	17,665	10.2%
Greater than 100% of HAMFI	60,830	35.0%	21,840	12.6%	82,670	47.5%
Total[2]	100,575	57.8%	73,320	42.2%	173,900	100%

Source: US Department of Housing and Urban Development (HUD), CHAS ACS tabulation, 2015–2019.

[1] HUD area median family income (HAMFI).

[2] Data presented in this table are based on special tabulations from sample Census data. The number of households in each category usually deviates slightly from the 100 percent total due to the need to extrapolate sample data out to total households. Interpretations of these data should focus on the proportion of households in need of assistance rather than on precise numbers.

Housing Stock Characteristics

This section discusses the housing stock in Modesto, including change in housing units, unit size, unit type, age of housing stock, overpayment and overcrowding rates, and housing age and conditions. By analyzing past and current housing trends in the housing stock, future housing needs can be assessed.

Table 18 summarizes the number of housing units in the City and County from 2000 to 2020. In 2000, Modesto had 67,179 housing units. By 2010, the number of housing units had increased to 75,044, an 11.7 percent increase. Between 2010 and 2020, the City is estimated to have approximately 1,138 fewer units (1.5 percent). There was no major loss of units or demolition without replacement during the housing cycle, and the decrease is within the margin of error in the census data. In 2020, the Census reported 73,906 housing units in the City, which comprised nearly 41 percent of the County's housing units. Modesto's share of the County's housing units slightly decreased from 2000 to 2020, suggesting that housing unit production in the County is outpacing the production in Modesto.

Table 18: Regional Housing Units, 2000–2020

Year	Modesto	% Change	Stanislaus County	% Change	Modesto as % of County
2000	67,179	-	150,807	-	44.5%
2010	75,044	11.7%	177,591	17.8%	42.2%
2020	73,906[1]	-1.5%	182,239	2.6%	40.6%

Source: US Census Bureau, Decennial Census 2000, Table H001 SF1, ACS 16-20 (5-year Estimates), Table B25001.

1 Margin of Error +/- 1,020

Table 19 summarizes the distribution of unit size by tenure in 2020. The most common unit size for renter-occupied units was two-bedroom units, followed by three-bedroom units. The most common size for owner-occupied units was three-bedroom units, followed by four bedrooms units. Owner-occupied units tend to be larger than renter-occupied units.

Table 19: Unit Size by Tenure, Modesto, 2020

Unit Size	Owner-Occupied		Renter-Occupied		Total Occupied Housing Units	
	Units	%	Units	%	Units	%
No bedroom/Studio	178	0.3%	1,386	1.9%	1,564	2.2%
1 bedroom	356	0.5%	5,699	8.0%	6,055	8.5%
2 bedrooms	5,127	7.2%	11,365	16.0%	16,492	23.2%
3 bedrooms	22,869	32.2%	10,622	14.9%	33,491	47.1%
4 bedrooms	8,758	12.3%	2,157	3.0%	10,915	15.3%
5 or more bedrooms	2,325	3.3%	271	0.4%	2,596	3.7%
Total	39,613	55.7%	31,500	44.3%	71,113	100%

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B25042.

Table 20 summarizes Modesto's housing inventory by building type from 2011 to 2021. In 2021, single-family detached units comprised the largest percentage of housing stock, approximately 71 percent, with 53,284 units. Multifamily housing made up 18.5 percent with 13,855 units. Compared to Stanislaus County, Modesto has less of a share of the housing stock in the form of single-family detached housing units, by 5 percent. Single-family detached homes make up 76 percent of the County's housing and multifamily housing accounts for 14 percent. Between 2011 and 2021, the distribution of building types has remained the same for both the County and the City.

Table 20: Regional Housing Inventory by Unit Type

Building Type	2011		2021	
	Units	%	Units	%
Modesto				
Single-Family Home: Detached	49,759	68.7%	53,284	71.2%
Single-Family Home: Attached[1]	4,377	6.0%	5,721	7.7%
Multifamily[2]	16,751	23.1%	13,855	18.5%
Mobile Homes	1,584	2.2%	1,966	2.6%
Total	72,471	100%	74,826	100%
Stanislaus County				
Single-Family Home: Detached	132,727	73.9%	139,906	76.2%
Single-Family Home: Attached[1]	9,061	4.2%	9,325	5.1%
Multifamily[2]	30,321	16.4%	26,294	14.3%
Mobile Homes	7,522	4.8%	8,136	4.4%
Total	179,631	100%	183,661	100%

Source: US Census Bureau, American Community Survey 1-Year Estimates (2011-2021), Table B25024

[1] "Single-Family Home: Attached" is defined as a one-unit structure attached to another unit by a common wall; they are commonly referred to as a townhouse, half-plex, or row house. The shared wall or walls extend from the foundation to the roof with adjoining units to form a property line. Each unit has individual heating and plumbing systems.

[2] "Multifamily" refers to a structure containing two or more units and not classified as a "Single-Family Home: Attached" structure. The units in the structure share attic space and heating and plumbing systems.

Table 21 displays the US Census Bureau's estimates of the number of occupied housing units by building type and tenure in Modesto in 2020. Most of Modesto's housing stock is composed of owner-occupied, detached single-family homes (53.3 percent of total units) followed by renter-occupied, detached single-family homes (18.5 percent of total units). Analyzing the tenure split of the various housing building types reveals that 71.5 percent of all units were detached single-family homes were owner occupied. Multifamily housing was predominantly renter occupied (93.4 percent of total multifamily units and 16.8 percent of all total units).

Diversifying Modesto's housing stock to include more multifamily housing in both rental and ownership forms has the potential to provide more affordable housing options, given the construction efficiencies of the multifamily building type. Multifamily housing can also be beneficial for seniors, people with disabilities, and those who prefer less home maintenance or do not need the yard space characteristic of single-family properties.

Table 21: Housing Building Type by Tenure, Modesto, 2021

Building Type	Owner Occupied	% of Total Units	Renter Occupied	% of Total Units	Total Units
Detached Single-Family Homes	38,291	74.3%	13,275	25.7%	51,566
Attached Single-Family Homes	1,606	29.4%	3,863	70.6%	5,469
Multifamily Housing	850	6.6%	12,090	93.4%	12,940
Mobile Homes	1,593	90.8%	162	9.2%	1,755
Boat, RV, Van, etc.	0	0.0%	45	100%	45
Total	42,340	58.9%	29,435	41.0%	71,775

Source: US Census Bureau, American Community Survey 1-Year Estimates (2021), Table B25032.

Housing Age and Condition

Housing is considered substandard when conditions are found to be below the minimum standard of living defined in the California Health and Safety Code. Substandard housing units include those in need of repair and/or replacement. Households living in substandard conditions are considered to be in need of housing assistance, even if they are not seeking alternative housing arrangements, due to threats to health and safety.

A household is considered substandard, or to have a housing problem, if it has one or more of the four following housing problems:

- Housing unit lacks complete kitchen facilities
- Housing unit lacks complete plumbing facilities
- Housing unit is overcrowded
- Household is cost burdened

In addition to structural deficiencies and standards, the lack of infrastructure and utilities often serves as an indicator for substandard conditions. Table 22 summarizes the number of units lacking plumbing or complete kitchen facilities. According to the 2021 ACS one-year estimates, 195 occupied units in Modesto lacked complete plumbing facilities. Of these, 134 were renter-occupied and 61 were owner-occupied. A total of 379 units lacked complete kitchen facilities. Of those, 61 were owner-occupied and 318 were renter-occupied. It should be noted that there is potential for overlap in the number of substandard housing units, as some units may lack both complete plumbing and kitchen facilities (i.e. the number of units is the same for owner-occupied units lacking complete plumbing and kitchen facilities).

Table 22: Units Lacking Plumbing or Complete Kitchen Facilities, 2021

Units	Owner Occupied	% of Total Units	Renter Occupied	% of Total Units	Total Units	% of Total Units
Lacking Complete Plumbing Facilities	61	0.1%	134	0.2%	195	0.3%
Lacking Complete Kitchen Facilities	61	0.1%	318	0.4%	379	0.5%

Based upon a combination of previous "windshield surveys," observations and experiences of the code enforcement and planning staff, and indicators from the redevelopment blight surveys, the City has estimated that approximately 1,435 units, or 2 percent of all units are substandard housing.

The age of a housing unit is often an indicator of housing conditions. In general, housing that is 30 years old or older may need repairs based on the useful life of materials. Housing over 50 years old is considered aged and is more likely to need major repairs. Many federal and state programs use age of housing as one factor to determine housing needs and the availability of funds for housing and community development.

Table 23 summarizes the age of Modesto's housing stock by tenure in 2021. Approximately 88 percent of all housing units in the City were built prior to 1999, and 57 percent of units were built before 1980. The City saw nearly 67 percent of all of its housing built between 1960 and 1999 (a period of 39 years). The City has seen a smaller percentage of housing built in the last 12 years (759 owner-occupied units and 979 rental units). These numbers show that rental needs have outweighed the needs for for-sale housing in Modesto since 2010.

Table 23: Year Housing Built, Modesto

Year Built	Owner Occupied		Renter Occupied		Total Units	
Built 2020 or later	64	0.1%	0	0.0%	64	0.1%
Built 2010 to 2019	759	1.1%	979	1.4%	1,738	2.4%
Built 2000 to 2009	5,131	7.1%	1,451	2.0%	6,582	9.2%
Built 1990 to 1999	4,464	6.2%	3,590	5.0%	8,054	11.2%
Built 1980 to 1989	8,718	12.1%	5,288	7.4%	14,006	19.5%
Built 1970 to 1979	9,960	13.9%	7,547	10.5%	17,507	24.4%
Built 1960 to 1969	5,319	7.4%	3,358	4.7%	8,677	12.1%
Built 1950 to 1959	4,769	6.6%	3,668	5.1%	8,437	11.8%
Built 1940 to 1949	1,311	1.8%	1,923	2.7%	3,234	4.5%
Built 1939 or earlier	1,845	2.6%	1,631	2.3%	3,476	4.8%
Total	42,340	59.0%	29,435	41.0%	71,775	100%

Source: US Census Bureau, American Community Survey 1-Year Estimates (2021), Table B25036.

Housing tenure by date of occupancy is listed in Table 24, which shows when households moved into their housing unit. About 22 percent of owner-occupied households have been in the same place of residence since 2000.

Table 24: Housing Tenure by Date of Occupancy, Modesto

Move In Year	Owner Occupied	% of Units	Renter Occupied	% of Units	Total	% of Units
Moved in 2019 or later	6,567	15.5%	11,528	39.2%	18,095	25.2%
Moved in 2015 to 2018	7,667	18.1%	9,115	31.0%	16,782	23.4%
Moved in 2010 to 2014	7,680	18.1%	5,098	17.3%	12,778	17.8%
Moved in 2000 to 2009	9,424	22.3%	2,422	8.2%	11,846	16.5%
Moved in 1990 to 1999	5,512	13.0%	902	3.1%	6,414	8.9%
Moved in 1989 or earlier	5,490	13.0%	370	1.3%	5,860	8.2%
Total	42,340	100%	29,435	100%	71,775	100%

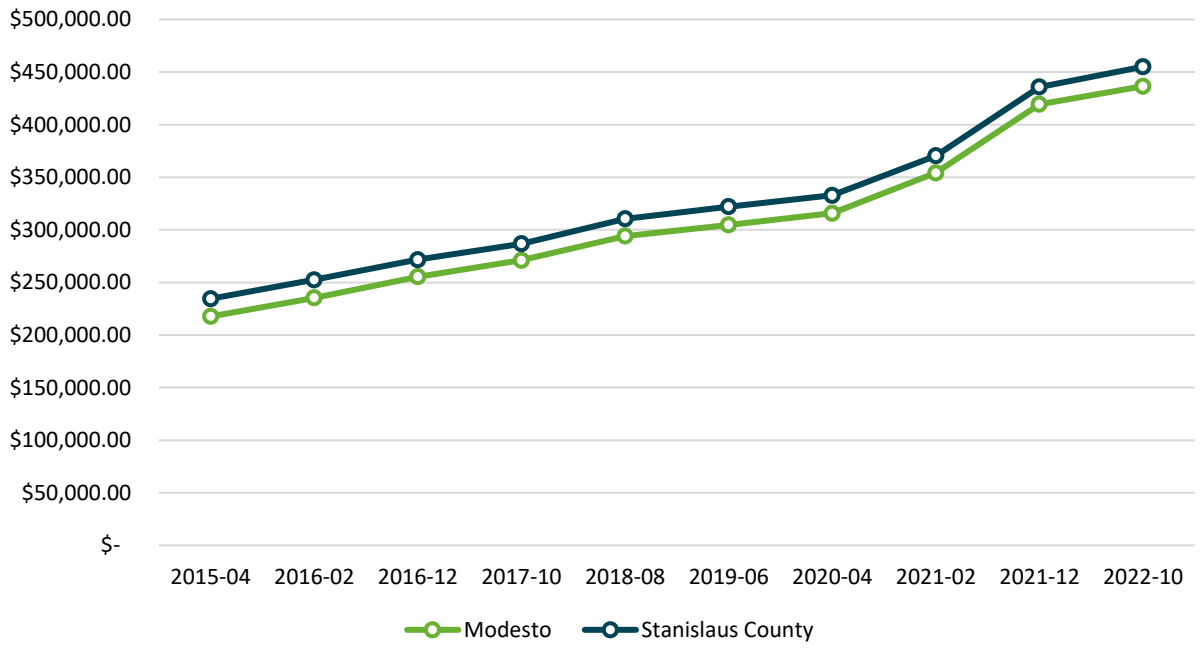
Source: US Census Bureau, American Community Survey 1-Year Estimates (2021), Table B25038.

Median Home Sale Prices

Figure 6 shows the change in home prices in Modesto and Stanislaus County from April 2015 to October 2022. While the City and County follow the same general trend over time, Modesto home prices are slightly lower than the County. The median sales prices for new and resale

homes in Modesto have steadily increased during this time, with a minor plateau at the start of the COVID-19 pandemic in early 2020. The median home price in October 2022 was $436,591, which was 4 percent ($18,527) lower than the County median of $455,118.

Figure 6: Regional Home Prices Over Time, 2015-2022



Source: Zillow Home Value Index (ZHVI), December 2022.

Home values in Modesto increased by 5.5 percent between October 2021 and October 2022, from $413,736 to $436,591, as shown in Table 25. In October 2022, the Zillow home value index in Stanislaus County was $455,118, which represented a 5.8 percent increase since October 2021, similar rate to Modesto. In October 2022, the home values in Stanislaus County were 4.2 percent higher than those in Modesto. Since a household can typically qualify to purchase a home that is 2.5 to 3.0 times the annual income of that household, Modesto's median income of about $62,182 implies that the median sales price should be between $155,455 and $186,546.[5] The home value index of approximately $436,000 indicates a high potential for housing cost burden in the City.

[5] Assumes 10% down payment; 5.00% mortgage interest rate; taxes, insurance, PMI and HOA account for 35% of housing costs; and uses 2022 Stanislaus Regional Housing Authority utility allowances.

Table 25: Zillow Home Value Index, Neighboring Jurisdictions

Jurisdiction	October 2021	October 2022	% Change
Modesto	$413,736	$436,591	5.5%
Ceres	$415,024	$440,606	6.2%
Riverbank	$440,535	$468,892	6.4%
Oakdale	$523,298	$552,190	5.5%
Turlock	$440,883	$468,699	6.3%
Stanislaus County	$430,180	$455,118	5.8%

Source: Zillow Housing Market Data, 2022.

Rental Prices

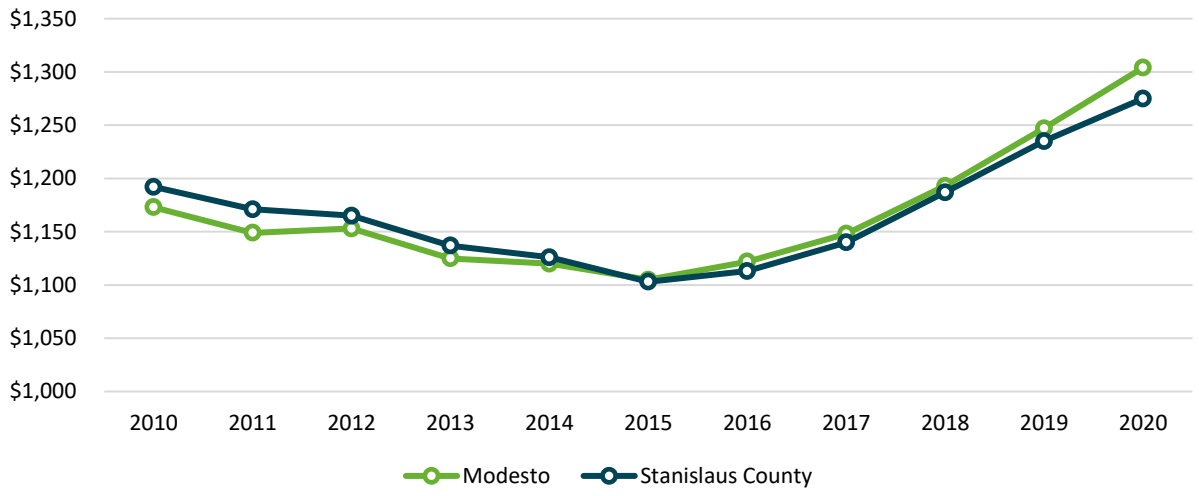
Table 26 and Figure 7 show median home rental prices in Modesto and Stanislaus County from 2010 to 2020. In 2020, the median rental price in Modesto was $1,304. This is an 18 percent increase from the 10-year low of $1,105 in 2015. Rental prices have been steadily increasing in the City since 2015. It should be noted that these median rental prices do not fully capture the housing market effects of the global COVID-19 pandemic. One of the economic impacts seen in California during the COVID-19 pandemic was a rapid increase in home prices, potentially caused by a rapid increase in remote work and higher demand for housing in suburban settings such as Modesto. As a result, rental values in the years following the onset of the pandemic are estimated to be significantly higher and continue to rise through 2022.

Table 26: Regional Median Monthly Rent, 2010–2020

Jurisdiction	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Modesto	$1,173	$1,149	$1,153	$1,125	$1,120	$1,105	$1,122	$1,148	$1,193	$1,247	$1,304
Stanislaus County	$1,192	$1,171	$1,165	$1,137	$1,126	$1,103	$1,113	$1,140	$1,187	$1,235	$1,275

Source: American Community Survey 5-Year Estimates, Table B25105.

Figure 7: Regional Median Rental Prices, 2010-2020



Source: US Census Bureau, American Community Survey 5-Year Estimates, Table B25105.

Table 27 displays the affordable and fair market rents for low-income households in the Modesto HUD Fair Market Rent Area, which includes Stanislaus County. Fair market rents are estimates of what a person moving today can expect to pay in gross rent (cost of shelter plus utilities) for a modestly priced rental home in a given area. The kind of home that can be rented for the fair market rent is in decent condition, but it is not luxury housing. The methodology used to calculate hourly wage and annual salary required to afford the fair market rents without spending greater than 30 percent of income on housing is provided by the National Low Income Housing Coalition.

Table 27: Affordable and Fair Market Rent for Low-Income Households (2023)

Unit Size	Hourly Wage Required[1]	Annual Salary Required[2]	Monthly Income Required	Average Fair Market Rent[3]
Studio	$18.00	$42,000	$3,500	$1,050
One Bedroom	$19.25	$43,300	$3,608	$1,083
Two Bedroom	$24.04	$55,200	$4,600	$1,380
Three Bedroom	$33.86	$77,900	$6,492	$1,948
Four Bedroom	$39.67	$91,300	$7,608	$2,283

[1] Hourly wage assumes working 40 hours per week and 52 weeks per year.

[2] Multiply the FMR by 12 to get yearly rental cost. Then divide by .3 to determine the total annual income needed to afford the FMR without spending more than 30 percent of income on housing.

[3] HUD FY 2023 Fair Market Rent Documentation System for Modesto, CA HUD Metro FMR Area.

Vacancy Rates

Vacancy rates are indicators of housing supply and demand that reflect the degree of housing choice that is available. Higher vacancy rates can induce downward price pressure, while low vacancy rates can influence upward price pressures. Low vacancy rates usually indicate high demand and/or low supply conditions in the housing market. Vacancy rates that are too low can force prices up, making it more difficult for lower- and moderate-income households to find housing. For rental units, a 7 to 8 percent vacancy rate is considered "healthy," and for owner-occupied housing a vacancy rate of 2 to 3 percent is considered "healthy". In 2015, the vacancy rate in Modesto was 6.3 percent and decreased to 3.8 percent in 2020. Table 28 summarizes the number of occupied and vacant units in Modesto and Stanislaus County in 2015 and 2020.

Table 28: Regional Occupancy Rates

Occupancy Status	Stanislaus County				Modesto			
	2015	%	2020	%	2015	%	2020	%
Occupied Housing Units	169,196	93.9%	174,826	95.9%	70,481	93.7%	71,113	96.2%
Vacant Housing Units	10,973	6.1%	7,413	4.1%	4,722	6.3%	2,793	3.8%
Total Housing Units	180,169	100%	182,239	100%	75,203	100%	73,906	100%

Source: US Census Bureau, American Community Survey 5-Year Data (2011–2015 and 2016–2020), Table B25002

Overpayment and Overcrowding

Overpayment is defined as households paying more than 30 percent of their gross income on housing-related expenses, including rent or mortgage payments and utilities. Households paying greater than 30 percent of their gross income on housing-related expenses are considered to be cost burdened. Severe overpayment occurs when households pay 50 percent or more of their gross income for housing. Higher costs for housing may contribute to households having a limited ability to cover other everyday living expenses. The impact of housing costs is more apparent for extremely low-, very low-, and low-income households, especially renter households.

Table 29 categorizes renters based on the percentage of household income spent on rent. According to 2020 ACS data, about 57 percent of households spend more than 30 percent of their income on rent. Over 27 percent of households spend more than 50 percent on rent.

Table 29: Gross Rent as a Percentage of Household Income, 2021

Percent of Household Income	Number of Households	Percent of Households
Less than 10.0 percent	485	1.6%
10.0 to 14.9 percent	1,897	6.4%
15.0 to 19.9 percent	2,680	9.1%
20.0 to 24.9 percent	2,378	8.1%
25.0 to 29.9 percent	3,986	13.5%
30.0 to 34.9 percent	2,711	9.2%
35.0 to 39.9 percent	2,315	7.9%
40.0 to 49.9 percent	3,829	13.0%
50.0 percent or more	8,045	27.3%
Not computed	1,109	3.8%
Total	29,435	100%

Source: US Census Bureau, American Community Survey 1-Year Estimates (2021), Table B25070

Table 30 illustrates housing cost as a percentage of household income by tenure. It shows the number and percentage of households in Modesto and Stanislaus County that experience a cost burden and severe cost burden. According to 2015–2019 HUD CHAS data, in Modesto, 39,900 households (55 percent) experience some form of overpayment, with 12,430 households (23.5 percent) experiencing severe overpayment. This is a significant share of the community experiencing a housing cost burden and reflective of a larger regional issue. The County has a lesser share overpaying for housing; 51.9 percent of households experience some degree of overpayment, and 16.3 percent experience severe overpayment. Renters are disproportionately affected by overpayment in both Modesto and the County.

Table 30: Overpayment by Income Level and Tenure, 2019

Household Income Range	All Households		Households with Housing Cost Burden			
	Number	%	Overpayment (>30% of income on rent)		Severe Overpayment (>50% of income on rent)	
Owner Households, Modesto						
<= 30% of HAMFI	6,200	8.6%	1,645	5.1%	1,275	3.9%
> 30% £ 50% of HAMFI	5,860	8.1%	1,990	6.1%	1,265	3.9%
> 50% £ 80% of HAMFI	7,385	10.2%	3,185	9.8%	975	3.0%
> 80% £ 100% of HAMFI	3,220	4.5%	1,215	3.7%	155	0.5%

Household Income Range	All Households		Households with Housing Cost Burden			
> 100% of HAMFI	9,795	13.5%	2,670	8.2%	250	0.8%
Owner Subtotal	32,460	44.9%	10,705	33.0%	3,920	12.1%
Renter Households, Modesto						
<= 30% of HAMFI	2,110	2.9%	4,970	6.9%	4,390	6.1%
> 30% £ 50% of HAMFI	2,905	4.0%	5,195	7.2%	3,275	4.5%
> 50% £ 80% of HAMFI	5,920	8.2%	5,010	6.9%	740	1.0%
> 80% £ 100% of HAMFI	3,790	5.2%	895	1.2%	55	0.1%
> 100% of HAMFI	25,145	34.8%	695	1.0%	50	0.1%
Renter Subtotal	39,875	55.1%	16,765	42.0%	8,510	21.3%
Total (Owners & Renters)	72,335	100%	27,470	38.0%	12,430	23.5%
Owner Households, County						
<= 30% of HAMFI	6,005	3.5%	4,605	4.6%	3,460	3.4%
> 30% £ 50% of HAMFI	8,400	4.8%	5,135	5.1%	3,015	3.0%
> 50% £ 80% of HAMFI	14,975	8.6%	7,595	7.6%	2,375	2.4%
> 80% £ 100% of HAMFI	10,365	6.0%	3,565	3.5%	590	0.6%
> 100% of HAMFI	60,830	35.0%	5,915	5.9%	700	0.7%
Owner Subtotal	100,575	57.8%	26,815	26.7%	10,140	10.1%
Renter Households, County						
<= 30% of HAMFI	14,430	8.3%	11,565	15.8%	10,080	13.7%
> 30% £ 50% of HAMFI	13,695	7.9%	11,500	15.7%	6,215	8.5%
> 50% £ 80% of HAMFI	16,055	9.2%	9,525	13.0%	1,565	2.1%
> 80% £ 100% of HAMFI	7,300	4.2%	1,565	2.1%	135	0.2%
> 100% of HAMFI	21,840	12.6%	1,125	1.5%	155	0.2%
Renter Subtotal	73,320	42.2%	35,280	48.1%	18,150	24.8%
Total (Owners & Renters)	173,895	100%	62,095	35.7%	28,290	16.3%

Source: HUD CHAS data, 2015–2019, Summary Level data for Stanislaus County and City of Modesto.

An overcrowded housing unit is defined by the US Census Bureau as a housing unit occupied by more than one person per room (excluding bathrooms, kitchen, hallway, and closet space). Occupancy by more than 1.5 persons per room constitutes severe overcrowding. Overcrowding can affect public facilities and services, reduce the quality of the physical

environment, and create conditions that contribute to deterioration of the housing stock. Additionally, overcrowding can indicate that a community does not have an adequate supply of affordable housing and/or variety of suitable housing units to meet the needs of the community.

Table 31 summarizes overcrowding and severe overcrowding in Modesto by tenure. Approximately 4,104 households, roughly 5.8 percent of households, in Modesto were experiencing overcrowding or severe overcrowding in 2020. This includes 1,739 owner-occupied and 2,365 renter-occupied households. Overall, Modesto has a slightly lower percentage of overcrowded households compared to the County (5.8 percent and 7.4 percent, respectively).

Table 31: Overcrowding and Severe Overcrowding by Tenure

	Owners		Renters		Total	
Persons per Room	Overcrowded Households	% of Total	Overcrowded Households	% of Total	Overcrowded Households	% of Total
Modesto						
1.01 to 1.50	1,159	28.2%	1,944	47.4%	3,103	4.4%
>1.50	580	14.1%	421	10.3%	1,001	1.4%
Total Overcrowded	1,739	42.4%	2,365	57.6%	4,104	5.8%
Stanislaus County						
1.01 to 1.50	3,915	30.3%	5531	42.7%	9,446	5.4%
>1.50	1,608	12.4%	1,887	14.6%	3,495	1.9%
Total Overcrowded	5,523	42.7%	7,418	57.3%	12,941	7.4%

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B25014.

Preservation of Units At Risk of Conversion

Jurisdictions are required by state Housing Element law to analyze government-assisted housing that is eligible to convert from low-income to market-rate housing over the next 10 years. State law identifies housing assistance as a rental subsidy, mortgage subsidy, or mortgage insurance to an assisted housing development. Government-assisted housing might convert to market-rate housing for a number of reasons, including expiring subsidies, mortgage repayments, or expiration of affordability restrictions.

Qualified Entities

Under Government Code Section 65863.11, owners of federally assisted projects must provide a "Notice of Opportunity to Submit an Offer to Purchase" to qualified entities that agree to preserve the long-term affordability if they should acquire at-risk projects at least one year before the sale or expiration of use restrictions. Qualified entities have first right of refusal for acquiring at-risk units. Qualified entities are nonprofit or for-profit organizations with the legal and managerial capacity to acquire and manage at-risk properties that agree to maintain the long-term affordability of projects. The following is a list of qualified entities from HCD for Stanislaus County and the surrounding area:

- ACLC, Inc
- Self-Help Enterprises
- Modesto Redevelopment Successor Agency
- Stanislaus County Regional Housing Authority
- ROEM Development Corporation
- Volunteers of America National Services
- Stanislaus County Affordable Housing Corporation
- Stanislaus Equity Partners
- EAH, Inc
- Center for Human Services
- Visionary Home Builders
- R.H. Developers, Inc
- Self Help Enterprises, Inc

Inventory of At-Risk Units

Per Government Code Section 65863.10, assisted housing developments are defined as multifamily, rental housing complexes that receive government assistance under any of the specified federal, state, and/or local programs.[6] There are approximately 2,092 assisted affordable housing units in Modesto and, as of December 2022, 19 units are under construction.

The expiration dates for the five affordable housing projects that may be at risk of being converted to market-rate before 2031 is shown in Table 32. Should the units expire during the 6th Cycle, the City will ensure that owners are contacted and provided advanced notice to

[6] HCD Building Blocks, https://www.hcd.ca.gov/assisted-housing-developments-at-risk-of-conversion

tenants through Program C - 1: Preservation and Monitoring of Units At Risk of Converting to Market Rate.

Table 32: Units At Risk of Conversion

Project Name	Address	Assistance Received	Number of Units	Conversion Date
Conant Place	3109 Conant Place	HOME	80	2024
Sherwood Manor	733 Maze Blvd	HOME/RAHF	21	2024
1005 Maze Blvd.	1005 Maze Blvd	HOME/CDBG	3	2028
Randazzo Avenue	Multiple on Randazzo Avenue	NSP	24	2029
Pine Meadows	608 E. Granger	HOME	36	2074
Ashwood Village Apartments	2800 Rumble Road	LIHTC/CalHFA	119	2037
Parkview Christian Apartments	3112 Napier Dr	HUD	60	2025*
Total			343	

Source: City of Modesto

*This is not City funded, but subject to HUD directly. The agreements do not provide a termination date for the affordability and have not been reconveyed on the property.

Preservation Options

There are a total of 188 units at-risk of converting to market rate within the next eight years. Preservation of at-risk units can be accomplished in a variety of ways, including provision of rental subsidies to tenants, facilitation of the transfer of units to nonprofit organizations or purchase of similar replacement units by nonprofit organizations, purchase of the affordability covenant, and new construction of replacement units.

A variety of programs exist to assist cities to acquire, replace, or subsidize at-risk affordable housing units. The following summarizes financial resources available to the City of Modesto.

Replacement Costs

The California Tax Credit Allocation Committee's 2020 report provides estimates and data on the cost of building assisted units. It estimates that the average cost of an assisted unit in the State of California is $439,827.60.

Table 33 summarizes the estimated replacement costs per unit using construction cost estimates from the UC Berkeley Terner Center and average unit sizes in the City of Modesto from Apartment Finder. Combined, they provide an estimate for replacement costs by unit size specific to Modesto. It ranges from $252,700 for a one-bedroom unit to $421,420 for a

three-bedroom unit. These replacement cost estimates use data from 2018. As such the replacement costs are likely to be higher than those shown here as costs have been steadily rising since 2018 and have not been adjusted for inflation.

Table 33: Replacement Cost

Unit Size	Construction Cost per Square Foot[1]	Average Square Foot/ Unit[2]	Replacement Cost per Unit
1 bedroom	$380	665	$252,700
2 bedroom	$380	899	$341,620
3 bedroom	$380	1,109	$421,420

Sources:

[1] UC Berkeley Terner Center, 2020, The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California, 15. https://ternercenter.berkeley.edu/wp-content/uploads/2020/08/Hard_Construction_Costs_March_2020.pdf.

[2] ApartmentFinder.com, https://www.apartmentfinder.com/California/Modesto-Apartments, accessed December 8, 2022.

Preservation Costs

The costs associated with preserving the affordability of the units at risk of losing rent restriction in the next 10 years were derived from the only example of an at risk acquisition/rehabilitation project in Modesto. In 2019 the rehabilitation cost per unit to preserve the Cameron Villa Apartments was $63,056, this data was collected from the California Tax Credit Allocation Committee (TCAC) financed projects, and excludes costs associated with land acquisition, soft costs, permanent financing, and syndication.

Given the projected number of at-risk units in the period of 2023 to 2031 (188), Table 34 shows the preservation cost that would be required to preserve all at-risk units from expiration based on the 2019 Cameron Villa Apartments case study.

Table 34: Estimated Total Cost to Preserve At-Risk Units, 2019

Method of Preserving Existing Unit's Affordability	Rehabilitation/ Construction	# of At-Risk Units	Cost to Preserve
Rehabilitation of Existing Affordable Units	$63,056	188	$11,854,528

Transfer of Ownership

Transfer of ownership from a private owner to a nonprofit housing organization is another potential way to preserve at-risk units. However, all of the at-risk units within Modesto identified in this analysis are already nonprofit owned.

Extension of Affordability Covenant

In some cases, affordability can be preserved by providing financial incentives to the project owner to maintain the affordability of the project.

Rent Subsidy

Tenant-based subsidies could be used to preserve the affordability of housing. The Stanislaus Regional Housing Authority and local nonprofit agencies provide Section 8 Housing Choice Vouchers to lower-income households. These agencies could request funding form the City to provide vouchers for residents if additional sources of revenue were available.

In addition, the City of Modesto is including Program C - 1 to ensure the monitoring and preservation of affordable units in the City.

Federal Programs

Community Development Block Grant (CDBG) – CDBG funds are awarded to cities on a formula basis for housing activities. The primary objective of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment, and economic opportunity for principally low- and moderate-income persons. CDBG funds can be used for housing acquisition, rehabilitation, economic development, and public services.

Continuum of Care (CoC) – COC funding is designed to promote a community wide commitment to the goal of ending homelessness; to provide funding for efforts by non-profit organizations, local governments, instrumentalities of state and local governments, Indian Tribes, tribally designated housing entities, and public housing agencies, to quickly rehouse homeless individuals, families, persons fleeing domestic violence, and youth. The funding is used to assist with minimalizing the trauma and dislocation caused by homelessness, to promote access to and effective utilization of mainstream programs, while optimizing self-sufficiency for those experiencing homelessness.

HOME Investment Partnership – HOME is a flexible grant program and funds are awarded on a formula basis for housing activities. HOME considers local market conditions, inadequate housing, poverty, and housing production costs. HOME funding is provided to jurisdictions to assist rental housing or homeownership through acquisition, construction, reconstruction, and/or rehabilitation of affordable housing.

Section 8 Rental Assistance / Housing Vouchers Program – The Section 8 Rental Assistance / Housing Vouchers Program provides rental assistance payments to owners of private, market-rate units on behalf of very low-income tenants.

Section 811/202 Program – Nonprofit and consumer cooperatives can receive no interest capital advances from HUD under the Section 202 program for the construction of very low-income rental housing for seniors and persons with disabilities. These funds can be used in

conjunction with Section 811, which can be used to develop group homes, independent living facilities, and immediate care facilities. Eligible activities include acquisition, rehabilitation, new construction, and rental assistance.

State Programs

Permanent Local Housing Allocation (PLHA) – Provides funding to local governments in California for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities.

Homekey – Homekey is an opportunity for state, regional, and local public entities to develop a broad range of housing types, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to Permanent or Interim Housing for the Target Population awarded by the state on project basis.

California Housing Finance Agency (CalHFA) Multifamily Programs – CalHFA's Multifamily Programs provide permanent financing for the acquisition, rehabilitation, and preservation or new construction of rental housing that includes affordable rents for low- and moderate-income families and individuals. One of the programs is the Preservation Acquisition Finance Program, which is designed to facilitate the acquisition of at-risk affordable housing developments and provide low-cost funding to preserve affordability.

Low-Income Housing Tax Credit (LIHTC) – This program provides tax credits to individuals and corporations that invest in low-income rental housing. The LIHTC program creates affordable housing opportunities when the developer of a project "sells" the tax credits to an investor(s) who contributes equity to the development in exchange for an ownership position in the project.

California Community Reinvestment Corporation – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for low-income families, seniors, and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.

Local Programs

As identified in the 2023 – 2024 Annual Action Plan draft[7], $929,656 of HOME – Public Federal funding has been allocated for expected uses of rental housing rehabilitation and rental housing new construction.

[7] City of Modesto 2023-2024 Annual Action Plan Draft. https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3774 Accessed May 30, 2023.

The City is currently developing a Housing Trust Fund utilizing $500,000 of American Rescue Plan Act funds. Anticipated uses for the Housing Trust Fund may include, but are not limited to, new construction, acquisition and/or rehabilitation, and subsidy, or other means to assist other governmental agencies, nonprofit groups and private organizations or individuals in creating or maintaining affordable housing.

Preservation and Monitoring of Affordable Units

Through the Community Development Division, the City monitors the list of affordable housing units and their eligibility to convert to market-rate housing. Constant monitoring lets the City anticipate the time frame by which affordability covenants would expire, allowing the City to implement various resources to ensure the continued affordability of the housing units. Through the Consolidated Annual Performance and Evaluation Report (CAPER), the City annually checks with the regional HUD division on the status of rental multifamily housing units that are funded with federal subsidies. To monitor for-sale affordable units, the City's BMR Program Administrator annually sends a "Below Market-Rate" pamphlet in English and Spanish to all property owners under a resale restriction program. The pamphlet reminds the owners that their home is currently in the program and directs them to contact City staff when they plan to sell, refinance, or transfer ownership of their property.

Program C - 1 is included to ensure the preservation of affordable units in the City. Through this program, the City will work with property owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at risk projects to ensure their long term affordability.

Quantified Objectives

Housing Element law requires that cities establish a maximum number of units that can be converted over the planning period. During the planning period, 188 rent-restricted housing units are at risk of being converted to market rate (see Table 32).

Special Housing Needs

Due to special needs or circumstances related to income, family or household characteristics, age, and disability, certain groups have historically had greater difficulties finding quality affordable housing. They also often have a higher prevalence of special circumstances leading to housing problems such as lower incomes, higher housing cost burdens, and higher rates of overcrowding. State law therefore requires evaluation of housing needs of these groups, in particular senior households, single-parent households, persons with physical, mental and developmental disabilities, large households, farmworkers, and homeless individuals.

The Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and the HOME Investment Partnership (HOME), provided operating funds for many local programs that provided affordable housing rehabilitation, emergency rental assistance, affordable

housing, and homeless case management for the special needs populations in the City. The following are a few of those programs.

- The "Camp2Home" program which is designed to bring homeless individuals out of the cycle of homelessness through job readiness, case management, job placement, and housing placement.
- Homeless Engagement Street Outreach mapping through Camp2Home outreach has helped allocate City resources for strategic engagement through determining gaps in services.
- VOLT Scholarship Program assisted 20 individuals with education in an industry-led advanced manufacturing training center.

Table 35 provides an overview of the special needs populations within the City and each group is discussed in further detail in the following sections.

Table 35: Overview of Special Needs Groups, Modesto, 2020

Special Needs Group	# of People	% of Population
Persons with a Disability	16,392	7.7%
Persons Experiencing Homelessness	1,433	0.7%
Farmworkers	12,713	5.5%
Special Needs Group	**# of Households**	**% of Households**
Householders Age 65+	17,365	24.4%
Large Households	10,928	15.4%
Female-Headed Households	11,348	15.9%
Extremely Low-Income Households	16,615	22.9%

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020) and HUD CHAS Data (2015–2019).

Table 36 shows the services currently providing support to the special needs populations in Modesto. Services and housing options for seniors include the Modesto Senior Center as well as 10 varying apartment developments. Four of the housing options shown below service both elderly persons and persons with disabilities of all ages. One of the apartment complexes provides housing for extremely low-income households, and the development includes 3-bedroom units for large families. Table 45 details homeless facilities available in the City.

Table 36: Inventory of Services for Special Needs Populations

Services/ Programs	Population Served	Details	# of Units
Modesto Senior Center Recreation	Elderly Persons	o Hot meals are served at this facility every Monday through Thursday from 11:00 a.m. to noon. Variety of in-person and virtual programs during the week.	N/A

Services/ Programs	Population Served	Details	# of Units
Conant Place	Elderly Persons,	o Seniors 62 and older; Disabled 55 and older o 1 and 2 Bedroom o Section 8 accepted	20
Downey Terrace Senior Apartments	Elderly Persons,	o Seniors 62 and older; Disabled 55 and older o 1 Bedroom o Section 8 accepted	12
El Casa Verde	Extremely Low Income	o All ages o Studio, 1, 2, and 3 Bedroom o Extremely Low-income (30% of AMI)	142
Houser Glen Senior Apartments	Elderly Persons, Persons with Disabilities	o Seniors 55 and older; Disabled 18 and older o 1 Bedroom o Section 8 accepted	76
La Loma Senior Apartments	Elderly Persons,	o Seniors 55 and older; Disabled 55 and older o Studios and 1 Bedroom o Section 8 accepted	45
Parkview Christian Estates	Elderly Persons, Persons with Disabilities	o Seniors 62 and older; Mobility disability 18 and older Studios, o 1 and 2 Bedroom o Accessible units available o Extremely Low-income (30% of AMI) o Section 8 accepted o Mandatory Lunch Plan Additional cost $190	99
Sherwood Manor Senior Apartments	Elderly Persons, Persons with Disabilities	o Seniors 55 and older; Disabled 18 and older o 1 and 2 Bedroom o Tiered rent o Section 8 accepted	38
Spartan Manor Senior Apartments	Elderly Persons,	o Seniors 55 and older; Disabled 55 and older o 1 Bedroom o Section 8 accepted	60
Tower Park Senior Apartments	Elderly Persons,	o Senior 62 and older; Disabled 62 and older o 1 Bedroom o Tiered rent o Section 8 accepted	49
Vinewood Apartments	Elderly Persons, Persons with Disabilities	o Seniors 62 and older; Disabled 18 and older o 1 Bedroom o Extremely Low-income (30% of AMI)	75
Palm Valley Apartments	Homeless /Disability	o Permanent Supportive Housing o Low Income (80% of AMI)	39
Kansas House	Homeless	o Permanent Supportive Housing	103

Services/ Programs	Population Served	Details	# of Units
		o No income Limits	
522 E. Granger	Homeless	o Permanent Supportive Housing o Low Income (80% of AMI)	5
River Vista	Family	o Ownership o Low Income (80% of AMI)	4
Edward Estates	Family	o Ownership o Low Income (80% of AMI)	2
Archway Commons	Family, Homeless	o Rental Family o Low Income (30%-80% of AMI)	150

Source: City of Modesto

Farmworkers

Traditionally, agricultural workers are defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. The 2021 American Community Survey (ACS) found that approximately 2,099 Modesto residents were employed in the agriculture, forestry, fishing and hunting, and mining industry. This equates to about 2 percent of all employed individuals in the City over 16 years old.

Among other issues, farmworkers typically face low wages, leading to high rates of housing cost burden for farm working families. According to the Bureau of Labor Statistics, California's mean farmworker wages range from $30,370 to $42,480 per year and the median wage in 2022 for Modesto farmworkers was between 33,290 and $36,170 (see Table 37).

Table 37: Modesto Farmworker Wages

Occupation	Employment(1)	Hourly median wage	Annual median wage(2)
Farmworkers and Laborers, Crop, Nursery, and Greenhouse	5,860	$16.00	$33,290
Farmworkers, Farm, Ranch, and Aquacultural Animals	120	$17.39	$36,170

(1)Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers. (May, 2022)

(2)Annual wages have been calculated by multiplying the corresponding hourly wage by 2,080 hours.

Table 38 shows the 2012 to 2017 estimates of farmworkers for Stanislaus County, as reported in the US Department of Agriculture's Census of Agriculture. As indicated, there were an estimated 12,713 farmworkers in the County which was a 13.2 percent decrease of farmworkers in the County from 2012. Similarly, the number of farms employing workers decreased 9.8 percent. Additionally, during the same period the number of workers working

150 days or more increased by 6 percent which tells indicates there are less farmworkers working more days.

Table 38: Number of Farmworkers and Farms, Stanislaus County, 2017

Farm/Worker Type	Farmworkers		% Change	Farms		% Change
	2012	2017		2012	2017	
Farm Size						
Farms with less than 10 employees	4,474	3,944	-11.8%	1,409	1,274	-9.5%
Farms with 10 or more employees	10,183	8,769	-13.8%	315	281	-10.7%
Total	**14,657**	**12,713**	**-13.2%**	**1,724**	**1,555**	**-9.8%**
Length of Employment of Workers						
Workers working 150 days or more	5,928	6,284	6.0%	-		
Workers working less than 150 days	8,729	6,429	-26.3%	-		

Source: 2012 and 2017 Census of Agriculture, Table 7, Stanislaus County, https://www.nass.usda.gov/Quick_Stats/CDQT/chapter/2/table/7/state/CA/county/099/year/2017.

The Stanislaus Regional Housing Authority operates four seasonal migrant farmworker housing centers in the County, with a total of 318 rental units. There is one housing center each in Patterson and in Empire. The Empire Migrant center is located just outside of Modesto and is used as a cold-weather shelter for homeless families. It consists of 90 single family dwelling units that are used for farmworker housing from April to October each year.

According to a 2023 study by the UC Merced Community and Labor Center, farmworkers across California are facing serious health challenges. The study suggests that farmworkers generally experience substandard housing (e.g., older homes, apartments, mobile homes, motels, garages, or other similar spaces), often requiring repairs such as new roofs, plumbing, heating and cooling systems, and termite clean-up. Poor ventilation and crowded spaces put farmworkers at increased risk for respiratory illnesses as well. The City operates a Homeowner Repair Assistance Program (C - 3) that provides households a forgivable grant up to $20,000 to repair or eliminate critical health and safety hazard conditions in their homes, as well as making homes more accessible for persons with a disability. Farmworker housing is eligible for the program. As a part of Program C - 3, the City is expanding promotion efforts to target farmworkers and increase the percentage of program participants that are farmworker

households. Additionally, the City has pursued potential partnerships with Visionary Home Builders who have significant experience in USDA grants and the State Joe Serna, Jr. Farmworker Housing Grant Program (FWHG).

The City of Modesto launched its Rental Housing Safety Program in September 2023, which aim to improve the quality of rental housing in the City. Additionally, Program D - 9 is included to create additional opportunities for farmworker housing development.

Large Households

State housing law defines large households as those consisting of five or more members. Large households are considered a special needs group because it may be difficult for these households to secure adequately sized, affordable housing. In order to balance affordable housing along with other financial responsibilities, large households tend to reside in smaller dwelling units, which may lead to overcrowding.

In 2020, approximately 15 percent (10,928) of Modesto's 71,113 households were considered large households. This is a similar proportion as seen countywide. Of those large households, 54 percent (5,933) lived in owner-occupied units, while 46 percent (4,995) lived in rental housing. Between 2010 and 2020, the percentage of large households in the City remained unchanged as did the distribution between renters and homeowners of large households. In 2010, approximately 15 percent (10,512) of Modesto's 68,367 households were considered large households. Of those large households in 2010, 8 percent (5,902) lived in owner-occupied units, while 6 percent (4,610) lived in rental housing.

In Modesto, the proportion of large households that are owners (54 percent) is comparable to the general proportion of ownership households citywide (59 percent). There is a slightly lower proportion of large households owning their home compared to Stanislaus County (57 percent).

Table 39: Large Households by Tenure, 2020

Household Type (Size)	Owner-Occupied Households		Renter-Occupied Households		Total Households	
Modesto						
Five-person Household	3,418	54%	2,888	46%	6,306	9%
Six-person Household	1,411	53%	1,244	47%	2,655	4%
Seven-or-more-person Household	1,104	56%	863	44%	1,967	3%
Total Large Households	5,933	54%	4,995	46%	10,928	15%
Total of All Households	39,613	**59%**	31,500	**41%**	71,113	100%
Stanislaus County						
Five-person Household	9,513	56%	7,493	44%	17,006	10%
Six-person Household	4,427	55%	3,612	45%	8,039	5%
Seven-or-more-person Household	3,494	63%	2,036	37%	5,530	3%
Total Large Households	17,434	57%	13,141	43%	30,575	17%
Total of All Households	102,675	**62%**	72,151	**38%**	174,826	100%

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B25009.

Based on HUD's 2015-2019 CHAS data shown in Table 40, 43.9 percent of large households in Modesto are in one of the lower-income categories. Stanislaus County had a smaller percentage of large households within lower-income categories, at 40.8 percent. The City is including Program A - 12 to specifically consider additional incentives for households with special housing needs, including large households and extremely low-income households.

Table 40: Income Distribution, Large Households

Income	Modesto		Stanislaus County	
	Number	%	Number	%
Less than or equal to 30% of HAMFI	1,790	9.7%	4,100	7.7%
Greater than 30% but less than or equal to 50% of HAMFI	2,770	15.0%	7,180	13.4%
Greater than 50% but less than or equal to 80% of HAMFI	3,555	19.2%	10,500	19.7%
Greater than 80% but less than or equal to 100% of HAMFI	1,900	10.3%	6,625	12.4%
Greater than 100% of HAMFI	8,505	46.0%	25,010	46.8%
Total	18,520	100%	53,415	100%

Source: HUD Comprehensive Housing Affordability Strategy (CHAS), 2015-2019 data, Table 7

Large households tend to have more difficulty purchasing housing due to the financial constraints of supporting a larger household and because there is limited housing stock of

adequate size. Additionally, rental units with three or more bedrooms are not common, and large affordable rental units are even less common. This can lead to overcrowded housing conditions.

Table 41 summarizes housing problems experienced by large households in Modesto by tenure. As previously noted, the types of housing problems include overcrowding, overpayment (cost burden), and households lacking kitchen or plumbing facilitates. CHAS 2015–2019 data indicates that 53 percent of large households experience at least one of the housing problems. Analyzing by tenure, 57 percent of large renter households and 47.5 percent of large owner households have at least one form of housing problem.

As of 2020, 19 percent of the City's housing stock has four or more bedrooms (see Table 19). This equates to 13,511 housing units with four or more bedrooms to serve the estimated 10,928 large households that require at least four bedrooms to avoid over-crowded conditions. However, these figures do not consider whether it is actually large households who occupy these housing units. Table 41 shows that 19 percent of large households in Modesto experience a cost burden and almost 5 percent experience a severe cost burden. Large household homeowners have twice the rate of overpayment as renters, at 27 percent and 12 percent, respectively.

Table 41: Large Households by Housing Problems and Tenure, Modesto, 2019

Household Type	Large-Household Renters		Large-Household Owners		Total Large Households	
Total Households	16,210		13,825		30,035	
Large Households with Any Housing Problem[1]	9,295	57.3%	6,570	47.5%	15,865	52.8%
Large Households with Cost Burden (> 30%)[2]	1,965	12.1%	3,760	27.2%	5,725	19.1%
Large Households with Severe Cost Burden (> 50%)	1,165	7.2%	260	1.9%	1,425	4.7%

Source: HUD Comprehensive Housing Affordability Strategy (CHAS), 2015-2019 data, Table 4 and Table 7.

Notes: Data presented in this table are based on special tabulations from sample Census data. The number of households in each category usually deviates slightly from the 100 percent total due to the need to extrapolate sample data out to total households. Interpretations of these data should focus on the proportion of households in need of assistance rather than on precise numbers.

[1]The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30 percent.

[2]Cost burden occurs when housing costs exceed 30 percent of household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs" which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. Severe cost burden occurs when housing costs exceed 50 percent of household income.

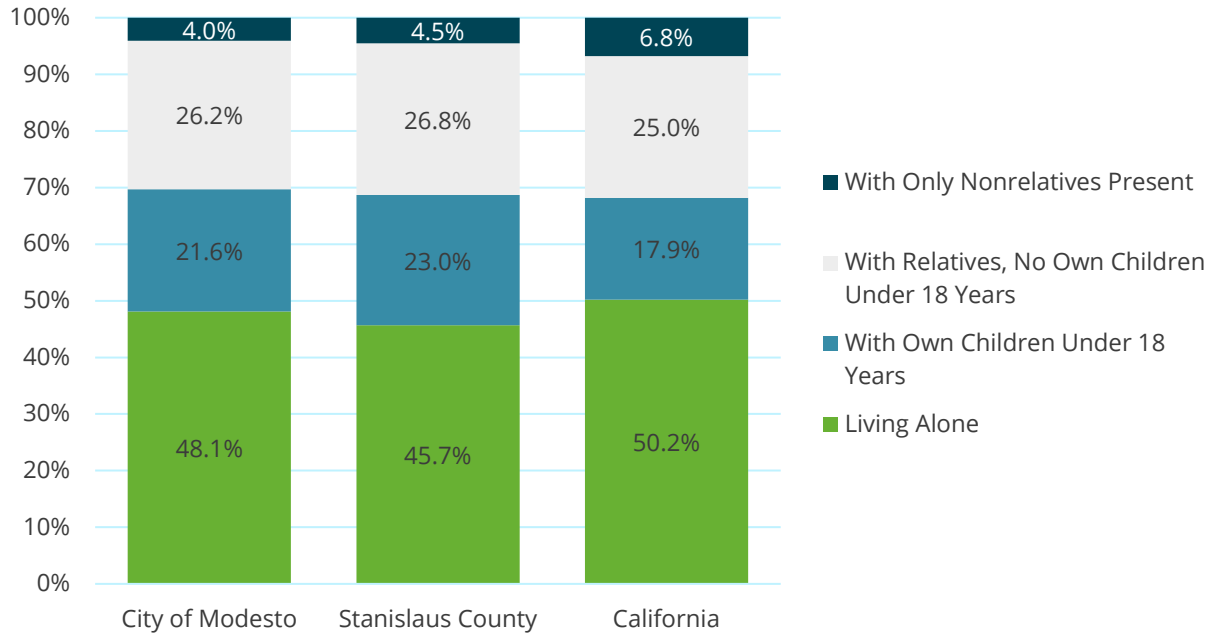
Female-Headed Households

Female-headed households who do not have a spouse present are a special needs group because they tend to experience comparatively low rates of homeownership, lower incomes, and high poverty rates. Female-headed households are often further characterized by whether they have children in the household.

As shown in Figure 10, the largest proportion of Female-headed households in Modesto are living alone at 48 percent, while Female-headed households with Relatives, No Own Children Under 18 years make up 26 percent of all Female-headed households.

Table 42 shows the number of female-headed households by tenure and presence of children. In 2020, 16 percent of households in Modesto were female-headed households. This is slightly higher than the County where female-headed households comprise 14 percent of all households. Female-headed households in Modesto have a higher rate of homeownership than those in the County (10.9 percent and 6.1 percent, respectively) and female-headed households with children have higher homeownership rates than the County; 3.4 percent of female-headed households with children own their own home in Modesto compared to 1.9 percent in the County. Of the 11,348 female-headed households in Modesto, 5,713 had children under 18 and 5,635 had no children, nearly identical for both populations.

Figure 8: Female-Headed Households



Source: U.S. Census Bureau, ACS16-20 (5-year Estimates), Table B11012

Table 42: Female-Headed Households by Tenure, Modesto, 2020

Household Type	Owner- Occupied Households		Renter- Occupied Households		Total	% of Total Households
Total Households	39,613		31,500		71,113	
Female householder, no spouse present, with children under 18	1,353	3.4%	4,360	13.8%	5,713	8.0%
Female householder, no spouse present, without children	2,954	7.5%	2,681	8.5%	5,635	7.9%
Total Female-Headed Households	**4,307**	**10.9%**	**7,041**	**22.4%**	**11,348**	**16.0%**

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B25115.

In Modesto, 54.9 percent of households below the poverty line are female-headed households (4,384 households). Of those 4,384 households, 26 percent have children under age 18 present and 28.9 percent are without children. When compared to Stanislaus County, Modesto has a higher percentage of female-headed households below the poverty line (4.7 percent and 6.2 percent of households respectively).[8]

Table 43: Female-Headed Households by Poverty Status, Modesto, 2020

Household Type	Income Below Poverty Level		Income Above Poverty Level		Total	% of Total Households
Total Households	7,979		63,134		71,113	
Female householder, no spouse present, with children under 18	2,075	26.0%	9,273	14.7%	11,348	16.0%
Female householder, no spouse present, without children	2,309	28.9%	9,312	14.7%	11,621	16.3%
Total Female-Headed Households	**4,384**	**54.9%**	**18,585**	**29.4%**	**22,969**	**32.3%**

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B17017.

Modesto currently has a number of existing programs and services available to female-headed households including Haven Women's Center of Stanislaus County and Mission Emergency Shelter which provide temporary shelter and support services for woman and children.

[8] US Census Bureau, American Community Survey 5-year Data (2016–2020), Table B17010.

Persons Experiencing Homelessness

Data on homelessness in Stanislaus County is based on the 2023 Point-in-Time Count (PITC), information provided to HUD by the Stanislaus Community System of Care (CSOC), and the Stanislaus Homeless Alliance (SHA). The PITC provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. A follow-up survey sampling of unsheltered and sheltered individuals is conducted two weeks following the count. The count was conducted on January 26, 2023.

Stanislaus County had an estimated homeless count of 2,091, 949 of which were unsheltered. Of this homeless population, 231 were children under the age of 18. There were 1,642 homeless persons surveyed in Modesto, 441 of which were unsheltered. Modesto's homeless population accounts for 79 percent of all homeless persons in the County. Modesto's larger share of the homeless population reflects its larger share of the total county populations (approximately 40 percent) and the availability of and access to more resources. Table 44 shows the change in the sheltered/unsheltered population by city in Stanislaus County between 2020 and 2023.

Table 44: Regional Homeless Population

Homeless Population	2020	% Change	2022	% Change	2023	% Total
Modesto	1,592	-10.0%	1,433	14.6%	1,642	78.5%
Turlock	232	-9.1%	211	10.4%	233	11.1%
Patterson	78	-29.5%	55	21.8%	67	3.2%
Empire	77	-9.1%	70	8.6%	76	3.6%
Oakdale	36	-27.8%	26	-15.4%	22	1.1%
Ceres	29	-48.3%	15	13.3%	17	0.8%
Riverbank	26	-30.8%	18	0.0%	18	0.9%
Newman	21	-42.9%	12	-50.0%	6	0.3%
Denair	7	-	-	-	-	-
Waterford	6	66.7%	10	-60.0%	4	0.2%
Salida	2	-	-	-	-	-
Hughson	1	0.0%	1	200.0%	3	0.1%
Hickman	0	-	-	-	-	-
Keyes	0	-	4	-25.0%	3	0.1%
Crows Landing	-	-	1	-	-	-
Westley	-	-	1	-	-	-

Homeless Population	2020	% Change	2022	% Change	2023	% Total
Stanislaus County Total	2,107	-11.9%	1,857	12.6%	2,091	100.0%

Source: 2020 & 2023 Stanislaus County Homeless Point-in-Time Count Executive Summary.

Table 45 lists emergency shelters and transitional housing in Modesto. There are fourteen facilities with 931 total beds for persons experiencing homelessness in the City. Modesto is the county seat and largest City in Stanislaus County; therefore, Modesto is the central point for many supportive services for homeless individuals. The City funds shelter activities through CDBG Public Services and ESG funds. The City partners with shelter providers in Modesto like The Salvation Army to provide emergency shelter and low barrier shelter services to homeless individuals. The Access Center Emergency Shelter (ACES) will provide low barrier (drug and alcohol testing are not required to enter) to reduce barriers for individuals choosing to enter an emergency shelter. ACES is designed to allow homeless individuals to enter with pets, partners, and possessions, which are often-cited impediments individuals have when entering a homeless shelter.

Table 45: Homeless Facilities in Modesto

Facility Name	Type of Facility	Target Population	Number of Shelter Beds
Bennett Place	Shelter	Serious mental illness and Serious emotional disturbance	18
Center for Human Services	Emergency shelter	Individuals	6
Children's Crisis Center	Emergency shelter	Abused, neglected and high risk children	35
Community Housing & Shelter Services (CHSS)	Emergency shelter	Individuals	180
Empire Migrant Center*	Cold weather shelter	Families	90
Family Promise	Emergency shelter	Families	14
Haven Women's Center	Emergency shelter	Woman and their children fleeing domestic or sexual violence	13
Modesto Gospel Mission	Emergency shelter	Individuals and families	135
Salvation Army – ACES Shelter	Emergency shelter	Individuals	182
Salvation Army – Berberian Shelter	Emergency shelter	Individuals	180
Turning Point	Emergency shelter	Families	11
Women's Rest	Shelter	Individuals	5
Youth Navigation Center of Stanislaus County – Low Barrier Shelter	Transitional housing, Crisis/Drop-in and Shelter and Low-Barrier Shelter	Young adults ages 13 - 24	48
		Total	896

* Outside of Modesto City limits

Source: Modesto Annual Action Plan FY 2022-2023

Disabilities

People living with disabilities may have a wide range of housing needs, depending on the type and severity of their disability. Housing affordability is a major concern for individuals with disabilities, particularly for those whose disability impacts their income earning potential. Design accommodations to navigate within the home and to/from the residence are another

challenge for persons with disabilities. Access often requires specially designed dwelling units that include features such as wider doorways, ramps in place of stairs, and elevators for units with multiple stories. These modifications have the potential to be expensive and are not usually found in older dwelling units. Ongoing enforcement of the City's Building Code ensures that new construction will be accessible to disabled persons, though all units may not have all the features needed by specific individuals. Additionally, housing with adequate access to public facilities and public transit are important for this special needs group.

The US Census Bureau categorizes disabilities as follows:

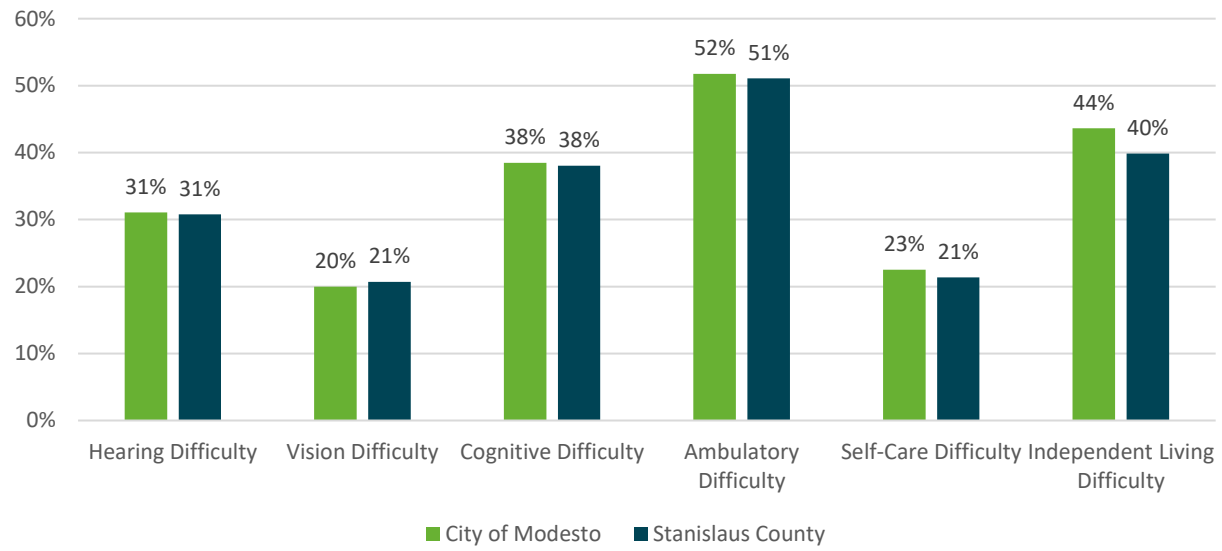
- Hearing difficulty: deaf or has serious difficulty hearing
- Vision difficulty: blind or has serious difficulty seeing even with glasses
- Cognitive difficulty: has serious difficulty concentrating, remembering, or making decisions
- Ambulatory difficulty: has serious difficulty walking or climbing stairs
- Self-care difficulty: has difficulty dressing or bathing
- Independent living difficulty: has difficulty doing errands alone, such as visiting a doctor's office or shopping

Based on the 2016–2020 American Community Survey, there are 30,664 individuals, or 14.4 percent of the population, living with at least one form of disability in Modesto. This is slightly higher than the County where 13 percent of the population has a disability.[9] Ambulatory issues are the highest reported disability countywide. A large population with walking difficulty creates a need for single-story housing, elevators, transit access, wheelchair access, larger homes for live-in help, and proximity to health facilities. For many in need of live-in help or living assistance, accessory dwelling units (ADUs) may serve as a caregiver unit. The City is including programs to incentivize, encourage, and facilitate ADU production in the City including A - 9: ADU Ordinance Updates, Tracking and Monitoring, A - 10: ADU Incentives, and F - 2: ADU, JADU, and SB 9 Education.

Further information about the type of disabilities residents experience and how it compares to Stanislaus County is illustrated in Figure 9.

[9] Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table C18108

Figure 9: Disability by Type

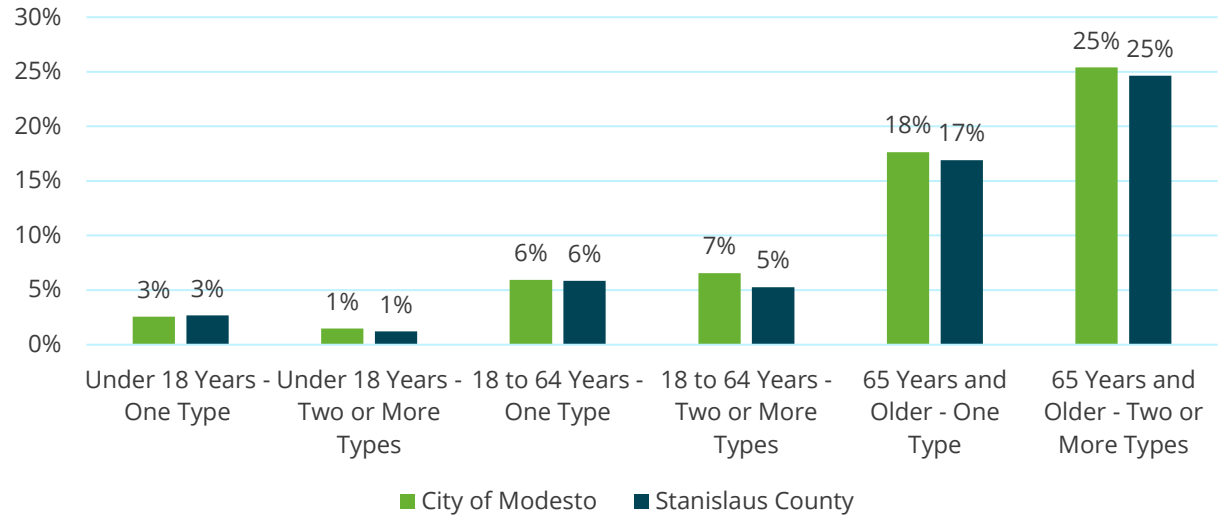


Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table S1810.

Note: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

As shown in Figure 10, 18 percent (or 5,077) of the City's 28,787 seniors live with at least one disability and 25 percent (or 7,312) live with at least two types of disability. This is nearly identical to Stanislaus County's senior population with disabilities, 17 percent with one disability and 25 percent of seniors have two disabilities.

Figure 10: Disability by Number of Types by Age



Source: U.S. Census Bureau, ACS16-20 (5-year Estimates), Table C18108

A subgroup of disabled residents is those who are developmentally disabled. Housing Element law mandates that an analysis of special needs of disabled persons, including persons with developmental disabilities, be included in Housing Elements. Many developmentally disabled persons are able to live and work independently. However, more severely disabled individuals require a group living environment with supervision, or an institutional environment with medical attention and physical therapy. When developmental disabilities exist before adulthood, the first housing issue for that individual is the transition from living with a parent/guardian as a child to an appropriate level of independence as an adult.

As shown in Table 46, individuals with developmental disabilities largely reside with a parent, family member, or guardian and an almost equal amount of individuals live in independent/supported living or in a community care facility.

Table 46: Population with Developmental Disabilities by Residence

Type of Residence	City of Modesto	Stanislaus County
Home of Parent /Family /Guardian	2,612	5,049
Independent /Supported Living	266	394
Community Care Facility	236	303
Intermediate Care Facility	5	10
Foster /Family Home	47	108
Other	30	60

Source: DDS Quarterly Consumer Report, December 2021

The California Department of Developmental Services (DDS) currently provides community-based services through 21 community-based nonprofit corporations known as regional centers. The regional centers serve as a local resource to help find and access services and support available to individuals and families once eligibility is determined. The Valley Mountain Regional Center provides service to developmentally disabled individuals throughout Stanislaus and San Joaquin Counties. According to the DDS, as of December 2021, the Valley Mountain Regional Center served 16,392 residents. Table 47 displays the breakdown of type of developmental disabilities served at the center. The largest populations served are those with an intellectual disability (42 percent) followed by autism (36 percent).

Table 47: Valley Mountain Regional Center, Developmental Disabilities by Type, 2019

Developmental Disability	Individuals	Percent
Autism	5,901	36%
Cerebral Palsy	1,311	8%
Epilepsy	1,803	11%
Intellectual Disability	6,884	42%
Other	493	10%
Total[1]	16,392	107%

Source: California Department of Developmental Service (December 2021), Consumers by Diagnosis and Regional Center.

[1] People may have more than one type of disability, so individual disability categories will not sum to total.

A number of housing types are appropriate for people living with a developmental disability, including rent-subsidized homes, licensed single-family homes, and homes available through the Housing Choice Voucher program. The design of housing accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the considerations that are important in serving this group. Incorporating barrier-free designs in all new multifamily housing, as required by California and federal fair housing laws, along with affordability, is especially important in housing for disabled residents.

The City works closely with the Stanislaus County Department of Behavioral Health and Recovery Services (BHRS) in the system delivery of housing services. BHRS provides Housing Support Services Program provides an array of support services for individuals facing barriers that include low income, severe mental illness, substance abuse, and other disabling conditions.

Additionally, the City coordinates with the Stanislaus County Community Services Agency (CSA) which is responsible for the administration of multiple housing and homeless programs one of which includes the Housing Disability Advocacy Program (HDAP). As with BHRS, the City partners with housing developers and CSA in the delivery of services and/or affordable housing projects to serve the target populations.

Elderly Persons

The US Census defines persons 65 years of age and older as elderly. Modesto's elderly population has special housing needs associated with affordability, maintenance, and upkeep of their homes, as well as physical access. Elderly persons are more likely to have fixed incomes and have a substantial portion of their financial resources in non-liquid assets, such as property. They often spend a higher percentage of their income on food, housing, medical care, and personal care comparative to non-elderly persons. Elderly persons may have special needs related to housing location and construction. Because of limited mobility, elderly persons typically need closer access to medical services, shopping, public transit, and other amenities. In terms of housing construction, elderly persons may need ramps, handrails,

elevators, lower cabinets and counters, and special security devices to allow for greater self-protection. In addition, the elderly may require assistance with housekeeping, maintenance, and repairs to remain in their own homes for as long as possible. Special consideration should be given for recreational and social amenities for the elderly. Resources available to elderly households are listed in Table 36.

According to the 2020 US Census data shown in Table 48, 23 percent of Modesto's households are headed by one person aged 65 or over. This is slightly less than the 24 percent in Stanislaus County households.

Table 48: Regional Household by Age, 2020

Household Age	Modesto		Stanislaus County	
	Households	%	Households	%
15 to 24 years	1,879	2.6%	5,194	3.0%
25 to 34 years	12,534	17.6%	28,629	16.4%
35 to 64 years	39,335	55.3%	98,791	56.5%
65 to 74 years	10,590	14.9%	24,426	14.0%
75 years and over	6,775	9.5%	17,786	10.2%
Total	71,113	100%	174,826	100%

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table B25007

As indicated in Table 49, the 2020 median household income for households with a resident aged 65 and older was $46,424 in Modesto and $44,841 in Stanislaus County. This is lower than the citywide median income of $62,182 and countywide median income of $62,873 in 2021. The lower income is likely because fewer elderly persons are working full-time, and most income comes from a fixed income such as Social Security and/or part-time work.

Table 49: Median Household Income for Elderly Households, 2020

Household Age	City of Modesto Median Income	Stanislaus County Median Income
65 Years and Older	$46,424	$44,841
All Households	$62,182	$62,873

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table S1903

Based on HUD's 2015–2019 CHAS data shown in Table 50, 42 percent of elderly households in Modesto are in one of the lower-income categories. Stanislaus County had a higher percentage of elderly households within the lower income categories, at 57 percent.

Table 50: Income Distribution, Elderly Households, 2019

Income	Modesto		Stanislaus County	
	Number	%	Number	%
Less than or equal to 30% of HAMFI	8,315	11.5%	20,435	8.7%
Greater than 30% but less than or equal to 50% of HAMFI	8,770	12.1%	82,675	35.3%
Greater than 50% but less than or equal to 80% of HAMFI	13,305	18.4%	31,030	13.2%
Greater than 80% of HAMFI	41,950	58.0%	100,330	42.8%
Total	72,340	100%	234,470	100%

Source: US Department of Housing and Urban Development (HUD), CHAS data (2015–2019), Table 5.

[1] HUD defines "elderly" as people aged 62 and up. However, the US Census Bureau defines "elderly" as people aged 65 and older.

Table 51 displays the percentage of the elderly population and their disability status. Of people aged 65 and above, 5 percent have one type of disability and 7 percent have two or more disabilities. The County has more than double the percentage of elderly individuals with disabilities at 29.4 percent compared to 12.6 percent in Modesto.

Table 51: Elderly People with Disabilities, 2020

Disability Status	# of Elderly People with a Disability	% of People Age 65+	# of Elderly People with a Disability	% of People Age 65+
	Modesto		Stanislaus County	
With one type of disability	5,077	5.2%	11,784	12.0%
With two or more types of disability	7,312	7.4%	17,181	17.4%
Total, Elderly with a Disability	12,389	12.6%	28,965	29.4%

Source: US Census Bureau, American Community Survey 5-Year Data (2016–2020), Table C18108.

Table 52 summarizes housing problems experienced by elderly households in Modesto. According to the 2015–2019 CHAS data, 40 percent of all elderly households experience some type of housing problem. This includes 62 percent of renters and 31 percent of owners. For households with at least one person 62 years and older, 70 percent resided in owner-occupied units and nearly 30 percent resided in renter-occupied units.

Table 52: Elderly Households by Housing Problems and Tenure, 2019

Housing Problem Type	Elderly Owners	Elderly Renters	Total (Elderly Households)
Total	18,030	7,695	25,725
% with any Housing Problem	31.0%	62.1%	40.3%
% with Cost Burden	38.6%	57.9%	44.4%
% with Severe Cost Burden	26.6%	38.7%	30.2%

Source: 2015–2019 HUD CHAS data, Table 5 and Table 7.

The increasing number of elderly persons in the population is creating more demand for affordable, accessible, and low-maintenance housing. As residents age, they may desire alternatives to single-family units, opting for smaller multifamily units or assisted care living. Another option for seniors looking to downsize is accessory dwelling units, which could house seniors or their caregivers. The City is including programs to incentivize, encourage, and facilitate ADU production in the City including A - 9: ADU Ordinance Updates, Tracking and Monitoring, A - 10: ADU Incentives, and F - 2: ADU, JADU, and SB 9 Education. Based on the demographic trends, the need for senior housing is considered a high priority.

Extremely Low-Income Housing Needs

Extremely low-income households in Modesto are defined as households with income less than 30 percent of the Stanislaus County AMI. The provisions of Government Code Section 65583 (a)(1) require quantification and analysis of existing and projected housing needs of extremely low-income households. In 2019, 23 percent of Modesto households were within the extremely low-income category. Resources available to extremely low-income households are listed in Table 36.

Table 53 provides a summary of overcrowding rates experienced by extremely low-income households in Modesto compared to other income levels. An overcrowded housing unit is defined by the US Census Bureau as a housing unit occupied by more than one person per room (excluding bathrooms, kitchen, hallway, and closet space). Occupancy by more than 1.5 persons per room constitutes severe overcrowding. Overcrowding can affect public facilities and services, reduce the quality of the physical environment, and create conditions that contribute to deterioration of the housing stock.

Households in Modesto experience overcrowding at a lower rate than those in the County. Extremely low-income owner-occupied households experience overcrowding at a similar rate to most of the other income levels in the City.

Table 53: Overcrowding by Income Level

Housing Income Range	Households	Number of People per Room			
		Overcrowding (>1 person per room)		Severe Overcrowding (>1.5 persons per room)	
	#	#	%	#	%
City of Modesto: Owner Households					
<30% of HAMFI	2,109	109	5.2%	55	2.6%
30% to 50% of HAMFI	2,910	95	3.3%	15	0.5%
50% to 80% of HAMFI	5,920	270	4.6%	85	1.4%
80% to 100% of HAMFI	3,795	230	6.1%	35	0.9%
>100% of HAMFI	25,145	635	2.5%	135	0.5%
Total	38,540	1,339	3.5%	325	0.8%
City of Modesto: Renter Households					
<30% of HAMFI	6,200	615	9.9%	180	2.9%
30% to 50% of HAMFI	5,864	549	9.4%	134	2.3%
50% to 80% of HAMFI	7,380	930	12.6%	325	4.4%
80% to 100% of HAMFI	3,214	204	6.3%	29	0.9%
>100% of HAMFI	9,795	625	6.4%	60	0.6%
Total	29,530	2,923	9.9%	728	2.5%
Stanislaus County: Owner Households					
<30% of HAMFI	6,003	218	3.6%	85	1.4%
30% to 50% of HAMFI	8,400	370	4.4%	90	1.1%
50% to 80% of HAMFI	14,975	1,055	7.0%	345	2.3%
80% to 100% of HAMFI	10,365	900	8.7%	185	1.8%
>100% of HAMFI	60,835	2,030	3.3%	440	0.7%
Total	100,578	4,573	4.5%	1,145	1.1%
Stanislaus County: Renter Households					
<30% of HAMFI	14,430	1,380	9.6%	310	2.1%
30% to 50% of HAMFI	13,699	1,704	12.4%	229	1.7%
50% to 80% of HAMFI	16,050	2,365	14.7%	700	4.4%
80% to 100% of HAMFI	7,299	644	8.8%	64	0.9%

Housing Income Range	Households	Number of People per Room			
		Overcrowding (>1 person per room)		Severe Overcrowding (>1.5 persons per room)	
	#	#	%	#	%
>100% of HAMFI	21,850	1,350	6.2%	365	1.7%
Total	73,328	7,443	10.2%	1,668	2.3%

Table 54 provides a summary of housing problems experienced by extremely low-income households in Modesto. Extremely low-income renter-occupied households experience both overpayment and overcrowding. According to 2015–2019 HUD CHAS data, nearly 19 percent of extremely low-income households experience at least one type of housing problem. The needs of extremely low-income households include housing units designed for unhoused persons, multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, and workforce housing.

Table 54: Extremely Low-Income Households with Housing Problems, Modesto, 2019

	Total Extremely Low-Income Total Households	% of Total Households	Renters		Owners	
			#	%	#	%
Household Income < 30% MFI	16,615	22.9%	12,395	19.1%	4,220	5.3%
With any Housing Problem[1]	13,515	18.7%	10,130	15.6%	3,385	4.2%
With a Cost Burden 30-50%	15,024	20.8%	8,245	11.5%	6,779	9.5%
Cost Burden > 50%	12,425	17.2%	8,510	11.9%	3,915	5.5%

Source: HUD CHAS Data (2015–2019), Summary Level Data for Modesto.

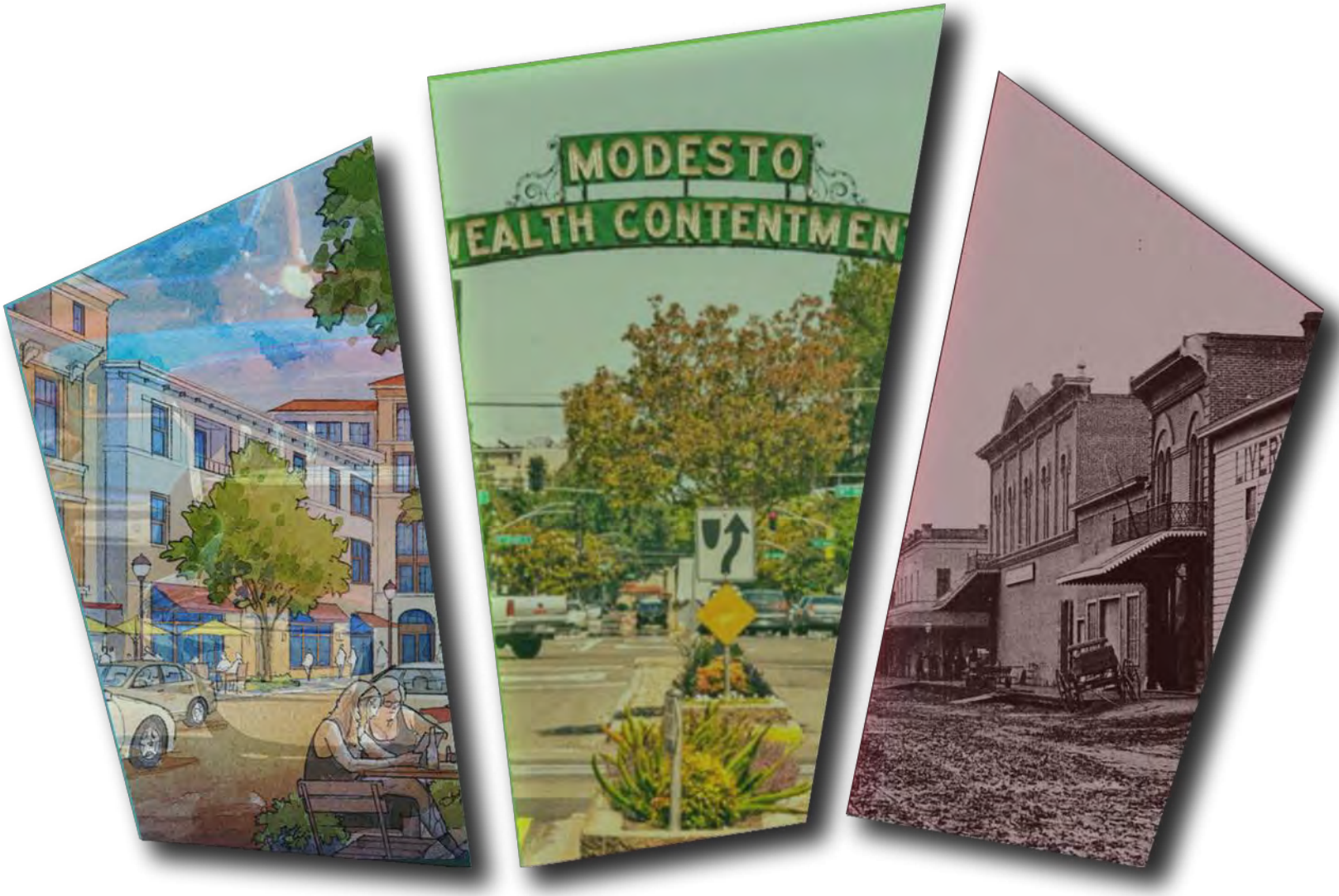
The City of Modesto has focused funding to address the needs of extremely low-income households on programs that enable households and individuals living in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low-income households. These programs include the following:

- The City of Modesto launched the Camp2Home program in 2020 as an innovative approach to address homelessness through five key fronts: (1) outreach, (2) shelter, (3) job training, (4) permanent employment, and (5) permanent housing. Since the launch of the Camp2Home program, in partnership with several local nonprofit organizations.

- Homeless Discharge Coordination: The objective is to create a community standard of care and connection between discharging and receiving providers of services for the homeless.
- Homeless Prevention and Rapid Rehousing: Using ESG funds to provide rapid rehousing of persons who are homeless.
- Foster care/youth facilities: The Youth Navigation Center provides a one-stop shop service hub for youth experiencing or in danger of homelessness.
- Emergency Rental Assistance Program (ERAP): The City of Modesto received approximately $6.3 million from the federal government and $6.8 from the State of California for distribution to households that are unable to pay rent and utilities.
- Low Income Household Water Assistance Program (LIHWAP): The City is a participant of the LIHWAP which is a federally funded program that offers a one-time payment to help pay past due water or wastewater bills.

Summary of Housing Needs

An analysis of the housing needs in the City of Modesto reveals a number of trends, such as an increased need for housing large households, extremely low income households, and persons experiencing homelessness. There have been two age populations that have increased in Modesto in the last 10 years, 25–34 and 60 years and older, which suggests there are growing numbers of younger households and retirement age households. Additionally, compared to the County, Modesto is comparable in almost every demographic statistic as Modesto shares a majority of the population and higher share of special housing needs population (i.e., person experiencing homelessness).



AFFIRMATIVELY FURTHERING FAIR HOUSING

City of **MODESTO**

Housing Element 2023-2031

CITY OF MODESTO CALIFORNIA

Affirmatively Furthering Fair Housing

Introduction

Assembly Bill (AB) 686 requires a jurisdiction's Housing Element to provide an analysis of barriers that restrict access to opportunity and a commitment to specific meaningful actions and how the identified Regional Housing Needs Allocation (RHNA) sites affirmatively further fair housing. AB 686 requires jurisdictions to identify meaningful goals to address the impacts of systemic issues such as residential segregation, housing cost burden, and unequal educational or employment opportunities to the extent these issues create and/or perpetuate discrimination against protected segments of the population. In addition, AB 686:

- Requires jurisdictions and public housing authorities to administer their programs and activities related to housing and community development in a way that affirmatively furthers fair housing;
- Prohibits the state, cities, counties, and public housing authorities from taking actions materially inconsistent with their Affirmatively Furthering Fair Housing (AFFH) obligation;
- Adds an AFFH analysis to the Housing Element (an existing planning process that California cities and counties must complete) for plans that are due beginning in 2021; and
- Includes in the Housing Element's AFFH analysis a required examination of issues such as segregation and resident displacement, as well as the required identification of fair housing goals.

The bill added an assessment of fair housing to the Housing Element which includes the following components:

- A summary of fair housing issues and assessment of the City's fair housing enforcement and outreach capacity;
- An analysis of segregation patterns and disparities in access to opportunities,
- An assessment of contributing factors, and
- An identification of fair housing goals and actions.

Public Outreach

The City of Modesto has developed a comprehensive and successful public engagement strategy that has provided valuable community feedback to date, the City will continue to gather information as the Housing Element progresses. It will continue to provide extensive information to guide the Housing Element update process. Outreach for the Housing Element

update began in May 2023, starting with a series of stakeholder focus groups. Community outreach involved engaging a diverse group of people in the planning process, including community members, stakeholders, service providers, educators, the Planning Commission, and City Council in the identification of Modesto's Housing Element housing issues.

The main strategies to facilitate public participation and collect input are summarized below.

Outreach Activities

The public participation program includes using the following methods:

- Survey available in hard copy and online in both English and Spanish
- Stakeholder focus group interviews
- Dedicated webpage on City website
- Email list
- City social media accounts
- Community workshops
- Community organization meetings
- Joint City Council and Planning Commission study session
- Public hearings

Organizations Consulted

Organizations contacted and interviewed included:

- Modesto Chamber of Commerce
- Stanislaus Regional Housing Authority
- Stanislaus County
- PMZ Real Estate
- Korazón.io Konsultants
- Manufacturer's Council of the Central Valley
- Building Industry Association of Central California
- CHG Structural
- Tuolumne River Trust
- South Modesto Businesses United (S.M.B.U.)
- California Rural Legal Assistance
- West Modesto Community Collaborative – People of Action Council

- South Modesto Partnerships Group
- Love Modesto/Love Stanislaus County
- City Ministries Network
- Central Valley Hispanic Chamber of Commerce
- Modesto Neighborhoods Inc.
- Stanislaus Community Foundation
- EAH Housing (Archway Commons)
- Satellite Housing Inc (Tower Park)
- Habitat for Humanity
- Self Help Enterprises
- Faith in the Valley
- Project Sentinel
- Center for Human Services
- Community Housing & Shelter Services (CHSS)
- Haven's Women Center
- Interfaith Ministries
- Senior Law Group
- El Modesto Commitè
- Emanuel Lutheran Church

The City is making a comprehensive effort to reach lower- and moderate-income individuals to participate in the Housing Element update. As noted above, the City developed a multilingual outreach campaign and contacted a variety of local organizations, including advocacy groups and the fair housing service provider, local service providers, and community-centered organizations.

Housing Element Update Website

The City created the Housing Element update webpage on the City's website to provide:

- Background and information on the Housing Element process;
- Link to Housing Element update email list;
- Link to the Housing Element update multilingual survey;
- Documents related to the Housing Element, including the first public review draft;

- Presentation materials and recordings of presentations; and
- Notification to the public of future events.

Stakeholder Focus Groups

The City reached out to 32 individuals and organizations who represent a diverse range of agencies and interest groups to participate in focus groups regarding housing needs and issues in Modesto. Three focus groups were held at the following dates:

- May 23, 2023, from 12:00 PM to 1:00 PM
- May 31, 2023, from 12:00 PM to 1:00 PM (two groups)

Seven different dates and times were offered to community members to ensure equity and flexibility for any community members who wanted to participate.

Focus groups discussed a variety of topics and the following key themes were identified:

- Need to incentivize accessory dwelling unit (ADU) construction;
- Need for more education and outreach for non-English speakers to inform residents of housing law and affordable housing;
- Need for supportive, senior, veteran and student housing at the very low- and low-income area median income (AMI); and
- Disparity of housing and quality/access to amenities in west Modesto, the Airport District, and South Modesto.

The participants had varying perspectives informed by their involvement and familiarity with Modesto, but homelessness, education and support, equitable development and investments, and a lack of affordable housing stock were the issues that were mentioned the most.

Housing Element Survey

Another component of the outreach effort was the Housing Element survey, posted on the City's website on May 23, 2023. The survey was promoted through a variety of channels to reach the entire community. The survey was made available in both English and Spanish. As of July 2023 the City has received a total of 89 completed surveys and will continue to collect survey data through the Housing Element Planning process. Responses to the survey primarily revealed concerns from residents regarding:

- Availability of affordable units in Modesto;
- Difficulty affording rent or mortgage payments; and
- Issues of homelessness including providing supportive housing.

Respondents also indicated that the greatest housing needs in Modesto are low-income persons and seniors. The survey results show strong support for increased affordable housing

as well as providing assistance with housing costs. Respondents also identified programs to support single first time homebuyers, infill development, microunits and mini homes to help with the homelessness population.

Community Workshops

The City held two virtual public workshops – Thursday, July 6, 2023 and Wednesday, July 12, 2023 both starting at 6:00 p.m. – to present the Housing Element update and gather public input. Each workshop had simultaneous Spanish translation. Twenty-eight members of the community participated in the workshops and many provided feedback through question and answer sessions on the Housing Element update process. Materials and video recordings of the presentations in both English and Spanish were made available on the Modesto Housing Element webpage on the City's website for those who could not attend, or who wanted to review the materials and meetings at their leisure.

Meetings with Community Organizations

Modesto Commitè

The City held an in-person meeting with the community group Modesto Commitè on July 10, 2023. The meeting included a presentation which provided a high-level overview of the draft Housing Element process, the approach to the sites inventory, and then a brief description of some of the programs that could potentially have the highest impact on housing and ADU production, removal of governmental constraints, and meeting special housing needs. The meeting also included a question-and-answer session with the attendees.

West Modesto Collaborative

The City held an in-person meeting with the community group West Modesto Collaborative on July 12, 2023. The meeting included a presentation which provided a high-level overview of the draft Housing Element process, the approach to the sites inventory, and then a brief description of some of the programs that could potentially have the highest impact on housing and ADU production, removal of governmental constraints, and meeting special housing needs. The meeting also included a question-and-answer session with public attendees. Spanish translation was provided for this meeting.

Emanuel Lutheran Church

The City held an in-person meeting with the community group Emanuel Lutheran Church on July 19, 2023. The meeting included a presentation which provided a high-level overview of the draft Housing Element process, the approach to the sites inventory, and then a brief description of some of the programs that could potentially have the highest impact on housing and ADU production, removal of governmental constraints, and meeting special housing needs. The meeting also included a question-and-answer session with public attendees.

Findings

Most focus group attendees and survey respondents support the provision of more housing assistance, financial or policy based, for the low-income population in finding housing. In summary, the community engagement and input yielded the following themes and feedback:

- **ADU Incentives:** Participants expressed the difficulties and barriers to ADU development in Modesto. The City recently updated its ADU ordinance to comply with state laws that make it easier to build an ADU. Additionally, Program A - 10 establishes ADU incentives including preapproved/prereviewed plans, a fee exemption from Capital Facilities Fees, and educational promotion efforts.
- **Education and Outreach:** Participants expressed the challenges and barriers for community engagement and education as it related to affordable housing, available housing services and programs, housing policy, and other City events. Participants noted the need for improved access to bilingual materials and bilingual messaging to Modesto residents. Program F - 1, F - 2 and F - 4 implement outreach and education strategies to increase community awareness ADUs, housing resources, and available fair housing support. Program F - 3 focuses on providing bilingual materials to the City residents. The full housing element is also being translated into Spanish and will be posted along with the English version of the housing element.
- **Prioritizing Affordable Housing for a Variety of Groups:** Participants addressed the need for prioritizing development for veterans, seniors, students, and single mothers. Programs D - 1, D - 5, and D - 8 are included to provide resources and facilitate and support affordable housing.
- **Disparity of investment Across Modesto Neighborhoods:** Participants noted a disparity in housing and quality of infrastructure and amenities between West Modesto, the Airport District, and South Modesto and the rest of the City. Participants noted the importance of investing in these areas to provide access to necessary resources and adequate infrastructure concurrently with housing development. Programs E - 1 and E - 2 are included to ensure place-based improvements are occurring in the areas listed as well as downtown Modesto.
- **Ease of Permitting Process:** Participants highlighted the ease of going through the permitting process. They specifically noted the willingness of the City to be flexible, responsive, and assist applicants in navigating the permitting process.

Assessment of Fair Housing

City Overview

Modesto is the county seat and the largest city in Stanislaus County, in the Sacramento-Stockton-Modesto, CA Metropolitan Statistical Area. The City is located in the Central Valley 68 miles south of Sacramento and 66 miles east of San Francisco. The City is bordered by the City

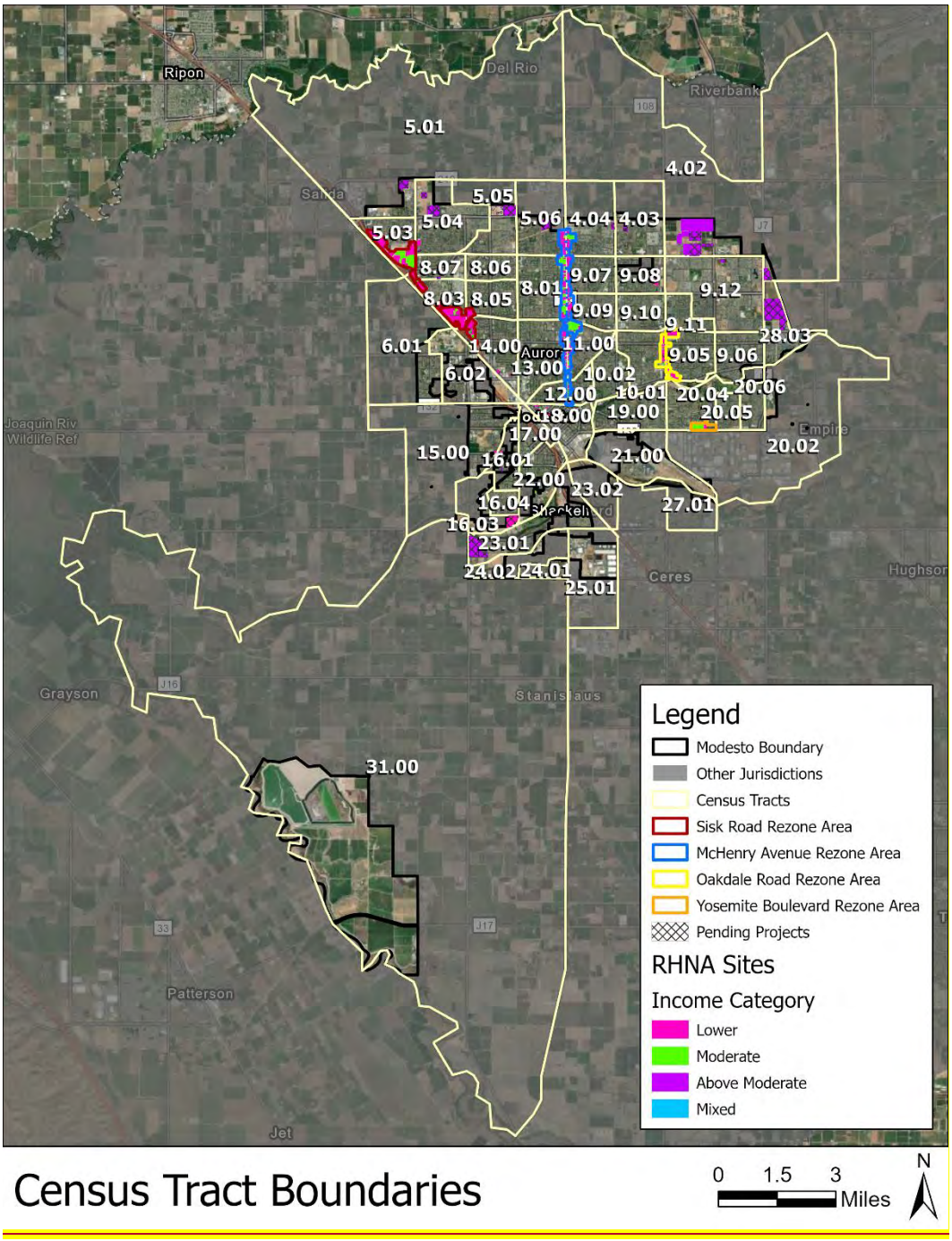
of Ceres to the south and almost entirely surrounded by agricultural land. Modesto is approximately 43 square miles of land at the intersection of State Routes 99 and 132 and is bisected by the Tuolumne River.

Much of the fair housing analysis is based upon census data provided at the census tract level. Modesto has a total of 50 census tracts. Figure 11 displays the census tracts in the City and the RHNA sites within those census tracts; however, several of the census tracts are not solely in Modesto and have portions in neighboring jurisdictions. As a result, demographic information for these census tracts reflects neighboring communities, as well as Modesto.

Most of the census tracts in Modesto contain housing, with the majority of the City being zoned for single-family neighborhoods. Census Tract 21.00 contains an airport, and tracts in the north of the City.

The Affirmatively Furthering Fair Housing (AFFH) section also considers the effects that the selected RHNA sites may have on fair housing. Selected RHNA sites and entitled projects are relatively distributed throughout the City. The new Mixed-Use zones, MU-P and MU-H, and amended P-D standards along Sisk Road, McHenry Avenue, Oakdale Road, and Yosemite Boulevard allow for higher density development in the central and northern areas of the City. The rezoning is anticipated to be completed in November, 2023. These identified sites will offer proximity to job opportunities and other commercial resources such as schools and grocery stores.

Figure 11: Census Tracts and RHNA Sites



39 of the 50 census tracts that intersect Modesto have the majority of their area located inside City limits. Of the 39 tracts mostly in the City, These tracts vary in demographic makeup, with tracts on average having lower incomes and more predominant non-White populations in southern and western Modesto, and tracts in central and eastern Modesto have higher incomes and a more predominant White population. While there is much variation in the tracts

surrounding the City, the majority of the surrounding areas follow the opportunity trends of the northern and central areas of Modesto, with the southern areas having particularly low levels of opportunity compared to the region. There is high variation in resource categories within the City, with Low Resource or areas of High Segregation and Poverty in the southern and downtown areas, Moderate resource central areas, and High and Highest resource areas in the northern and eastern areas of the City. This is a relative ranking based on composites of environmental, economic, and education scores.

Currently, higher density, mixed-use development opportunities in the City are primarily located in the Downtown area. A portion of the Downtown includes a R/ECAP and has a higher concentration of the non-White population. The City is increasing opportunities for higher density housing, mixed-use development through the creation of mixed-use zones outside of the R/ECAP and in areas of the City that currently have a lower concentration of the non-White population. The inclusion of the opportunity sites in these new mixed-use corridors is not expected to negatively change or exacerbate fair housing considerations of segregation, and will increase housing mobility and access to opportunity for lower income households.

The City is including a number of programs to increase housing types and opportunities in higher resource areas of the City. These efforts go beyond the sites that are included in the Opportunity Site List and help improve housing choice and mobility, by providing opportunities to increase the number and type of dwelling units in lower density residential zones.

Per Program A - 2, the City is rezoning parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modifying P-D parcels to allow for 45 du/ac in order **to create a net new capacity for 21,014 units. This is an added capacity of almost twice the RHNA of 11,248, and almost three times the remaining RHNA** need after factoring in pending projects and ADUs. These zoning amendments are anticipated to be completed in November, 2023. Beyond these zoning amendments, the City is increasing the maximum density of the R-1 zone from 7.5 to 10.9, the R-2 zone from 14.5 to 22, and the maximum density of the R-3 zone from 29 to 45, as noted in Program A - 4. This will create ample opportunity for high density residential development throughout the City.

The City is also including Programs A - 9 and A - 10 to incentivize and promote ADU development to increase opportunities for low income households in lower density, high opportunity areas of the City. This includes pre-approved plans, fee exemptions, and increased outreach strategies. Through Program A - 11, the City will facilitate missing middle or middle-income housing and increase the variety of housing choice and opportunity in single-family neighborhoods by encouraging the development of duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. Program A - 15 will assist homeowners in developing SB 9 units on their properties.

In addition to increase opportunities for housing choice and housing mobility in higher-opportunity areas of Modesto, the City is implementing several programs to address place-based improvements in the lower-opportunity areas, such as downtown or southern Modesto. As noted in Program E - 1, the City is contributing to community revitalization and improved quality of life in downtown Modesto through efforts including but not limited to the following:

- Currently developing plans to identify necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management Support Project to develop housing downtown and on the municipal golf course.
- Provide a Capital Facilities Fees waiver for low-income projects.
- Street improvement projects to transform 10th Street into a pedestrian-oriented corridor.
- A full pedestrian redevelopment of 9th Street, including Class I bike lines. This is in conjunction with Archway Commons Phase II, a 79-unit housing development on 7th Street.
- A redevelopment of the downtown bus station to transform it into a transit hub. This includes preparations for the Altamont Corridor Express, anticipated to begin operations in 2026.
- A new courthouse to be opened in 2024, with redevelopment of the former courthouse and county jail as a mixed-use project.

As noted in Program E - 2, the City is pursuing Place-Based improvements in the islands surrounded by unincorporated County land in southern Modesto. These efforts include but are not limited to

- Investing $10 million to upgrade infrastructure in the County Islands such as curb gutters, sidewalks, streetlighting, sewer, water, and storm drains.
- Collaborating with Stanislaus County to address any property tax issues as money becomes available to annex “island” properties to Modesto.
- Through the Capital Improvement Plan, working with the County to fund sewer connections.
- Developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area.

Table 55: Comparison of Fair Housing with Respect to Location

Census Tract	Low	Mod.	Above Mod,	RHNA Units		Total HH	Total Pop.	TCAC Composite Category	Median Income	% with Disability	% of Children in FHH	CES Percentile	% Non-White	R/ECAP Present
Census Tracts Mostly Inside of Modesto														
4.03	0	0	90	90	1%	1,600	1,512	Highest Resource	$88,162	13%	31%	45%	36%	No
4.04	114	99	126	339	3%	2,061	1,120	High Resource	$65,859	16%	14%	68%	42%	No
5.03	927	403	0	1,330	11%	1,731	1,298	High Resource	$70,483	9%	19%	60%	56%	No
5.04	141	0	707	848	7%	1,784	2,282	Highest Resource	$105,000	14%	24%	45%	55%	No
5.05	0	0	175	175	1%	1,729	2,009	High Resource	$78,163	13%	17%	38%	53%	No
5.06	226	12	112	350	3%	1,827	1,420	Moderate Resource	$53,589	18%	32%	41%	58%	No
6.02	0	0	0	0	0%	933	2,002	Moderate Resource	$96,875	11%	18%	81%	61%	No
8.01	284	294	0	578	5%	2,660	1,353	Moderate Resource	$62,167	21%	32%	68%	34%	No
8.03	810	60	0	870	7%	1,653	1,327	Low Resource	$53,375	22%	34%	91%	64%	No
8.05	118	0	0	118	1%	1,889	1,749	Moderate Resource	$56,773	16%	5%	64%	58%	No
8.06	0	0	0	0	0%	1,650	2,295	Moderate Resource	$65,179	18%	38%	37%	42%	No

Census Tract	Low	Mod.	Above Mod,	RHNA Units		Total HH	Total Pop.	TCAC Composite Category	Median Income	% with Disability	% of Children in FHH	CES Percentile	% Non-White	R/ECAP Present
8.07	0	50	50	100	1%	1,437	2,527	Moderate Resource	$57,013	16%	9%	62%	51%	No
9.05	366	18	0	384	3%	2,699	1,896	Highest Resource	$58,658	16%	20%	57%	31%	No
9.06	0	9	0	9	0%	2,699	1,935	Highest Resource	$58,658	16%	20%	57%	50%	No
9.07	213	4	15	232	2%	1,483	1,155	Highest Resource	$67,642	14%	14%	45%	28%	No
9.08	170	0	0	170	1%	1,910	1,888	High Resource	$68,438	16%	16%	52%	46%	No
9.09	165	25	0	190	2%	1,607	977	High Resource	$71,629	12%	24%	63%	39%	No
9.10	0	0	0	0	0%	2,334	1,552	Moderate Resource	$50,845	17%	32%	62%	51%	No
9.11	0	0	0	0	0%	1,825	1,876	Highest Resource	$78,750	14%	11%	39%	51%	No
9.12	0	0	7	7	0%	1,507	1,988	Highest Resource	$156,303	10%	5%	43%	58%	No
10.01	257	23	41	321	3%	2,512	1,414	High Resource	$60,671	15%	24%	55%	33%	No
10.02	0	0	0	0	0%	1,318	828	Moderate Resource	$63,707	22%	43%	52%	48%	No

Census Tract	Low	Mod.	Above Mod,	RHNA Units		Total HH	Total Pop.	TCAC Composite Category	Median Income	% with Disability	% of Children in FHH	CES Percentile	% Non-White	R/ECAP Present
11.00	248	305	0	553	5%	1,700	1,024	Moderate Resource	$48,188	13%	19%	83%	45%	No
12.00	80	89	0	169	1%	1,604	1,414	Moderate Resource	$62,434	11%	38%	72%	49%	No
13.00	220	104	0	324	3%	2,244	1,139	Moderate Resource	$95,278	9%	21%	78%	46%	No
14.00	230	59	0	289	2%	2,328	815	Low Resource	$55,449	15%	23%	84%	60%	No
16.01	101	11	7	119	1%	1,242	1,940	High Segregation & Poverty	$48,563	16%	33%	88%	72%	No
16.04	0	0	0	0	0%	986	1,340	High Segregation & Poverty	$38,409	14%	25%	75%	82%	No
17.00	105	16	8	129	1%	777	740	High Segregation & Poverty	$37,553	14%	42%	95%	70%	Yes
18.00	289	90	0	379	3%	1,040	1,206	High Segregation & Poverty	$27,877	24%	42%	94%	49%	No
19.00	0	0	32	32	0%	1,885	903	Low Resource	$71,109	14%	14%	69%	50%	No
20.04	164	565	0	729	6%	2,167	2,317	Low Resource	$53,793	14%	21%	90%	60%	No
20.05	0	0	0	0	0%	1,034	1,861	Moderate Resource	$64,013	18%	10%	76%	68%	No

Census Tract	Low	Mod.	Above Mod,	RHNA Units		Total HH	Total Pop.	TCAC Composite Category	Median Income	% with Disability	% of Children in FHH	CES Percentile	% Non-White	R/ECAP Present
20.06	0	0	0	0	0%	1,580	2,404	Moderate Resource	$89,278	11%	18%	53%	59%	No
21.00	0	0	0	0	0%	777	1,621	High Segregation & Poverty	$28,924	18%	14%	99%	63%	Yes
22.00	0	18	0	18	0%	1,641	772	Low Resource	$44,010	16%	24%	95%	67%	Yes
23.01	0	0	571	571	5%	1,278	1,230	Low Resource	$61,917	8%	7%	92%	70%	No
24.01	0	0	0	0	0%	937	1,598	Low Resource	$52,681	6%	16%	74%	86%	No
28.03	0	0	550	550	4%	1,135	1,549	High Resource	$81,362	22%	24%	56%	34%	No
Census Tracts Mostly Outside of Modesto														
4.02	0	0	1,739	1,739	14%	755	718	Highest Resource	$86,750	11%	16%	70%	57%	No
5.01	0	0	436	436	4%	2,475	1,274	Highest Resource	$95,036	13%	7%	61%	41%	No
6.01	0	0	0	0	0%	1,399	1,696	Highest Resource	$85,686	8%	9%	61%	52%	No
15.00	35	0	0	35	0%	2,133	1,281	Low Resource	$71,290	19%	14%	91%	58%	No
16.03	92	0	0	92	1%	1,605	1,442	Low Resource	$55,461	14%	27%	85%	74%	No
20.02	0	0	0	0	0%	1,442	1,284	High Segregation & Poverty	$47,967	19%	24%	92%	47%	No

Census Tract	Low	Mod.	Above Mod,	RHNA Units		Total HH	Total Pop.	TCAC Composite Category	Median Income	% with Disability	% of Children in FHH	CES Percentile	% Non-White	R/ECAP Present
23.02	0	0	0	0	0%	1,175	1,922	High Segregation & Poverty	$36,102	13%	38%	96%	70%	No
24.02	0	0	0	0	0%	1,301	1,062	Low Resource	$34,617	8%	19%	88%	71%	Yes
25.01	0	0	0	0	0%	411	1,638	Low Resource	$-	18%	23%	83%	76%	No
27.01	0	0	0	0	0%	-	2,284	High Resource	$-	0%	0%	59%	56%	No
31.00	0	0	0	0	0%	1,138	2,101	Low Resource	$59,444	14%	28%	92%	52%	No

Fair Housing Enforcement and Outreach Capacity

Fair housing enforcement and outreach capacity refers to the ability of a locality and fair housing entities to disseminate information related to fair housing laws and rights and provide outreach and education to community members. Enforcement and outreach capacity also includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.

Federal Fair Housing Laws prohibit housing discrimination based upon race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information. California's Fair Housing Laws also prohibit discrimination in housing based on occupation, age, or protected characteristic; method of financing; or the intended occupancy by lower or moderate income people.

A review of relevant City policies and regulations by the City attorney on July 24, 2023 shows that the City is in compliance with all State and Federal civil rights and fair housing laws. This includes compliance with the following:

- California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2);
- California Government Code sections 8899.50, 65008, and 11135;
- Civil Code section 51 (the Unruh Civil Rights Act); and
- FEHA regulations in California Code of Regulations, title 2, sections 12005-12271
- Density Bonus Law (Gov. Code, § 65915.)
- Housing Accountability Act (Gov. Code, § 65589.5.)
- No-Net-Loss Law (Gov. Code, § 65863)Density Bonus Law
- Least Cost Zoning Law (Gov. Code, § 65913.1)
- Excessive subdivision standards (Gov. Code, § 65913.2.)
- Limits on growth controls (Gov. Code, § 65302.8.)
- Housing Element Law (Gov. Code, § 65583, esp. subds. (c)(5), (c)(10).)

The City also has local laws relating to fair housing and housing choice, including Modesto's Rental Housing Safety Program. The program requires rental properties to comply with all local health, building, and safety codes. It is enforced by the Neighborhood Preservation Unit. Modesto does not have a rental registration ordinance that requires additional requirements of rental buildings beyond existing city code.

The City has no local rent-control ordinances and has no local occupancy limits beyond adopted building and fire code.

Any legal matters and litigation in the City since the beginning of the 5th Cycle have not been related to fair housing.

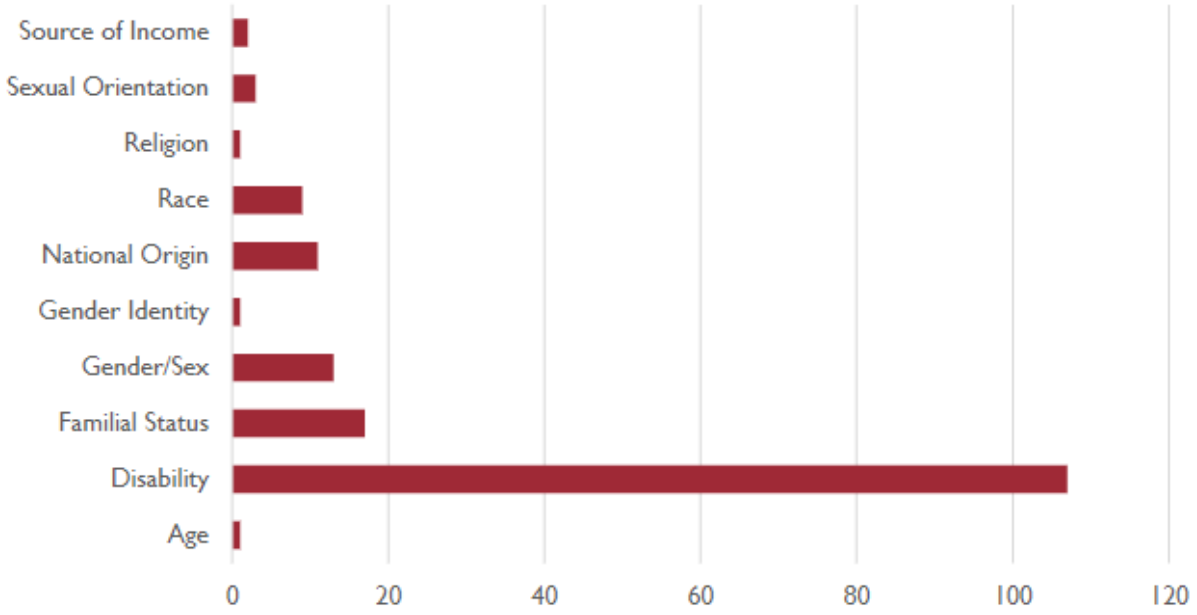
Project Sentinel provides fair housing counseling services for the City of Modesto, including investigating fair housing complaints of housing discrimination, providing outreach and education to housing providers, and assisting residents with filing complaints with state and federal enforcement agencies such as the Department of Fair Employment and Housing (DEFH) and the HUD Office of Fair Housing and Equal Opportunity (HUD FHEO). Project Sentinel is a nonprofit organization that provides a variety of fair housing resources and services in Northern California, including resources for tenants, property managers, and service providers, dispute resolution, and housing counseling. Annually, Project Sentinel processes over 10,000 initial contacts; handles over 400 housing discrimination complaints and over 1,700 landlord tenant and community dispute cases; counsels over 750 homeowners; and provides monthly workshops on housing topics.

The City of Modesto partners with Project Sentinel to combat housing discrimination and to educate residents, landlords, and developers on their fair housing rights and responsibilities. The City also has a page on their website which details the Fair Housing Act, how to identify Fair Housing Discrimination, and how to file a fair housing complaint. The page includes a checklist on what information is needed to file a complaint, as well as a direct link to file a complaint with either Project Sentinel or the FHEO.

Local Data

Project Sentinel provided information for the Housing Element Update related to fair housing activity in Modesto. Figure 12 shows the count of housing discrimination complaints by basis in Modesto. Table 56 indicates that the City of Modesto had the most housing discrimination complaints compared to the other cities in Stanislaus County. This could be indicative of the population size, being the largest city in the County, or successful community outreach due to the presence of a Project Sentinel office in Modesto.

Figure 12: Fair Housing Complaints (2014-2019)



Source: 2019 Annual Report, California Department of Fair Employment and Housing

Table 56: Fair Housing Complaints by Jurisdiction (2014-2019)

Jurisdiction	Complaints
Modesto	**165**
Ceres	30
Empire	8
Hickman	1
Newman	7
Oakdale	21
Riverbank	1
Waterford	6
Valley Home	1

Source: Project Sentinel

As shown in Table 57, over 70 percent of cases filed were submitted by White households, 13 percent were filed by Black households, 5 percent were filed by Native American or Alaskan Native households, and 3 percent were filed by Asian households. Table 58 shows that over 77 percent of calls made for assistance from Project Sentinel in the City of Modesto were by extremely low-income (0 to 30% AMI) households.

Table 57: Dispute Cases by Race in Modesto, 2015-2023

	2015	2016	2017	2018	2019	2020	2021	2022	2023
White	18	12	17	9	25	10	13	29	13
Black	1	5	6	1	4	0	5	4	1
Asian	0	1	1	2	1	0	0	1	0
Native American / Alaskan Native	2	4	1	0	1	2	1	0	0
Other	1	0	2	2	3	0	0	7	2
Total	**22**	**22**	**27**	**14**	**34**	**12**	**19**	**41**	**16**

Source: Project Sentinel

Table 58: Dispute Calls by Income Category in Modesto, 2015-2023

	2017	2018	2019	2020	2021	2022
0-30%	31	126	133	87	125	56
31-50%	9	14	20	13	10	1
51-80%	3	17	2	6	1	0
80%+	7	6	4	0	0	0
Other	8	10	21	7	1	1
Total	**58**	**173**	**180**	**113**	**137**	**58**

Source: Project Sentinel

Modesto continues to work with Project Sentinel to provide fair housing services. During the past five years, Project Sentinel opened a total of 122 fair housing discrimination cases for investigation and provided fair housing education and tenant/landlord mediation to over 5,500 individuals. The City is including Program E - 3 to continue to provide funds to and contract with Project Sentinel, or an agency that provides similar services, to provide fair housing assistance including landlord/tenant counseling.

The Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (FHEO) enforces fair housing by investigating complaints of housing discrimination. From 2013-2022 there were 99 fair housing inquiries and 64 fair housing cases filed with FHEO on behalf of the City of Modesto. Inquiries can be based on multiple identities. Six (6) inquiries referenced disability concerns, two (2) inquired on familial status, one (1) inquired on race, one (1) inquired on national origin, one (1) inquired on retaliation, one (1) inquired on sex-based discrimination, and the remaining 89 were found to have no identity-based inquiries. Of the 64 cases, 17 were on the basis of disability, 17 were on the basis of retaliation, 10 were on the basis of race, 9 were on the basis of sex, 9 were on the basis of

familial status, 3 were on the basis of color, and 2 were on the basis of national origin. There are no outstanding lawsuits or complaints regarding fair housing in the City.

Integration and Segregation

Race and Ethnicity

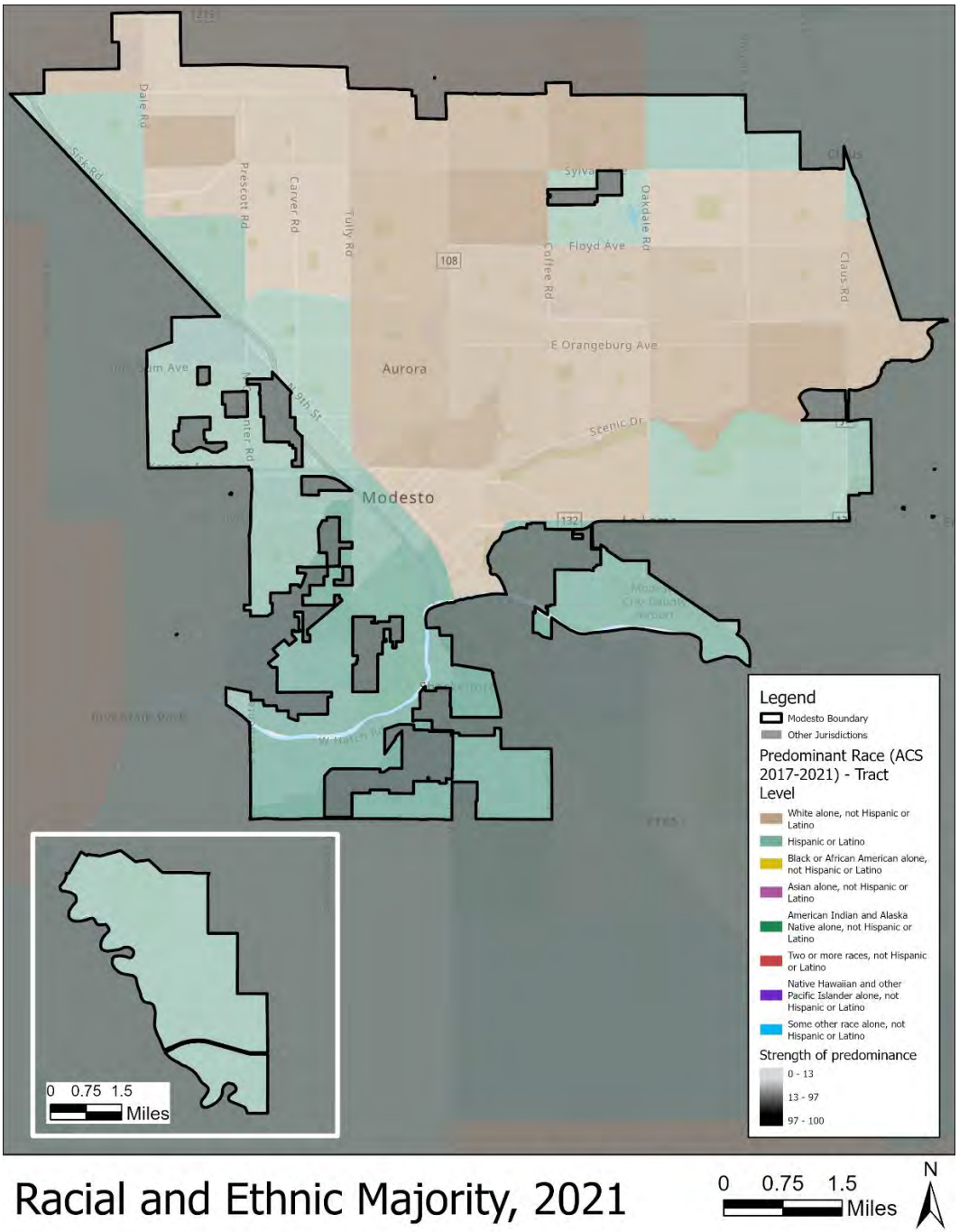
Figure 13 shows the racial and ethnic majority by census tract in the City of Modesto. As illustrated, the northern and central areas of the City have a slim (<10%) to predominant (>50%) White majority, while the southern and western parts of the City have areas with sizeable (10%–50%) to predominant (> 50%) Hispanic majorities. These trends extend beyond the City boundaries. The tracts with Hispanic majorities have a larger low- to moderate- income population and less positive TCAC scores than the majority White tracts.

These trends continue beyond the City limits. Modesto has comparable racial trends to the County as a whole. Regionally, there is a common correlation between wealth and race, which may help explain the racial/income concentrations in the City. The City has a slightly smaller Hispanic population (43.5 percent) in comparison to the County (49.5 percent). Modesto has a comparable Asian/Asian Pacific Islander (API) population (6.9 percent) to the County 5.7 percent), and a comparable non-Hispanic White population (40.6 percent) to the County (37.3 percent).

The City is including Program F - 3 to continue efforts to target outreach to the Hispanic population through providing all material and communications in both English and Spanish. The full housing element is also being translated into Spanish and will be posted along with the English version of the housing element.

The area with the Hispanic majority also includes the R/ECAP area. HUD defines R/ECAP as areas where the percentage of the population that is non-White is over 50 percent and the percentage of households with incomes below the poverty line is over 40 percent. Alternatively, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40 percent or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower. The City is including Programs E - 1 and E - 2 to facilitate place-based improvements and investment in the downtown and southern county islands of Modesto, where the R/ECAP is located.

Figure 13: Racial and Ethnic Majority (2021)



Source: HCD AFFH Data Viewer

As shown in Figure 14, there is significant variation in the levels of concentration of the non-White population throughout the City. The southern and western areas of the City have a higher concentration of the non-White population. The tracts with a larger non-White population also generally have a larger low- to moderate- income population and less positive

TCAC scores than the more central areas of the City. In the southern area of Modesto, the city boundaries are fragmented and alternated with pockets of unincorporated County, This southern Modesto area has the highest concentration of the non-White population and also includes a R/ECAP.

As of 2021, 59.4 percent of the City was non-White, while 62.7 percent of the County was non-White, indicating that the overall distribution of the non-White population is similar between the City and the region as a whole.

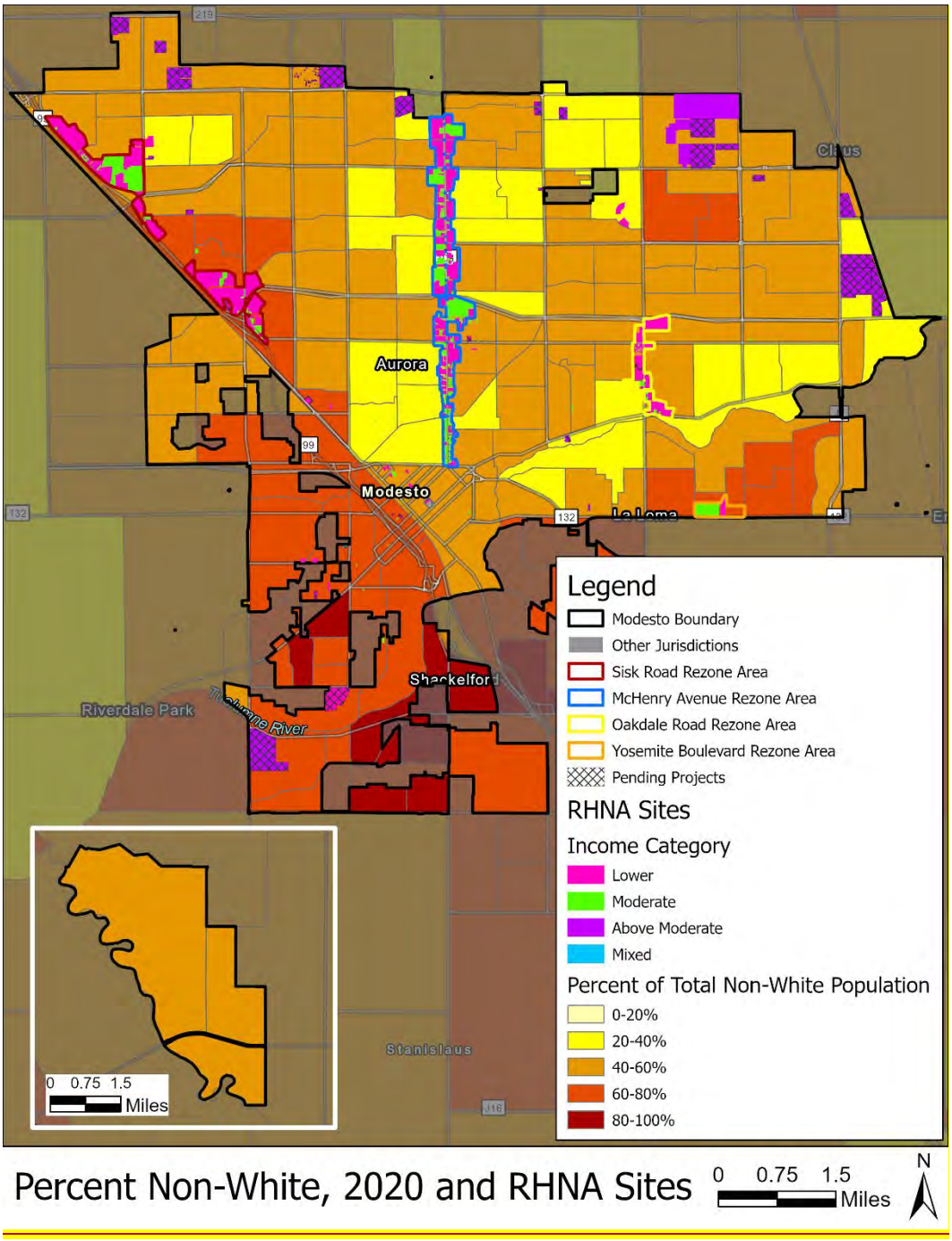
Currently, higher density, mixed-use development opportunities in the City are primarily located in the Downtown area. A portion of the Downtown includes a R/ECAP and has a higher concentration of the non-White population. The City is including Programs E - 1 and E - 2 to facilitate place-based improvements and investment in the downtown and southern county islands of Modesto, where the R/ECAP is located.

The City is increasing opportunities for higher density housing, mixed-use development through the creation of mixed-use zones outside of the R/ECAP and in areas of the City that currently have a lower concentration of the non-White population. Regionally, there is a common correlation between wealth and race, so creating opportunities for lower-income high density housing in these areas may lead to a more even distribution of the population. The new mixed-use zones and other high density residential rezones are currently being prepared, and are planned and expected to be adopted by the end of 2023. The City is also including Programs A - 9 and A - 10 to incentivize and promote ADU development to increase opportunities for low income households in lower density, high opportunity areas of the City. This includes pre-approved plans, fee exemptions, and increased outreach strategies. Through Program A - 11, the City will facilitate missing middle or middle-income housing and increase the variety of housing choice and opportunity in single-family neighborhoods by encouraging the development of duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. Program A - 15 will assist homeowners in developing SB 9 units on their properties.

Figure 14 compares the RHNA units with the percentage of the population that is non-White. About 60 percent of the RHNA units are located in areas of the City where 40 to 60 percent of the population is non-White. There are very few sites in areas with relatively very high or relatively very low concentrations of the non-White population. This is a reflection of the trends within the City as a whole, as most of Modesto's block groups are 20 to 60 percent non-White. The City is including Program F - 3 to continue efforts to target outreach to the non-White population through providing all material and communications in both English and Spanish.

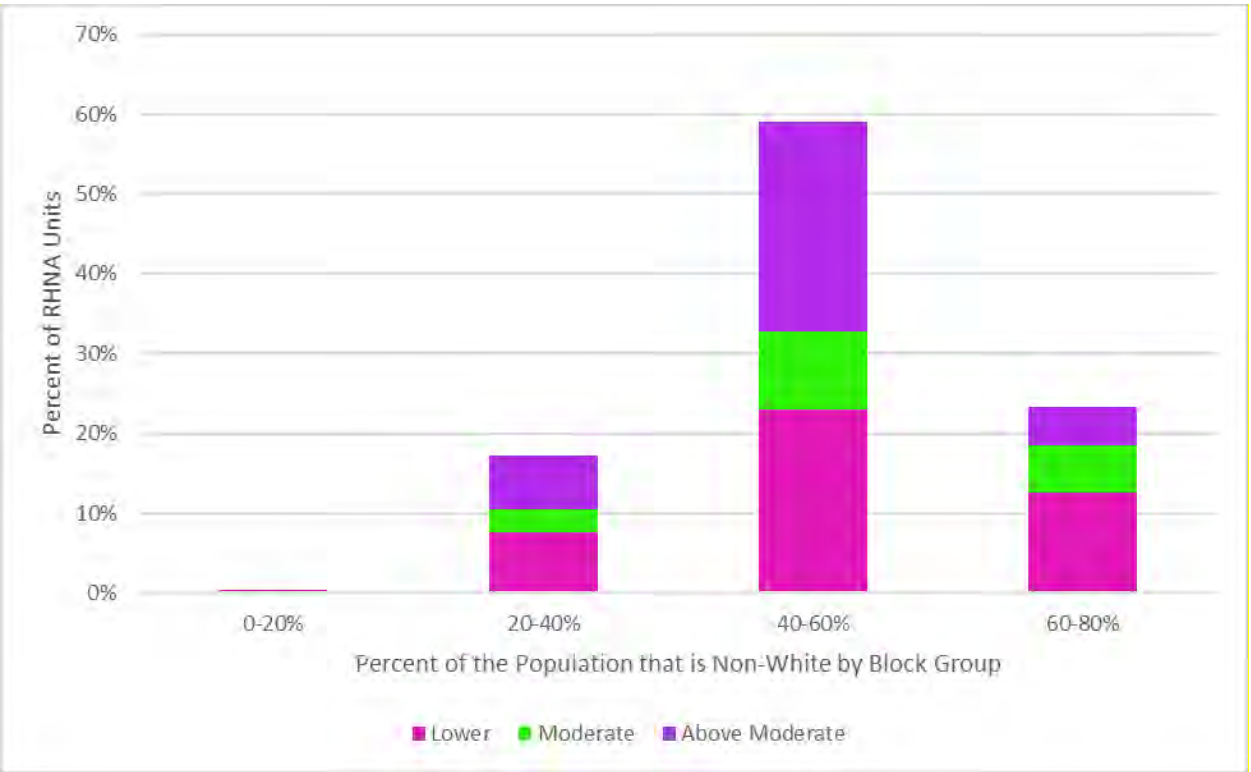
The City's RHNA strategy reflects the overall composition of Modesto, and is not expected to negatively exacerbate segregation conditions related to race or ethnicity.

Figure 14: Percentage of the Population that is Non-White (2020)



Source: HCD AFFH Data Viewer

Figure 15: Percent Non-White Comparison of RHNA Units



Dissimilarity Index – Race and Ethnicity

Segregation is defined by the census as the spatial distributions of different groups among units in a metropolitan area. Segregation can be quantified by using the dissimilarity index. The dissimilarity index measures the distribution of two groups in a city and assigns a score between 1 and 100. The level of segregation is determined by assessing what percentage of residents of a census block would have to move for each block to have the exact same population of said group. A score of zero (0) reflects a fully integrated environment; a score of 100 (or 100%) reflects full segregation. Therefore, a higher dissimilarity index indicates higher concentrations of the indicated ethnic groups in areas of the City, when compared to the White population distribution. A lower dissimilarity index implies higher integration, and a more even distribution of each ethnicity when compared to the White population. The formula for this calculation is provided by the HCD AFFH Guidance Document.

The categories for the dissimilarity index on a scale of 1-100 are as follows:

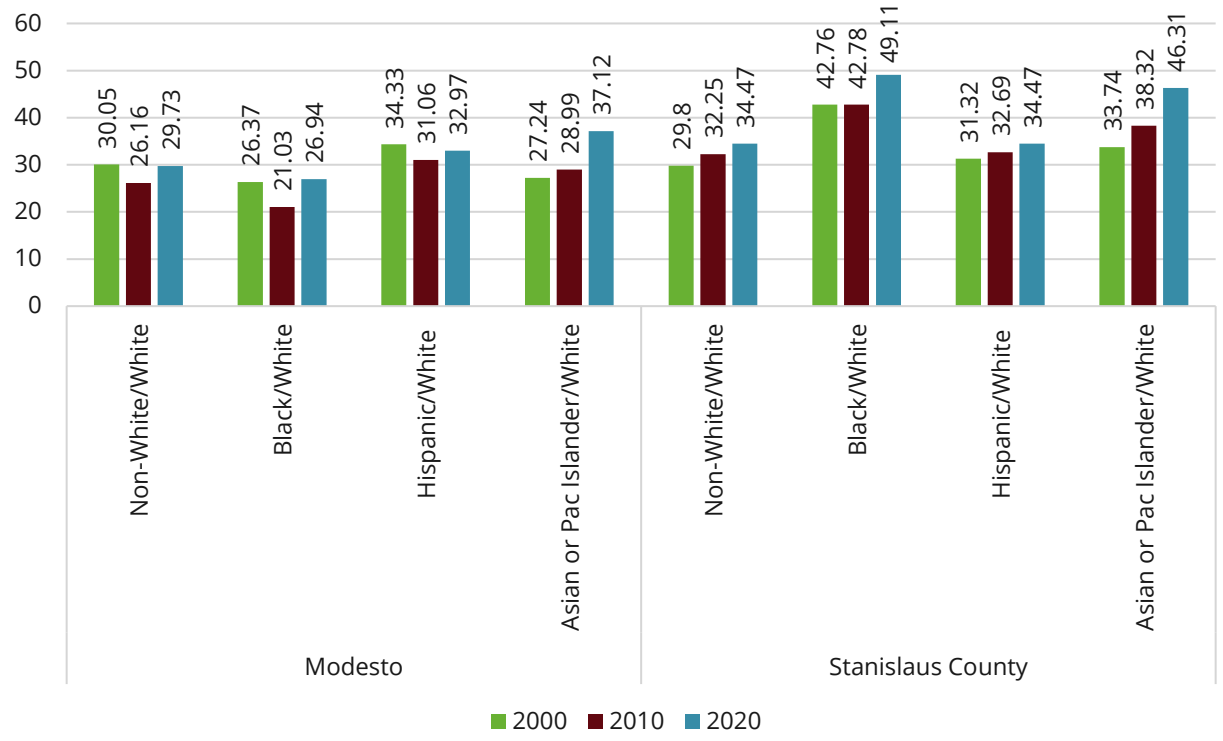
- <30: Low Segregation
- 30 – 60: Moderate Segregation
- >60: High Segregation

Ethnic and racial composition of an area is useful in analyzing housing demand and related fair housing concerns, as these factors illustrate the relationship with other characteristics such as household size, locational preferences, and mobility.

Figure 16 provides the dissimilarity index values in Modesto, indicating the level of segregation between White residents and residents who are non-White, Black, Hispanic, or Asian/Pacific Islander. In 2020, there was low segregation between the Non-White and White, and Black and White populations, and moderate segregation between the Hispanic and White, and Asian/Pacific Islander and White populations. A low dissimilarity index of 29.73 in the figure below means that 29.73 percent of Modesto's Non-White or White residents would need to move to a different census block to create balanced integration between Non-White and White residents. Levels of segregation have remained relatively consistent since 2000.

The County has moderate levels of segregation across all racial and ethnic comparisons, indicating that segregation is more prevalent regionally than in the City of Modesto.

Figure 16: Racial/Ethnic Dissimilarity Index (2000-2020)



Source: HUD AFFH Database, 2020

Income

The dissimilarity index can also be used to calculate income segregation, using the same scale as above. In the City of Modesto, the dissimilarity index for income is 29.4, with indicates low

segregation. In Stanislaus County as a whole, the dissimilarity index for income is 26.2, which is also low.

Identifying low to moderate income (LMI) geographies and individuals is important to overcome patterns of segregation. HUD defines an LMI area as a Census tract or block group where over 51 percent of the households are LMI (based on HUD income definition of up to 80 percent of the area median income (AMI).

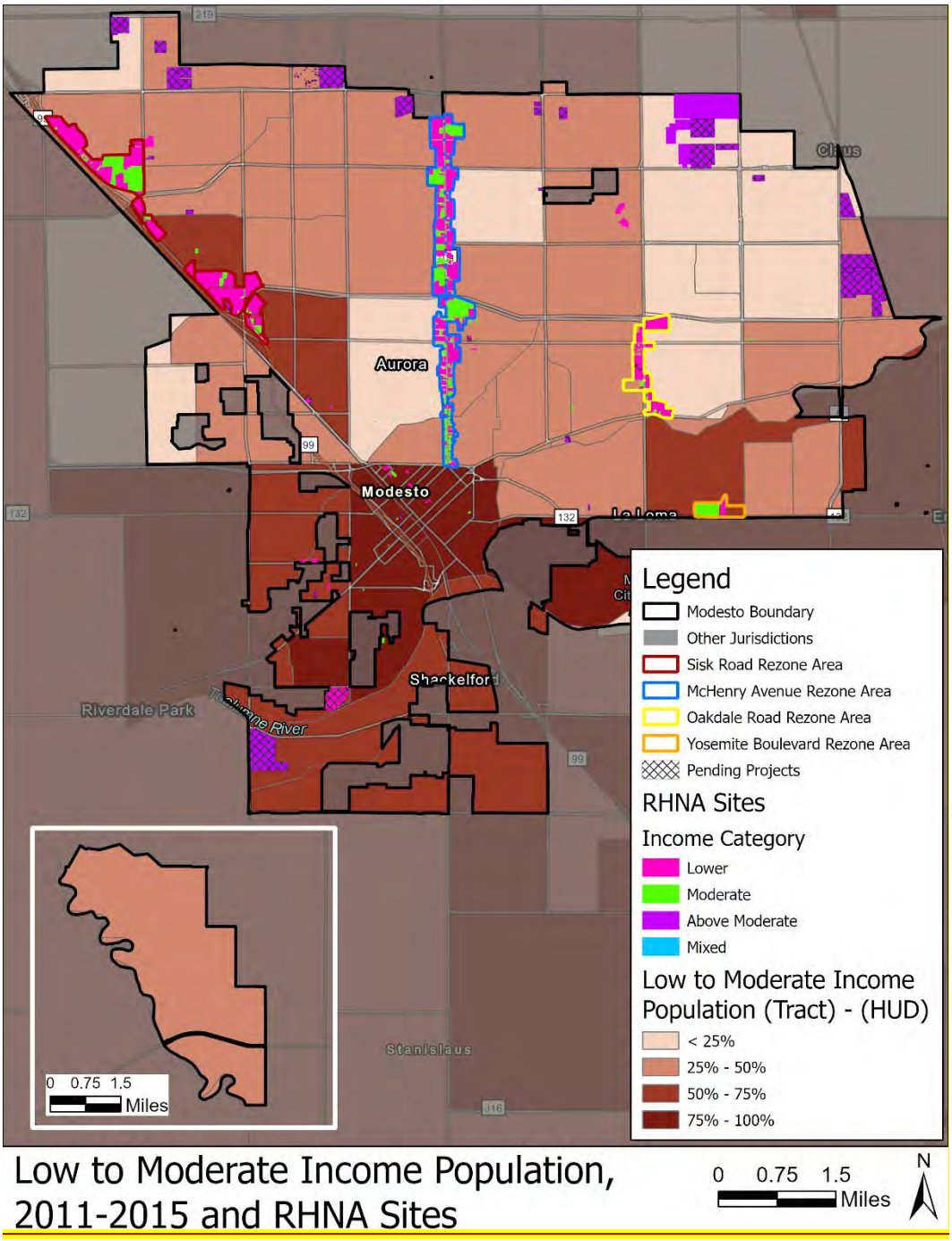
Figure 17 and Figure 18 show the distribution of RHNA units by low to moderate income population. As shown in Figure 17, the area with the largest low to moderate income population is also the area with a Hispanic majority, and the overall largest non-White population. This area is also where the R/ECAP is located. Compared to the region, Modesto has slightly lower median income and a slightly higher income disparity.

The City is including Programs A - 9 and A - 10 to incentivize and promote ADU development to increase opportunities for low income households in lower density, high opportunity areas of the City. This includes pre-approved plans, fee exemptions, and increased outreach strategies. Through Program A - 11, the City will facilitate missing middle or middle-income housing and increase the variety of housing choice and opportunity in single-family neighborhoods by encouraging the development of duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. Program A - 15 will assist homeowners in developing SB 9 units on their properties.

Figure 18 shows the percentage of RHNA units compared to the percent of each block group that is in the low- to moderate-income category. The sites are distributed throughout the various concentrations of the low to moderate income population, with the intention of creating opportunity for low to moderate income residents in higher income areas, and provide new housing opportunities in existing low to moderate income neighborhoods without displacing current residents.

About 50 percent of units, fall in areas where 25 to 50 percent of the population is Low to Moderate income. These sites are primarily in the newly rezoned mixed-use corridors, which can provide new opportunities for high density development, and access to commercial resources and employment.

Figure 17: Low to Moderate Income Population and RHNA Sites (2021)



Source: HCD AFFH Data Viewer

Figure 18: Low to Moderate Income Population Comparison of RHNA Units

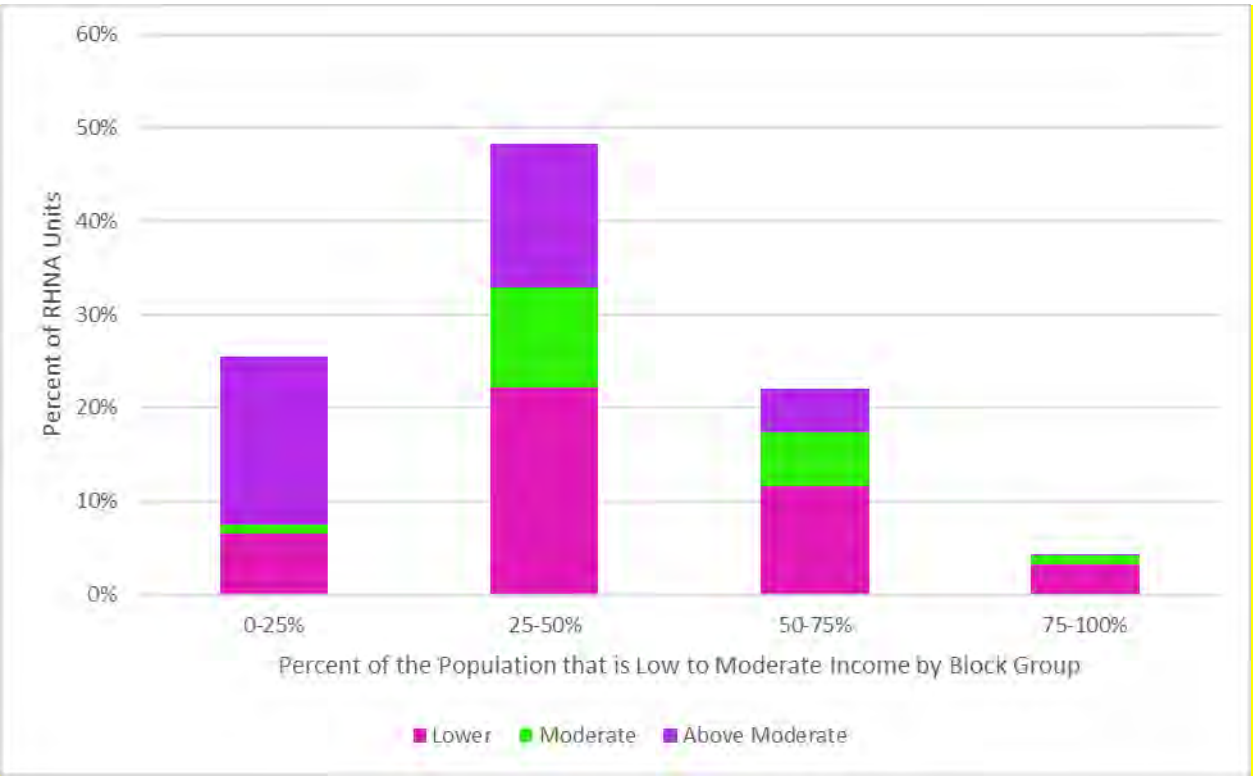


Figure 19 shows the number of households with income levels similar to the income ranges provided by HCD Income Limits. The above moderate income category has the largest percentage of the population, while the very low-income category has the smallest population. The remaining income categories have a more comparable distribution, with the majority of the population being low-income, or higher. Modesto houses the majority of the county-wise support services and resources, indicating why the comparison of the population distribution to the County AMI may show that Modesto residents have generally higher incomes and access to resources or opportunity.

Figure 19: Households per Income Level, 2021

Source: 2021 ACS Table B19001

According to US Census 2021 American Community Survey estimates, the median household income for Modesto was $70,469. This is only slightly lower than the Stanislaus County median household income of $73,982.

Figure 20 shows median household income by census tract. In Modesto, there are not distinct areas with concentrations of higher median incomes. The lowest median incomes are in the downtown and in the vicinity of the airport. The City is including Programs E - 1 and E - 2 to facilitate place-based improvements and investment in the downtown and southern county islands of Modesto, where there are lower median incomes.

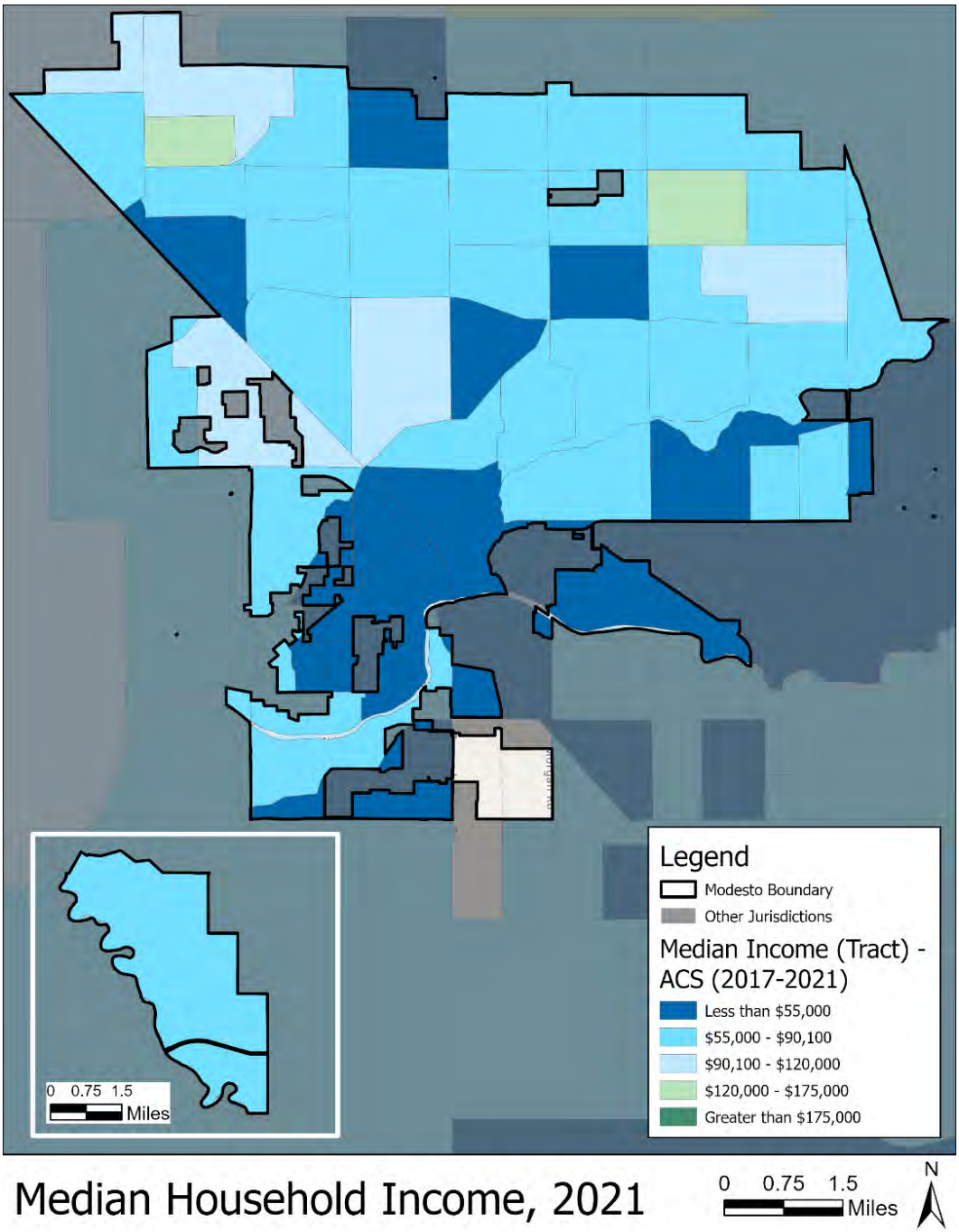
The City is including a number of programs to increase housing types and opportunities in higher resource areas of the City. These efforts go beyond the sites that are included in the Opportunity Site List and help improve housing choice and housing mobility, by providing opportunities to increase the number and type of dwelling units in lower density residential zones.

Per Program A - 2, the City is rezoning parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modifying P-D parcels to allow for 45 du/ac in order to **create a net new capacity for 21,014 units. This is an added capacity of almost twice the RHNA of 11,248, and almost three times the remaining RHNA** need after factoring in pending projects and ADUs. These zoning

amendments are anticipated to be completed in November, 2023. Beyond these zoning amendments, the City is increasing the maximum density of the R-1 zone from 7.5 to 10.9, the R-2 zone from 14.5 to 22, and the maximum density of the R-3 zone from 29 to 45, as noted in Program A - 4. This will create ample opportunity for high density residential development throughout the City.

The City is also including Programs A - 9 and A - 10 to incentivize and promote ADU development to increase opportunities for low income households in lower density, high opportunity areas of the City. This includes pre-approved plans, fee exemptions, and increased outreach strategies. Through Program A - 11, the City will facilitate missing middle or middle-income housing and increase the variety of housing choice and opportunity in single-family neighborhoods by encouraging the development of duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. Program A - 15 will assist homeowners in developing SB 9 units on their properties.

Figure 20: Median Household Income, 2021



Source: HCD AFFH Data Viewer

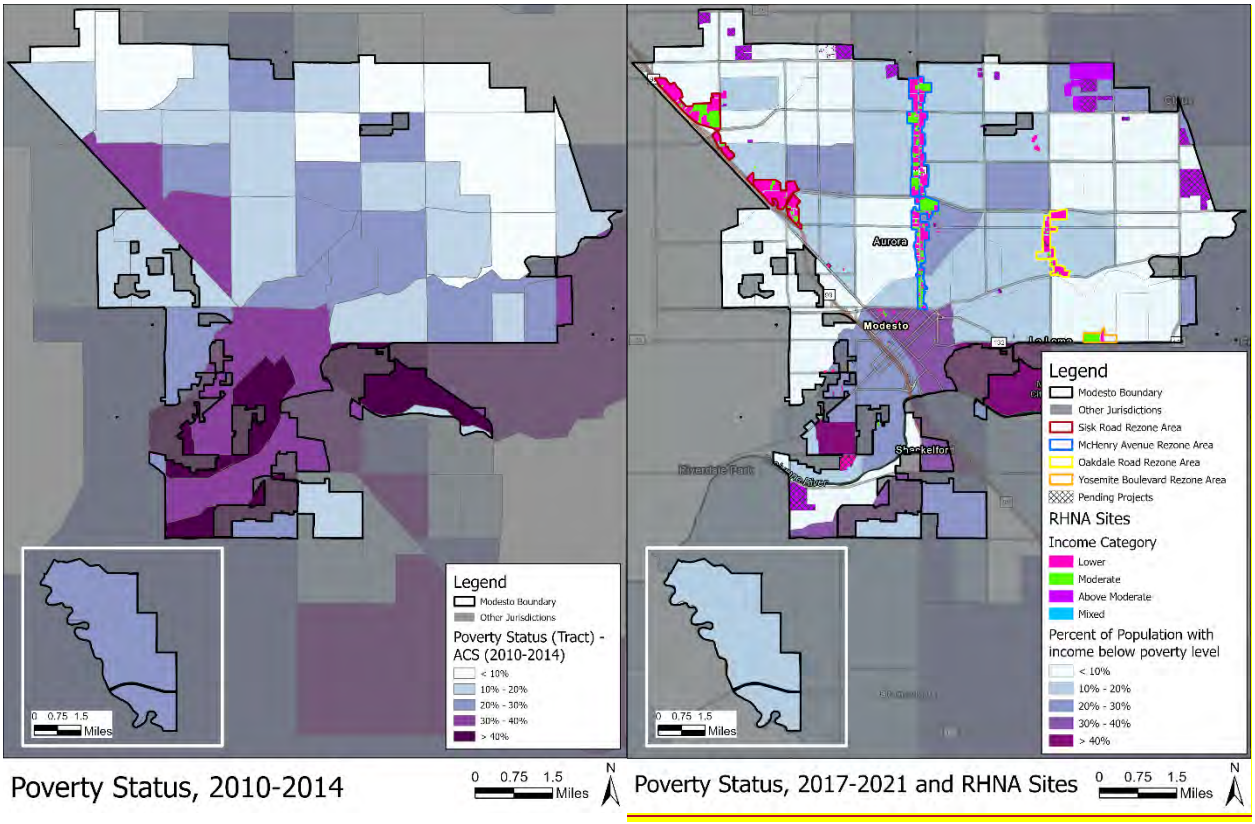
Poverty is defined by incomes falling below the annually defined thresholds for family size by the US Census. Poverty status by tract in Modesto is shown in Figure 21. Consistent with the aggregation of LMI areas, tracts with large populations below the poverty level are located around the downtown core as well as the airport. Since the 2010-2014 ACS, the population of

persons experiencing poverty has decreased throughout the City, specifically in the southern portion of the City, which includes the downtown core, as well as in several tracts along the western border. In 2014, tracts in the southern downtown, which include the R/ECAP had rates of poverty over 40 percent. In 2019, this southern downtown region has rates of poverty under 30 percent.

The areas with higher rates of poverty correlate with the areas with more predominant non-White concentrations.

The 2015–2019 map shows lower levels of poverty Citywide and increased geographic parity. The 2015–2019 map also shows that pending projects and proposed Opportunity sites are spread throughout the City with more sites in areas without concentrations of poverty.

Figure 21: Poverty Status (2010-2014 and 2015-2019)



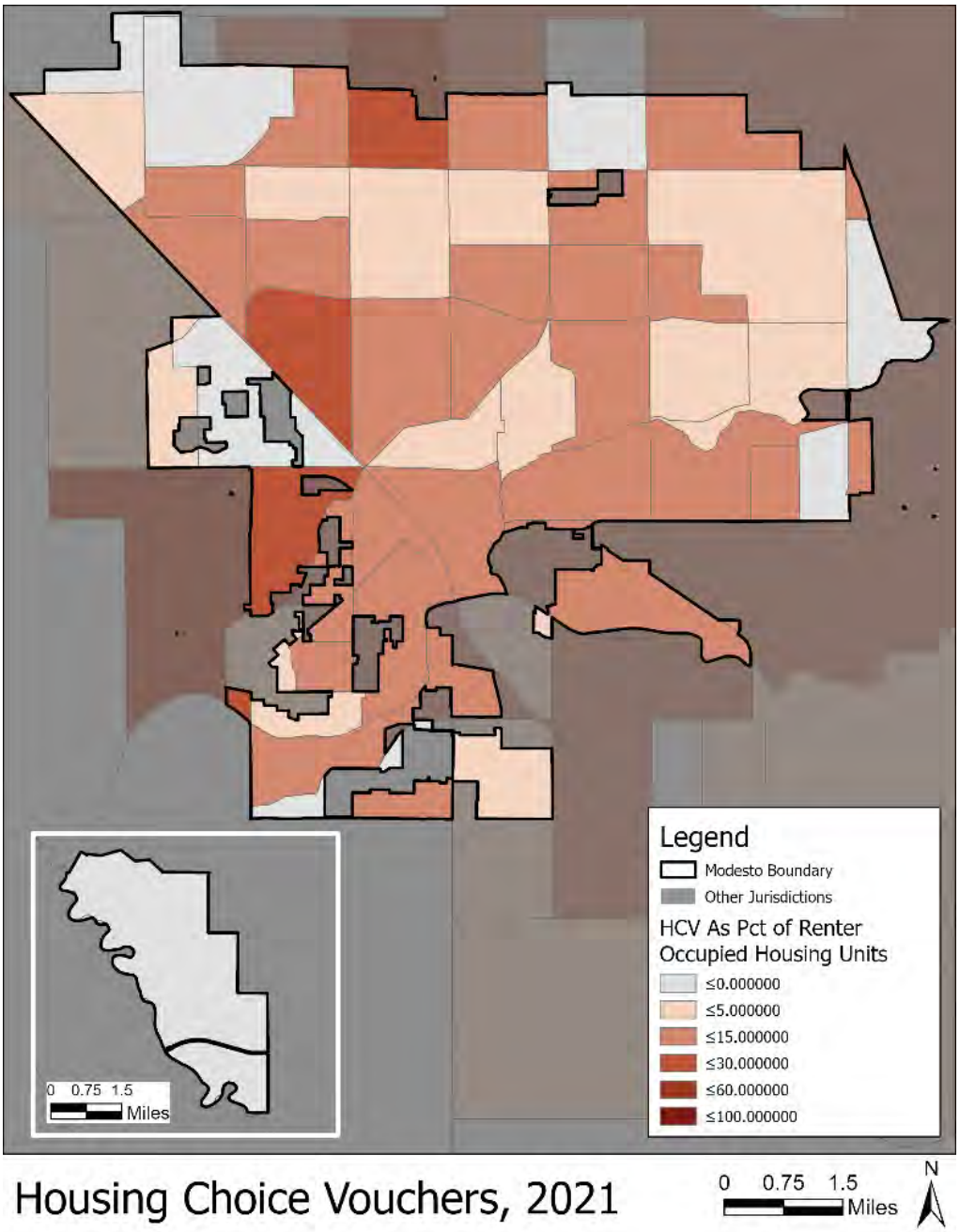
Source: HCD AFFH Data Viewer

Figure 22 shows housing choice voucher (HCV) recipients by tract in the City. The HCV program is a 100 percent federally funded rental subsidy for low-income households living in privately owned rental units. HCV recipients are most concentrated on the western side of the City. The Stanislaus County Housing Authority administers the HCV program in Stanislaus County. The City of Modesto collaborates with the Housing Authority for the development of both rental and homebuyer housing developments. Tracts in the northwestern and eastern City boundary

have low levels of HCV recipients. Concentrations of HCV recipients generally correlate with concentrations of overpaying renters.

The City is including Program D - 6 to continue to support the Housing Choice Voucher Program by promoting the program to eligible households through City website, brochures, newsletters, and referrals.

Figure 22: Housing Choice Voucher Recipients by Tract (2021)



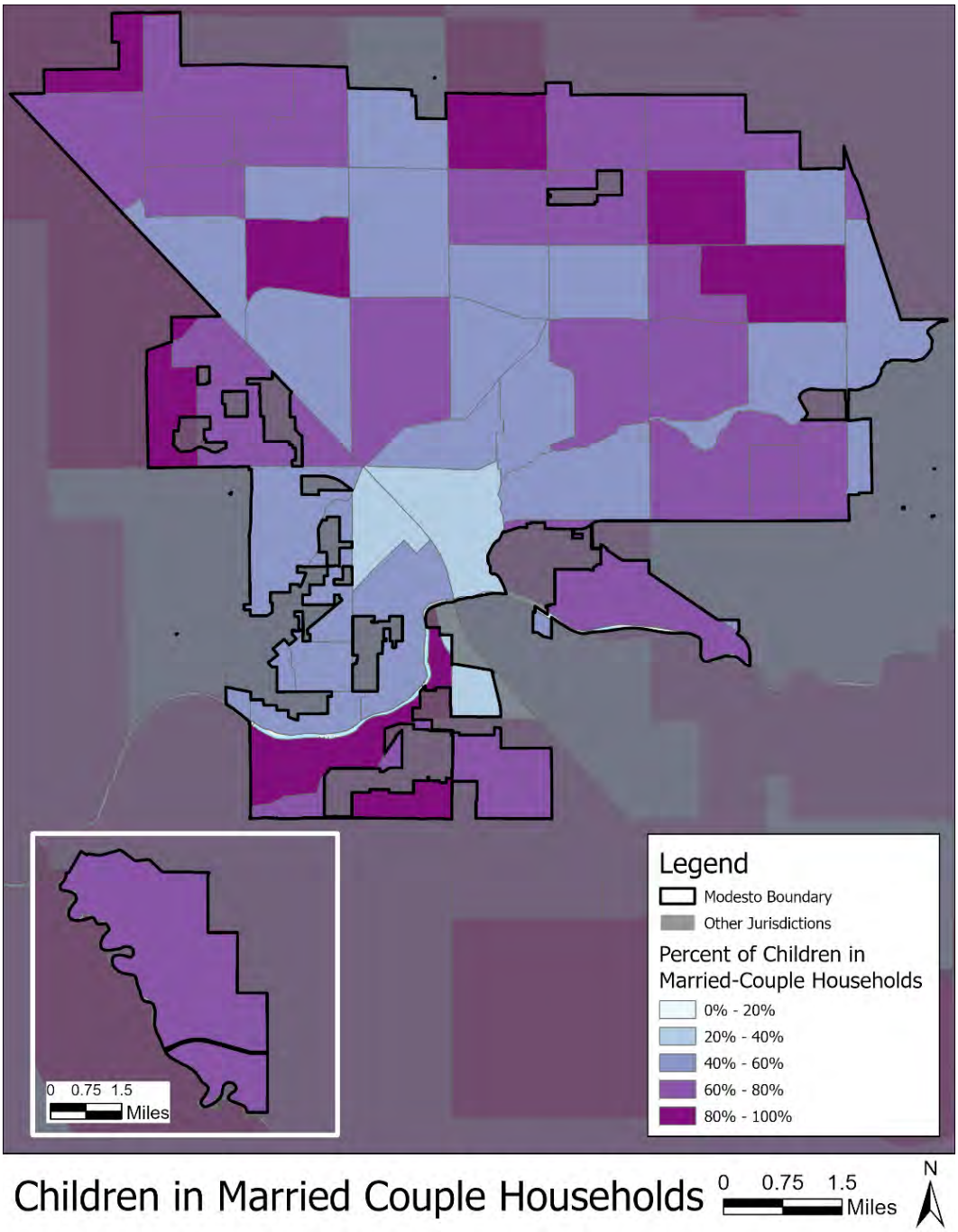
Source: HCD AFFH Data Viewer

Familial Status

Under the Fair Housing Act, housing providers may not discriminate because of familial status. Familial status covers the following: the presence of children under the age of 18, pregnant persons, and any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children, evicting families once a child joins the family (e.g., through birth, adoption, or custody), or requiring families with children to live on specific floors or in specific buildings or areas. Single-parent households are also protected by fair housing law.

As shown in Figure 23 the tracts with the highest concentrations of children living in married-couple households are primarily in northern and eastern Modesto, where incomes are generally higher and there is a less concentrated non-White population. In Modesto, 27.9 percent of households are married-couple households with children present, compared to 30.4 percent countywide. RHNA pending and opportunity sites are distributed throughout the City and are not expected to impact fair housing concerns based on familial status.

Figure 23: Percent of Children in Married Couple Households by Tract (2015-2019)



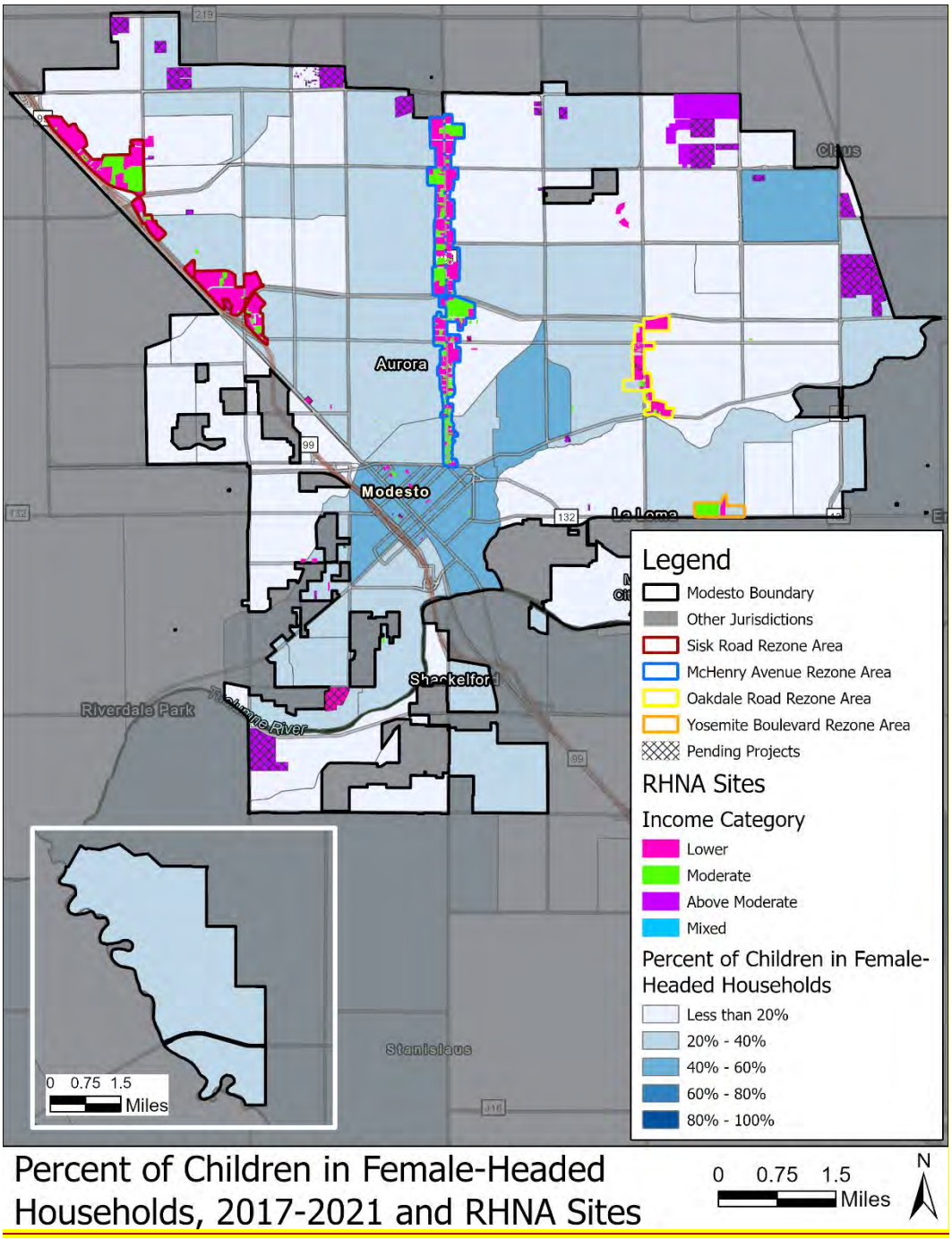
Source: HCD AFFH Data Viewer

Consistent with Figure 23, Figure 24 illustrates that more children in the downtown core of Modesto live in single-parent female-headed households compared to the rest of the City. In 2021, 8,017 households, or 15.6 percent of the total households in Modesto, were female-headed households, which is about 3 percent higher than in the County, at 12.4 percent. The

tracts in the downtown with a higher concentration of female-headed households also have a concentration of the LMI and non-White populations.

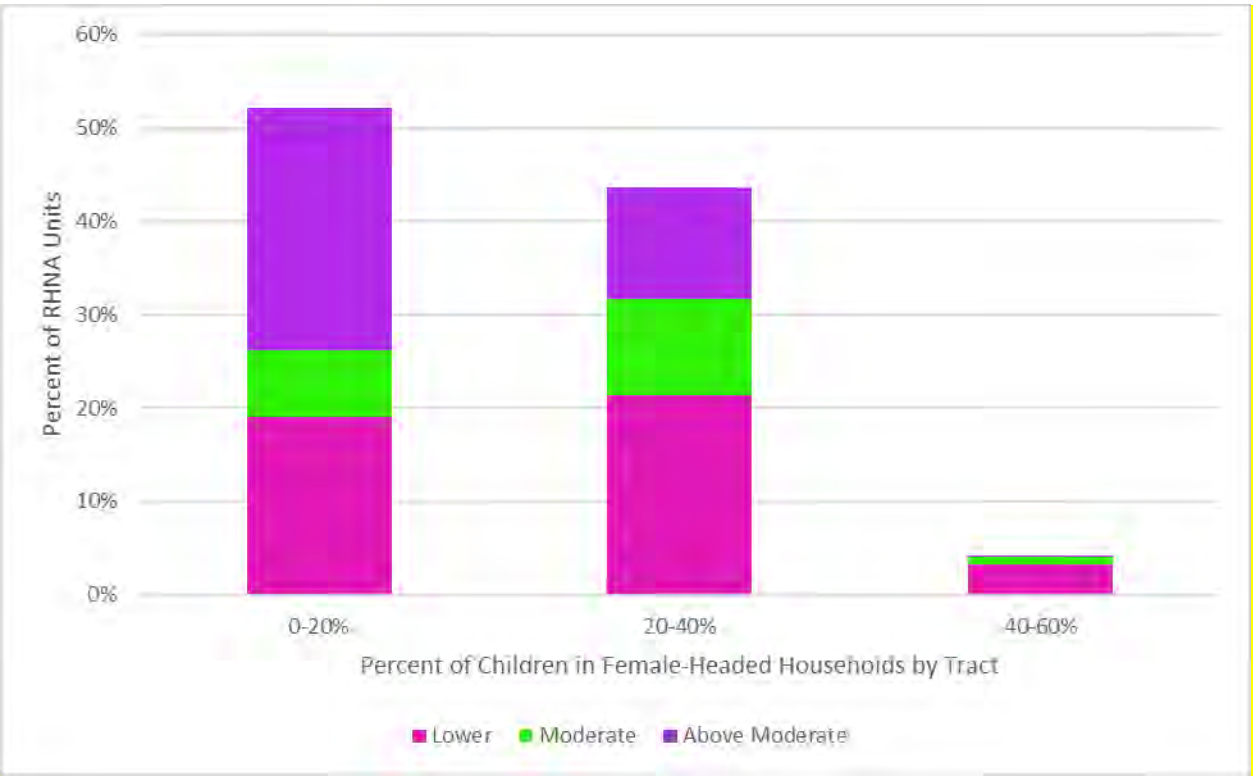
As shown in Figure 25, RHNA sites are distributed throughout the City, without concentration in areas with high levels of female-headed households, and are not expected to impact fair housing concerns based on familial status. For example, about 50 percent of RHNA units are located in tracts where 0-20 percent of children are living in female-headed households with no spouse.

Figure 24: Percent of Children in Female-Headed Households and RHNA Sites by Tract (2017-2021)



Source: HCD AFFH Data Viewer

Figure 25: Female Headed Households Comparison of RHNA Units



Persons with Disabilities

The US Census Bureau provides information on the number of persons with disabilities of varying types and degrees. According to the US Census Bureau, a person is considered to have a disability if they have difficulty performing certain functions or difficulty with certain social roles. Affordability of appropriate housing and access, both within the home and to/from the home site, are the primary challenges for persons with disabilities. Access often requires specially designed dwelling units. Additionally, housing locations near public facilities and public transit are important for these special needs group. The 2021 American Community Survey estimates that 13.7 percent of Modesto and 12.2 percent of Stanislaus County has a disability.[10]

The types of disabilities included in the Census are:

- Hearing difficulty: deaf or has serious difficulty hearing
- Vision difficulty: blind or has serious difficulty seeing even with glasses
- Cognitive difficulty: has serious difficulty concentrating, remembering, or making decisions

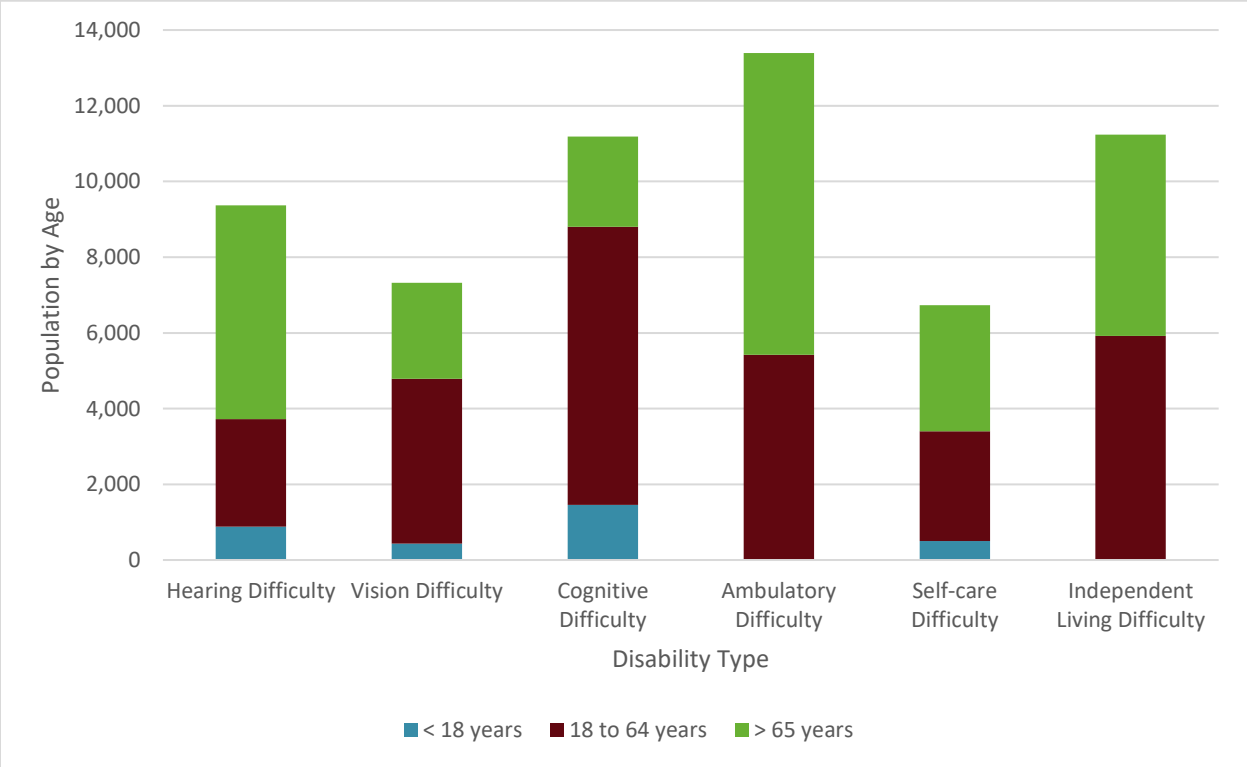
[10] US Census Bureau, American Community Survey 1-year Data (2021), Table C18101

- Ambulatory difficulty: has serious difficulty walking or climbing stairs
- Self-care difficulty: has difficulty dressing or bathing
- Independent living difficulty: has difficulty doing errands alone, such as visiting a doctor's office or shopping

Figure 26 shows an estimate of the number of Modesto residents with disabilities by type of disability and age group. The most prevalent types of disability are ambulatory, cognitive, and independent living difficulty. Note that individuals may have more than one type of disability.

Ambulatory issues are the highest reported disability countywide. A large population with walking difficulty creates a need for single-story housing, elevators, transit access, wheelchair access, larger homes for live-in help, and proximity to health facilities. For many in need of live-in help or living assistance, accessory dwelling units (ADUs) may serve as a caregiver unit. The City is including programs to incentivize, encourage, and facilitate ADU production in the City including A - 9: ADU Ordinance Updates, Tracking and Monitoring, A - 10: ADU Incentives, and F - 2: ADU, JADU, and SB 9 Education.

Figure 26: Disability Characteristics by Age Group, Modesto (2019)

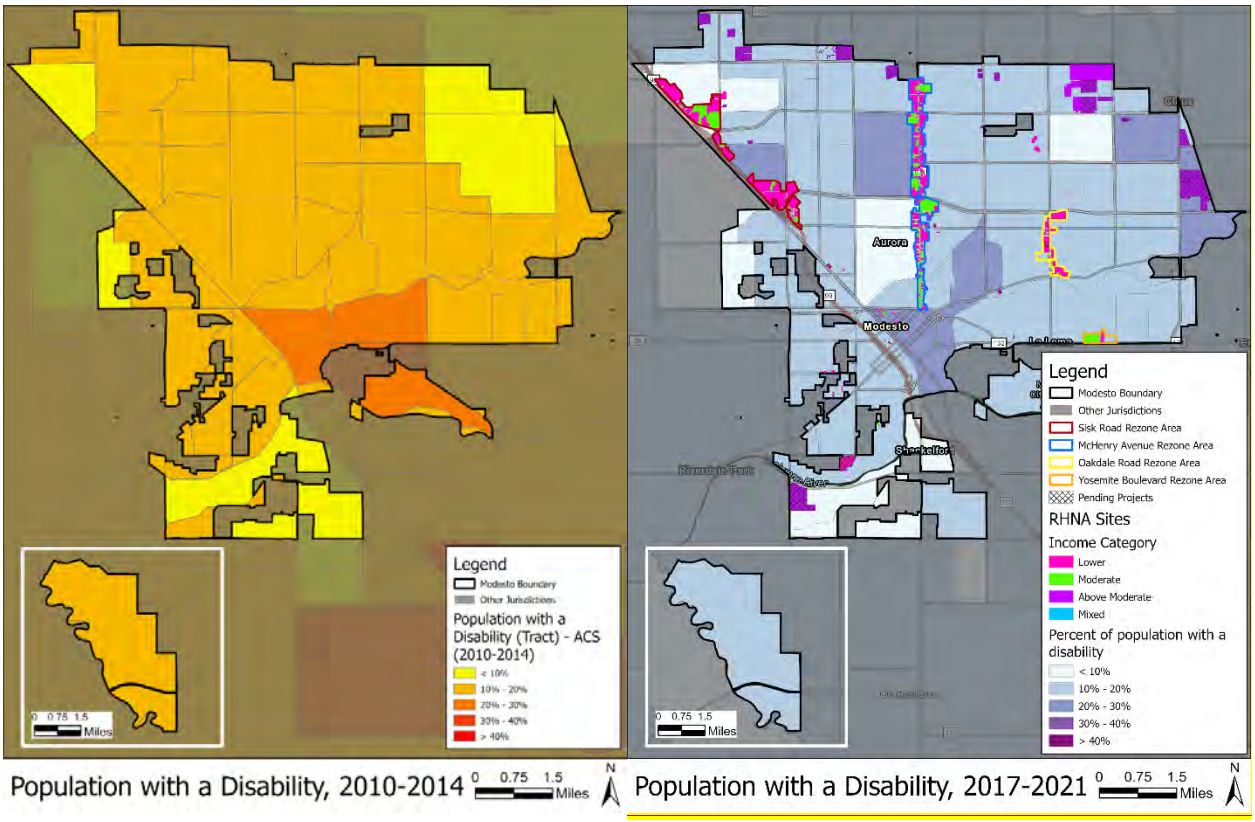


Source: US Census Bureau, ACS16-19 (5-year Estimates), Table C18108

Figure 27 shows the population of persons with disabilities by tract in the City. There is no clear pattern to the current areas with higher concentrations of the population with a disability. Health care facilities are evenly distributed throughout the City.

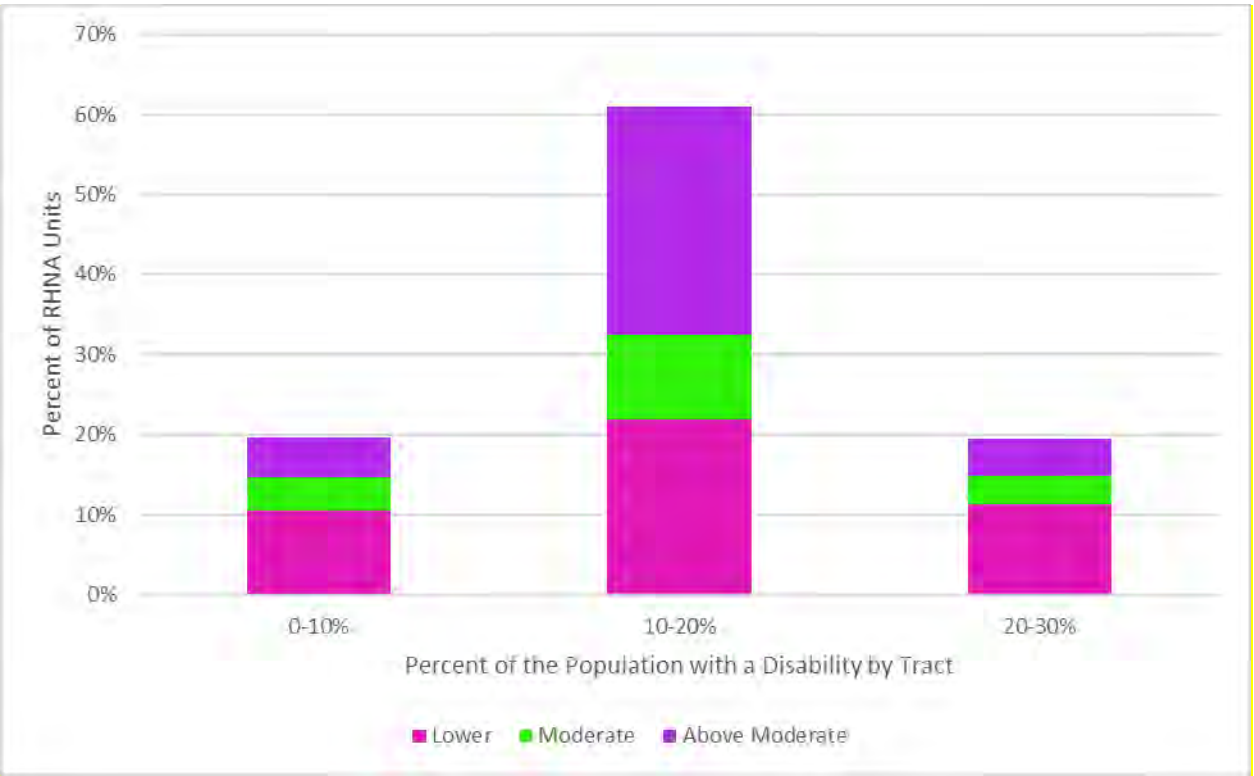
Figure 27 also shows pending projects and proposed RHNA Opportunity sites with population of persons with disabilities by tract in the City. As shown in Figure 27, the RHNA sites are mostly distributed in the areas where 10 and 20 percent of the population experiences a disability, which covers a majority of the City. For example, about 60 percent of the RHNA units are located in the area where 10-20 percent of the population has a disability. As such, the sites are not expected to cause fair housing concerns as they relate to residents with a disability.

Figure 27: Population of Persons with Disability by Tract (2010-2014 and 2017-2021)



Source: HCD AFFH Data Viewer

Figure 28: Population with a Disability Comparison of RHNA Units



Findings

Overall, the City of Modesto has higher concentrations of non-White and low- to moderate-income residents in the southern part of the City, which includes the downtown. Some tracts in this area saw a reduction over time in households under the federal poverty level, from >40 percent in 2010-2014 to 20-30 percent in 2015-2019, while other tracts remained unchanged at 30-40 percent. This area is also where housing choice voucher use primarily occurs. The selected RHNA sites are not anticipated to cause displacement or worsen patterns of segregation.

The City is including Programs E - 1 and E - 2 to facilitate place-based improvements and investment in the downtown and southern county islands of Modesto, where there is a larger non-White population and generally lower median-incomes.

The City is increasing opportunities for higher density housing, mixed-use development through the creation of MU-P and MU-H Zones, and amending of the P-D parcels to allow for higher density development outside of the R/ECAP and in areas of the City that currently have a lower concentration of the non-White and low-income populations. These zoning amendments are anticipated to be completed in November, 2023. Regionally, there is a common correlation between wealth and race, so creating opportunities for lower-income high density housing in these areas may lead to a more even distribution of the population.

The new Mixed-Use Zones and other high density residential amendments are currently being prepared, and are planned and expected to be adopted by the end of 2023. The City is also including Programs A - 9 and A - 10 to incentivize and promote ADU development to increase opportunities for low income households in lower density, high opportunity areas of the City. This includes pre-approved plans, fee exemptions, and increased outreach strategies. Through Program A - 11, the City will facilitate missing middle or middle-income housing and increase the variety of housing choice and opportunity in single-family neighborhoods by encouraging the development of duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. Program A - 15 will assist homeowners in developing SB 9 units on their properties.

The City is including Program F - 3 to continue efforts to target outreach to the non-White population through providing all material and communications in both English and Spanish.

The City's RHNA strategy reflects the overall composition of Modesto, and is not expected to negatively exacerbate conditions of segregation.

Racially and Ethnically Concentrated Areas of Poverty and Affluence

R/ECAPs

HUD defines R/ECAPs as areas where the percentage of the population that is non-White is over 50 percent and the percentage of households with incomes below the poverty line is over 40 percent. Alternatively, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40 percent or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

Modesto has a R/ECAP in Census Tracts 17.00, 21.00, 22.00, and 24.02. The tracts are shown in Figure 29 along with the proposed RHNA sites by their income levels. The tracts include the downtown area with the form based code, the airport, and the southern area which is intermixed with the unincorporated County pockets. Regardless of the RHNA opportunity site selection being primarily outside the R/ECAP, the City anticipated further housing construction and revitalization in the downtown area. The downtown provides opportunities for high density, transit-oriented development near job centers.

As shown in Figure 30, the large majority of RHNA units are located in non-R/ECAP areas. Only 1.2 percent of units are included in the R/ECAP. Despite not including many opportunity sites in the R/ECAP, the City will include several programs, outlined below, to target place-based improvements in the downtown and southern areas beyond the RHNA selection. The location of the RHNA units in or out of the R/ECAP will not exacerbate existing conditions.

The City is including Programs E - 1 and E - 2 to facilitate place-based improvements and investment in the downtown and southern county islands of Modesto, where the R/ECAP is located. These include:

- Identifying necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management Support Project Support to develop housing downtown and on the municipal golf course.
- Providing a Capital Facilities Fees waiver for low-income projects.
- Street improvement projects to transform 10th Street into a pedestrian-oriented corridor.
- A full pedestrian redevelopment of 9th Street, including Class I bike lines. This is in conjunction with Archway Commons Phase II, a 79-unit housing development on 7th Street.
- A redevelopment of the downtown bus station to transform it into a transit hub. This includes preparations for the Altamont Corridor Express, anticipated to begin operations in 2026.
- A new courthouse to be opened in 2024, with redevelopment of the former courthouse and county jail as a mixed-use project.
- Investing $10 million to upgrade infrastructure in the County Islands such as curb gutters, sidewalks, streetlighting, sewer, water, and storm drains.
- Through the Capital Improvement Plan, working with the County to fund sewer connections.
- Developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area

The City has also recently completed and is planning for a number of pavement rehabilitation, bike, and pedestrian improvements in the downtown area. These include the following:

- Crows Landing Pavement Rehabilitation, from Pecos Avenue (SR 99) to Hatch Road. Construction of the $3 million project was completed in 2022.
- Paradise Road Phase I, including pavement, bike, and pedestrian improvements from Carpenter Road to Sheridan Street. Construction of the $2.5 million project was completed in 2022.
- Paradise Road Phase II, including, pavement, bike and pedestrian improvements, from Sheridan Street to 1st Street. Funding ($10 million) is scheduled to be awarded on July 11, 2023.

Additionally, Stanislaus County is working to address infrastructure needs within unincorporated developed neighborhoods of the County, including County Islands in the Modesto sphere of influence. In recent years the County has made an effort to guide infrastructure improvements and support the annexation of unincorporated pocket areas to

incorporated cities. This includes prioritizing residential neighborhoods with public health and safety needs with installation of sewer mainlines, and potable water systems.

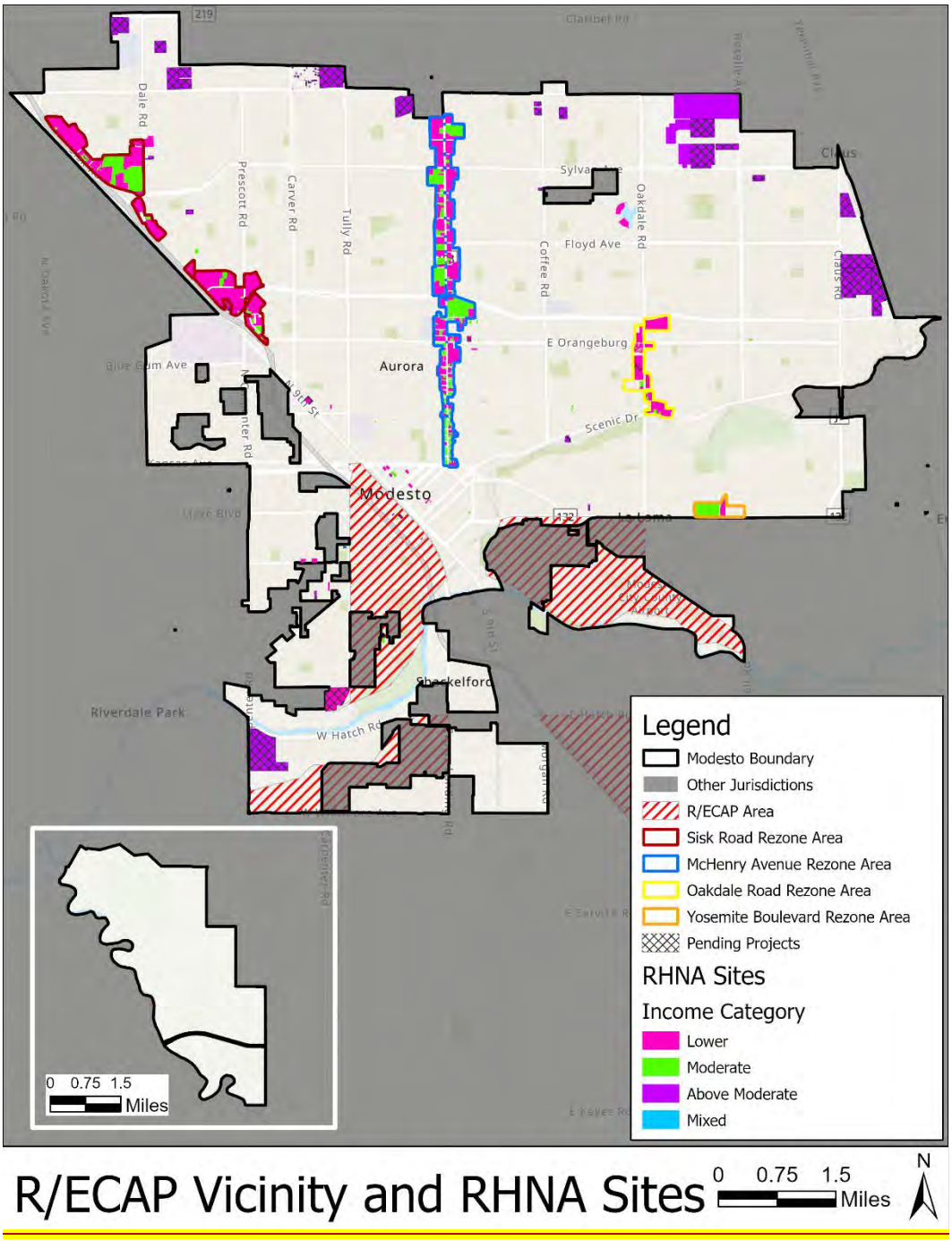
On May 18, 2021, the Board of Supervisors approved various strategic priorities for the use of $107 million in American Rescue Plan Act of 2021 (ARPA) funding allocated to Stanislaus County. To date of the $107 million, $55.8 million has been assigned to Community Infrastructure – Urban Pockets/County Communities. ARPA funds provide a unique opportunity for Stanislaus County to make substantial progress strategically on the infrastructure needs in its urban pockets and County communities.

After the initial public outreach effort was conducted and a funding distribution method was developed, the County worked with each Supervisor to identify specific seven project areas within the five districts. Of those seven project areas, four of them are within the City of Modesto's sphere of influence. All improvements are to be designed and installed to City of Modesto standards with the idea of annexation in the future as funding becomes available to provide improvements to the whole community. Any deviation would require City of Modesto approval. The four areas identified for improvement are the following:

- **Area 9 – Rouse-Colorado**: The Rouse-Colorado community is programmed to be receiving sidewalk, storm drainage (including curb and gutter), sanitary sewer, and improvements to its current street lighting. ARPA funds will be used in conjunction with other funding to obtain the necessary funding amount to construct all improvements. After construction of all improvements, further conversations of annexation can take place between the County and the City.
- **Area 10 – Bret Harte:** The ARPA funds will be invested in close proximity to a County sidewalk project in the Bret Harte community. The community is programmed to be receiving sidewalk, storm drainage (including curb and gutter), and improvements to its current street lighting.
- **Area 24 – Parklawn:** In Parklawn stormwater flows from east to west, so it was determined that the improvements will be constructed west to east. The community is programmed to be receiving sidewalk, storm drainage (including curb and gutter), and improvements to its current street lighting.
- **Area 44 – Riverdale Park Tract:** The Riverdale Park Tract community is programmed to be receiving sidewalk, storm drainage (including curb and gutter), sanitary sewer, and improvements to its current street lighting. Currently there are no water lines in the community of Riverdale, but there is a project that they City of Modesto is spearheading that will install water lines. After construction of all improvements, further conversations of annexation can take place between the County and the City.

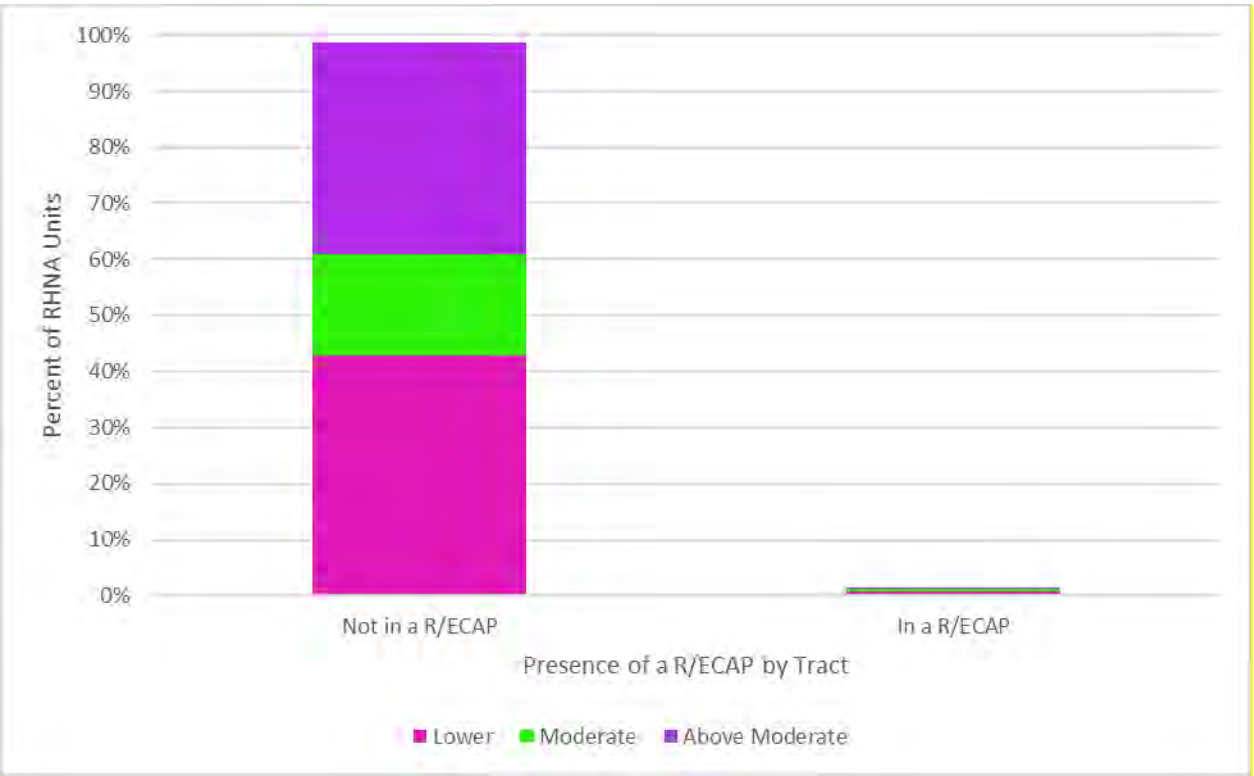
These efforts will continue to promote improvements in areas with higher concentrations of the non-White population while promoting housing choice and housing mobility in the less concentrated neighborhoods.

Figure 29: R/ECAPs in the City and Vicinity



Source: HCD AFFH Data Viewer

Figure 30: Presence of a R/ECAP Comparison of RHNA Units



Racially or Ethnically Concentrated Areas of Affluence (RCAAs)

HUD defines Racially Concentrated Areas of Affluence (RCAAs) as areas where the percentage of the White population in a tract is over 1.25 times the average percentage of the White population in the given Council of Government (COG) region and the median income is 1.5 times higher than the COG or State AMI, whichever is lower. At the time of this analysis, there are no RCAAs in Modesto.

Disparities in Access to Opportunities

California Tax Credit Allocation Committee (TCAC)

One tool that can be used to analyze disparities in access to opportunities is the California Tax Credit Allocation Committee's (TCAC) Opportunity Area scores. These were prepared by a task force commissioned by the TCAC and HCD to identify areas statewide whose economic, educational, and environmental characteristics support positive outcomes for low-income families. The map is updated annually. Opportunity maps are made for three domains: economic, environmental, and education. Each map uses categorical indicators to determine its individual score. A composite score and resource designation combining all three designations is then assigned to each block group.

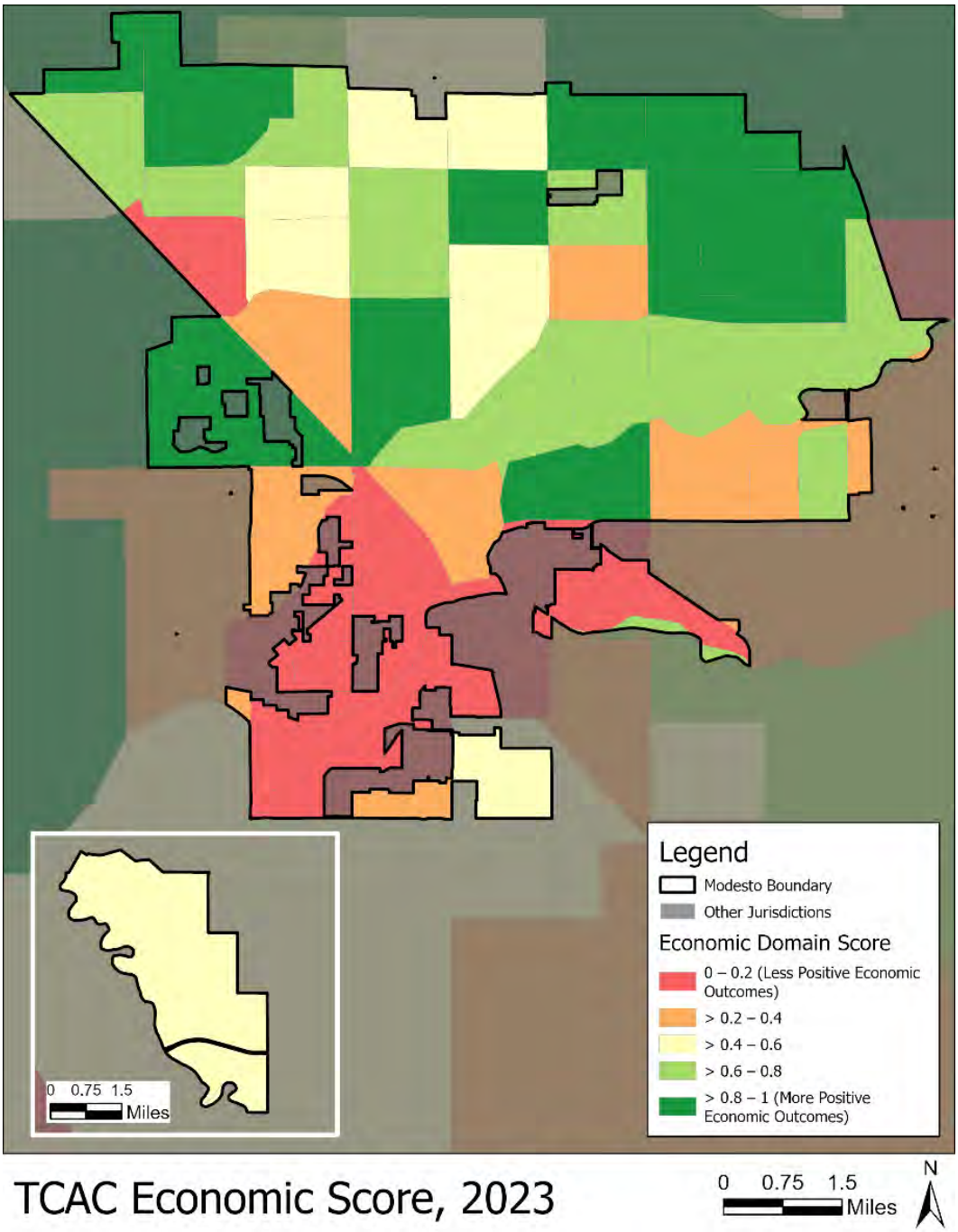
To determine the final resource category, the top 20 percent of overall scores in a county are labeled as highest resource and the next 20 percent of scores are labeled as High Resource. Then, any area that is considered segregated and that has at least 30 percent of the population living below the federal poverty line is labeled as an area of High Segregation and Poverty. Any remaining uncategorized areas in the County are evenly divided between Moderate Resource and Low Resource areas. The rationale and metric for each indicator is described in more detail in current guidance documents for the California TCAC program.[11] Additional information regarding these indicators in Modesto are provided on the following pages.

Economic Indicators

Economic indicators include poverty, adult education, employment, job proximity, and median home value. A complete list of TCAC opportunity map domains and indicators are included in Table 59. TCAC economic scores for the City by tract are presented in Figure 31. The central and northern area of the City, where TCAC economic scores are the highest, have the lowest poverty rates and percentage of LMI households. The neighborhoods in the southern area of the City and the downtown with the lowest economic opportunity also contain the R/ECAP and a more predominant Hispanic or non-White population.

[11] https://www.treasurer.ca.gov/ctcac/opportunity/2022/2022-hcd-methodology.pdf

Figure 31: TCAC Opportunity Areas - Economic Score by Tract (2023)



Source: HCD AFFH Data Viewer

Education Indicators

Education indicators include math and reading proficiencies of fourth graders, high school graduation rates, and the student poverty rate. The Modesto City Schools is the district that

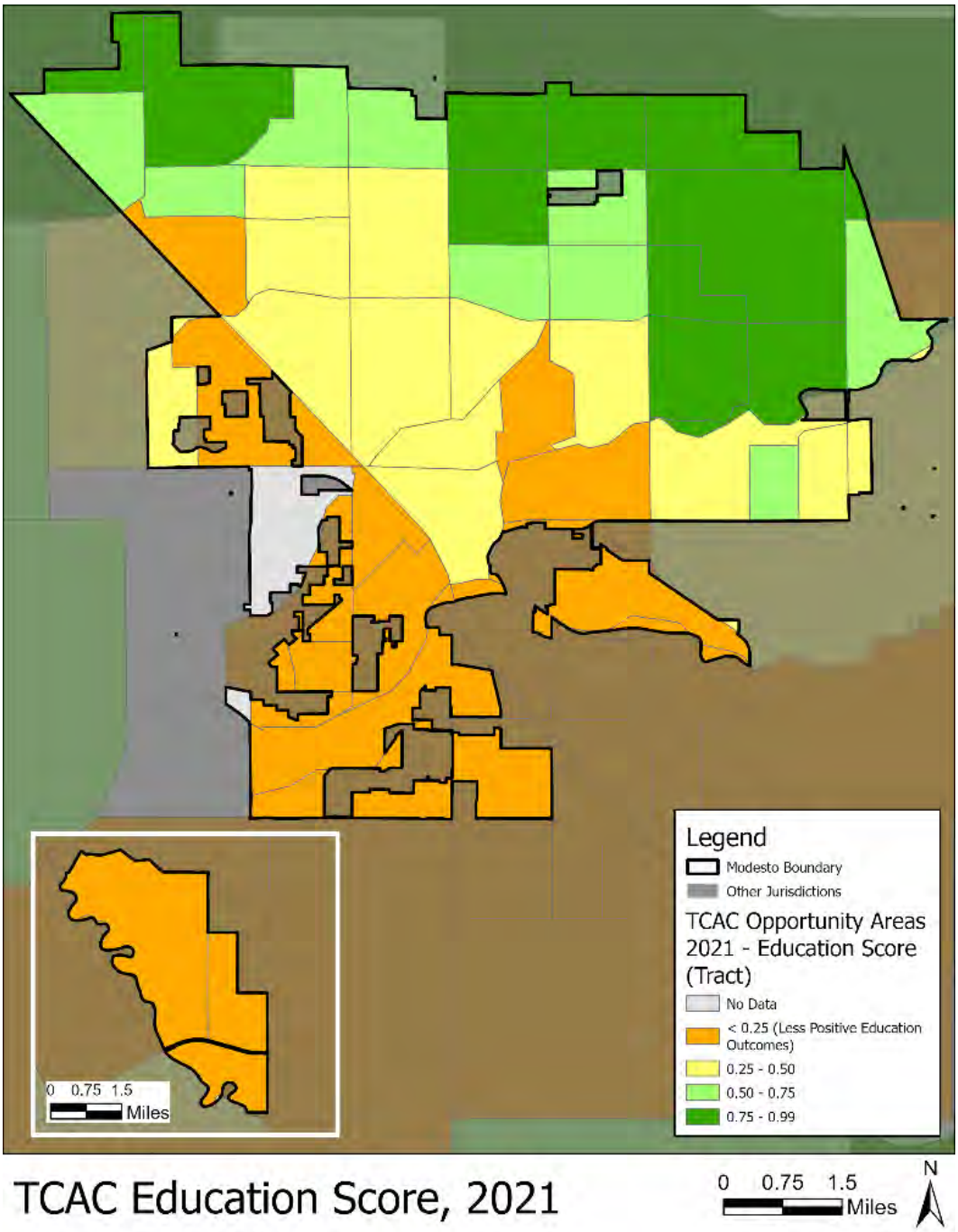
serves the entirety of the City and consists of 22 elementary schools, 5 middle schools, and 9 high schools.

Greatschools.org is a nonprofit organization that rates schools across the country. The Great Schools Summary Rating calculation is based on four ratings: the Student Progress Rating or Academic Progress Rating, College Readiness Rating, Equity Rating, and Test Score Rating. Ratings at the lower end of the scale (1-4) signal that the school is "below average," 5-6 is "average," and 7-10 is "above average."

The schools in Modesto range from average to above average, with scores between 5 and 8. School scores are on average slightly higher in the east than In the western areas of the City, but the difference is minimal, and the scores do not show a clear pattern correlating with fair housing trends.

As shown in Figure 32, tracts in Modesto have high variation in education opportunity resource scores within the City, with less positive scores in the southern and downtown areas, moderate scores in the central areas, and high scores in the areas in the northern and eastern areas of the City. Additionally, the areas with higher poverty rates in the City have a negative effect on TCAC educational scores, as poverty rates are included in this calculation.

Figure 32: TCAC Opportunity Areas - Education by Tract (2021)



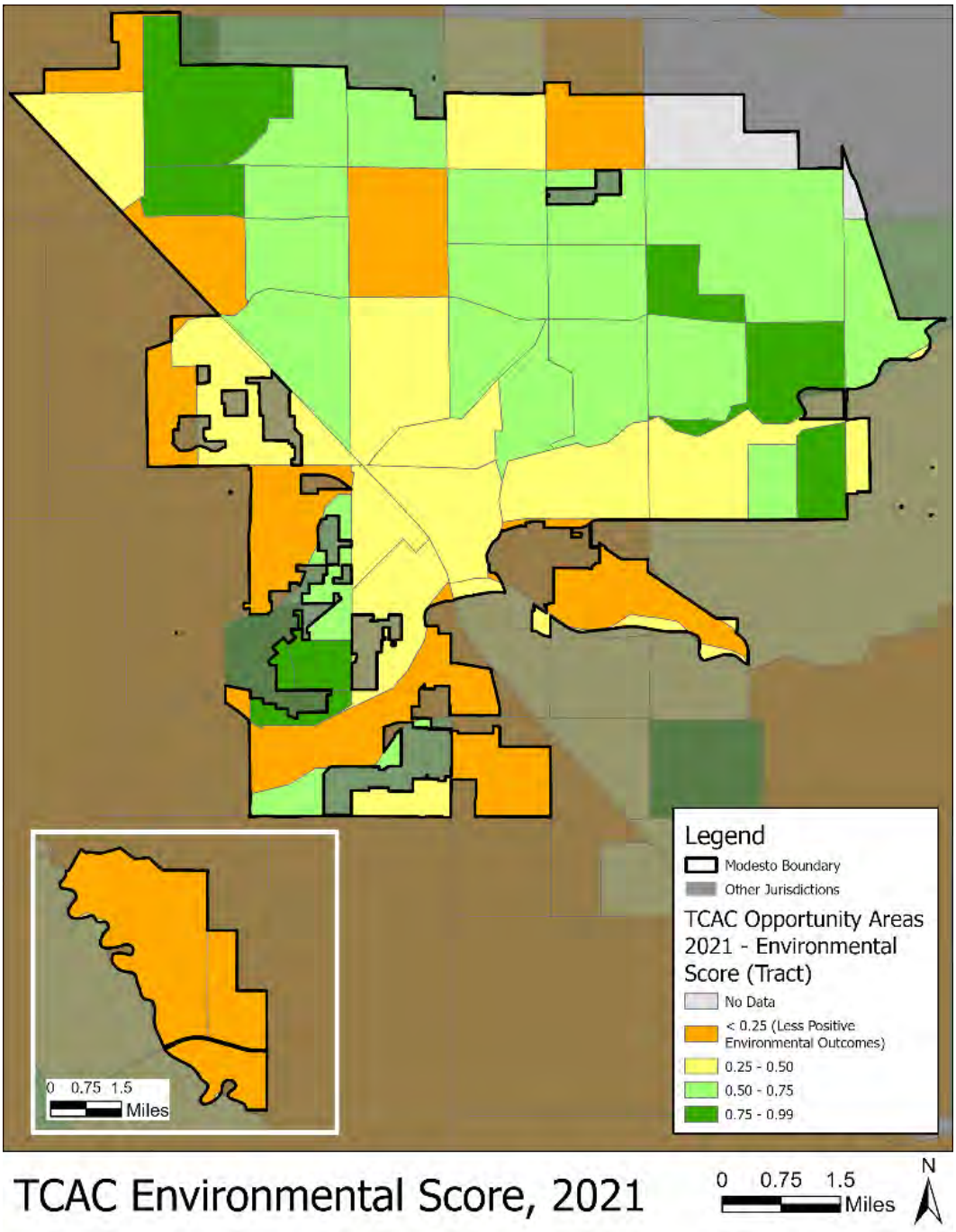
Source: HCD AFFH Data Viewer

Environmental Indicators

The environmental domain utilizes CalEnviroScreen (CES) 3.0[12] pollution indicators and values (see Figure 39 for more discussion on CES). As shown in Figure 33, the majority of the tracts have scores between 0.25 and 0.75, indicating there are average environmental scores throughout most of the City. Tracts with lower environmental scores generally are bisected by a highway, have larger populations of the non-White population, and have lower median incomes. Diesel particulate matter, impaired drinking water, and lead are amongst the highest scoring pollutants in the area, which may be attributed to areas of high traffic or contributions from the agriculture industry surrounding the City.

[12] Note that the 2021 TCAC environmental score relies on CES 3.0, rather than the updated CES 4.0.

Figure 33: TCAC Opportunity Areas - Environmental by Tract (2021)



Source: HCD AFFH Data Viewer

TCAC Composite Score

Figure 34 displays the 2023 TCAC composite score for the City. There is high variation in resource categories within the City, with low resource or areas of high segregation and poverty

in the southern and downtown areas, moderate resource central areas, and high and highest resource areas in the northern and eastern areas of the City. The areas with lower opportunity scores have a generally lower median income and a more predominant non-White population.

The high and highest resource areas are planned for several upcoming specific plans and zoning amendments which will encourage higher density development in these higher resource areas. These areas include the new mixed-use corridors, which can provide new opportunities for high density development, and access to commercial resources and employment.

The City is including a number of programs to increase housing types and opportunities in higher opportunity areas of the City. These efforts go beyond the sites that are included in the Opportunity Site List and help improve housing choice and mobility, by providing opportunities to increase the number and type of dwelling units in lower density residential zones.

Per Program A - 2, the City is rezoning parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modifying P-D parcels to allow for 45 du/ac in order **to create a net new capacity for 21,014 units. This is an added capacity of almost twice the RHNA of 11,248, and almost three times the remaining RHNA** need after factoring in pending projects and ADUs. These zoning amendments are anticipated to be completed in November, 2023. Beyond these zoning amendments, the City is increasing the maximum density of the R-1 zone from 7.5 to 10.9, the R-2 zone from 14.5 to 22, and the maximum density of the R-3 zone from 29 to 45, as noted in Program A - 4. This will create ample opportunity for higher density residential development throughout the City.

Rezoning will occur across all opportunity categories, with specific geographic targeting in the higher resource areas. About 45 percent of the rezone area (13,774 units) is in high or higher resource areas, creating substantial new opportunities for housing mobility, new housing choices, affordability, and lower-income housing in eastern and northern neighborhoods. About 33 percent of the land area of the City is in an area of high or highest resource. As about 45 percent of the rezone area is in an area of high or highest resource, the rezone is promoting housing mobility and housing choice in higher resource areas at a disproportionately higher rate than the City's existing state. The rezone is significant and meaningful enough to overcome currently identified patterns and trends.

The City is also including Programs A - 9 and A - 10 to incentivize and promote ADU development to increase opportunities for low income households in lower density, high opportunity areas of the City. This includes pre-approved plans, fee exemptions, and increased outreach strategies. Through Program A - 11, the City will facilitate missing middle or middle-income housing and increase the variety of housing choice and opportunity in single-family neighborhoods by encouraging the development of duplexes on corner lots in the R-1 zone.

The City currently allows duplexes on corner lots in the R-1 Zone by right. Program A - 15 will assist homeowners in developing SB 9 units on their properties.

The City is including about 27 percent of units in areas of low opportunity or high segregation and poverty. The City is implementing several programs to address place-based improvements in the lower-opportunity areas, such as downtown or southern Modesto. As noted in Program E - 1, the City is contributing to community revitalization and improved quality of life in downtown Modesto through efforts including but not limited to the following:

- Currently developing plans to identify necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management Support Project to develop housing downtown and on the municipal golf course.
- Provide a Capital Facilities Fees waiver for low-income projects.
- Street improvement projects to transform 10th Street into a pedestrian-oriented corridor.
- A full pedestrian redevelopment of 9th Street, including Class I bike lines. This is in conjunction with Archway Commons Phase II, a 79-unit housing development on 7th Street.
- A redevelopment of the downtown bus station to transform it into a transit hub. This includes preparations for the Altamont Corridor Express, anticipated to begin operations in 2026.
- A new courthouse to be opened in 2024, with redevelopment of the former courthouse and county jail as a mixed-use project.

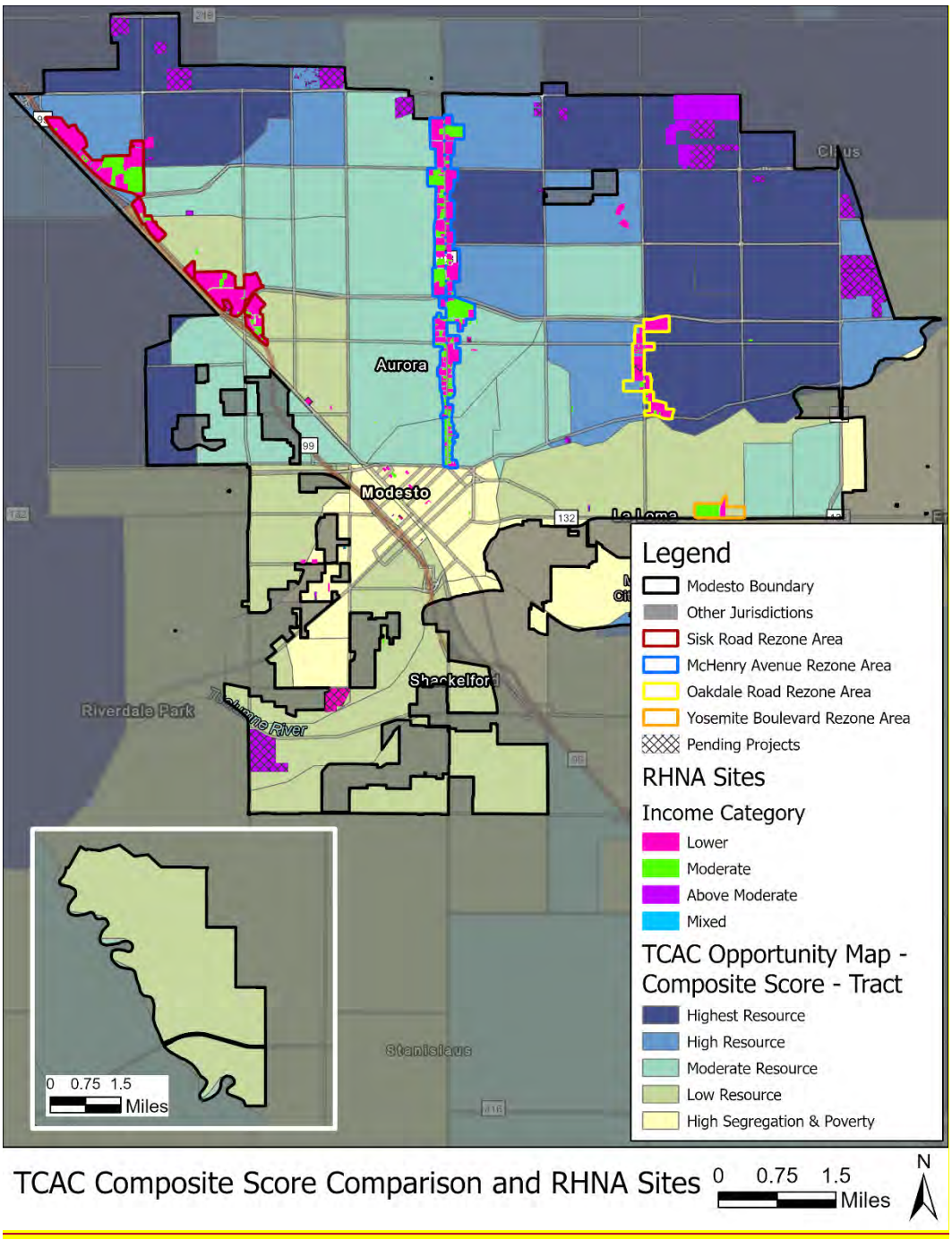
As noted in Program E - 2, the City is pursuing Place-Based improvements in the islands surrounded by unincorporated County land in southern Modesto. These efforts include but are not limited to

- Investing $10 million to upgrade infrastructure in the County Islands such as curb gutters, sidewalks, streetlighting, sewer, water, and storm drains.
- Collaborating with Stanislaus County to address any property tax issues as money becomes available to annex “island” properties to Modesto.
- Through the Capital Improvement Plan, working with the County to fund sewer connections.
- Developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area.

As shown in Figure 35, the RHNA units are distributed throughout all resource areas, with about 60 percent of units in a high or highest resource area, and about 25 percent in a low resource area or area of high segregation and poverty. As there is high variation in the City,

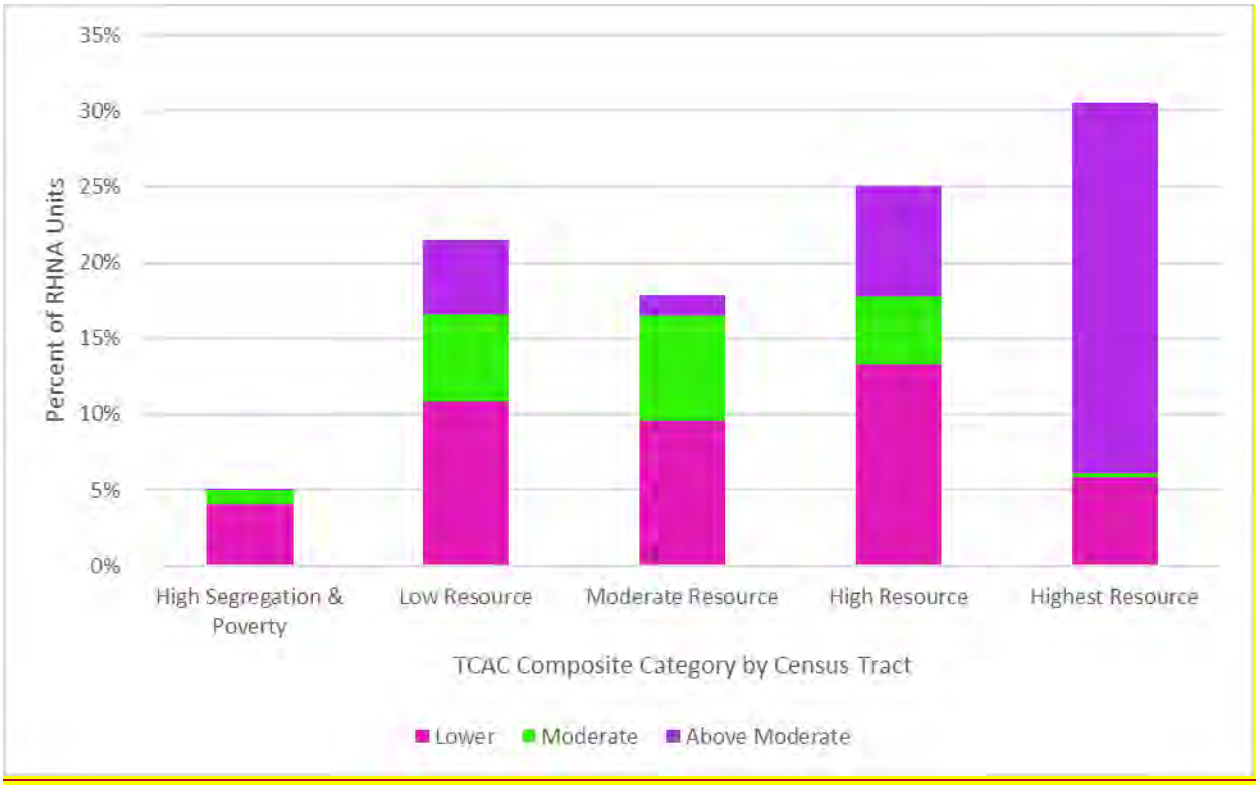
distributing RHNA units across all opportunity categories is unlikely to exacerbate any conditions or make any negative changes to the resource designation. Including RHNA sites in the new mixed-use zones across higher opportunity designated areas will increase housing mobility for lower-income households throughout the City.

Figure 34: Site Inventory and TCAC Composite Score by Tract (2023)



Source: HCD AFFH Data Viewer

Figure 35: Distribution of RHNA Units by TCAC Category



Access to Opportunities, Regional Comparisons

HUD has developed a series of indices for fair housing analysis to assist cities in identifying disparities in access to opportunity. The following indicators are scored on a scale from zero to 100.[13]

- **Low Poverty Index**: The low poverty index captures poverty at the census tract level. The higher the score, the less exposure to poverty.
- **School Proficiency Index**: The school proficiency index uses the performance of fourth-grade students on state exams to describe which areas have higher and lower performing schools. The higher the score, the higher the school system quality.
- **Labor Market Index**: The labor market index measures the relative intensity of labor market engagement and human capital. The index is calculated using employment levels, labor force participation, and education attainment. The higher the score, the higher the labor market participation in a neighborhood.
- **Transit Index**: The transit index is based on estimates of transit trips taken by a three-person, single-parent family with income at 50 percent of the median income for

[13] HUD Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T) Data Documentation

renters for the region. The higher the index, the more likely that the residents use public transit.

- **Low Transportation Cost Index**: The low transportation cost index is calculated based on estimates for a three-person, single-parent family with income at 50 percent of the median income for renters for the region. More specifically, this index considers transportation costs as a percentage of income for this household type. The higher the index, the lower the cost of transportation.
- **Jobs Proximity Index**: The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region. Larger employment centers are more heavily weighted. The higher the index, the better access to employment opportunities.
- **Environmental Health Index**: The environmental health index summarizes potential exposure to a variety of toxins that are harmful to human health. The higher the index, the less exposure to toxins.

As shown in Table 59, the most variation between different ethnicities in Modesto is seen in the low poverty index, with the Hispanic population at 28.8 while the Asian and White populations score 40.3 and 39.5 respectively. The labor market index also shows similar patterns of variation.

Compared to the wider Stanislaus County region as a whole, Modesto scores comparatively or higher for almost all groups, with the exception of the environmental health index. Modesto proves to have much higher availability of transit, transportation, and jobs than the Countywide average. Modesto includes many of the resources and economic opportunities that serve the region as a whole.

Table 59: Opportunity Indicators[14]

	Low Poverty Index	School Proficiency Index	Labor Market Index	Transit Index	Low Transportation Cost Index	Jobs Proximity Index	Environmental Health Index
Modesto							
White	39.5	33.1	28.8	62.4	42.8	61.2	24.9
Black	32.8	29.6	23.1	62.0	42.5	59.1	24.8
Hispanic	28.8	24.0	19.2	62.5	41.4	57.2	24.4
Asian or Pacific Islander	40.3	34.0	28.3	59.8	40.3	53.2	25.8
Native American	32.8	29.0	23.2	63.7	43.5	62.6	24.4
Stanislaus County							
White	35.3	35.5	22.0	27.3	27.1	34.9	35.4
Black	33.7	29.1	18.0	30.7	27.3	31.6	36.3
Hispanic	28.6	26.7	15.2	33.6	29.2	36.0	33.0
Asian or Pacific Islander	38.8	31.0	22.0	34.6	27.1	38.7	31.1
Native American	32.7	32.2	19.2	32.5	28.2	35.8	33.5

Source: Decennial Census; American Community Survey; Great Schools; Common Core of Data; School Attendance Boundary Information System; Local Affordability Index; Longitudinal Employer Household Dynamics; National Air Toxics Assessment

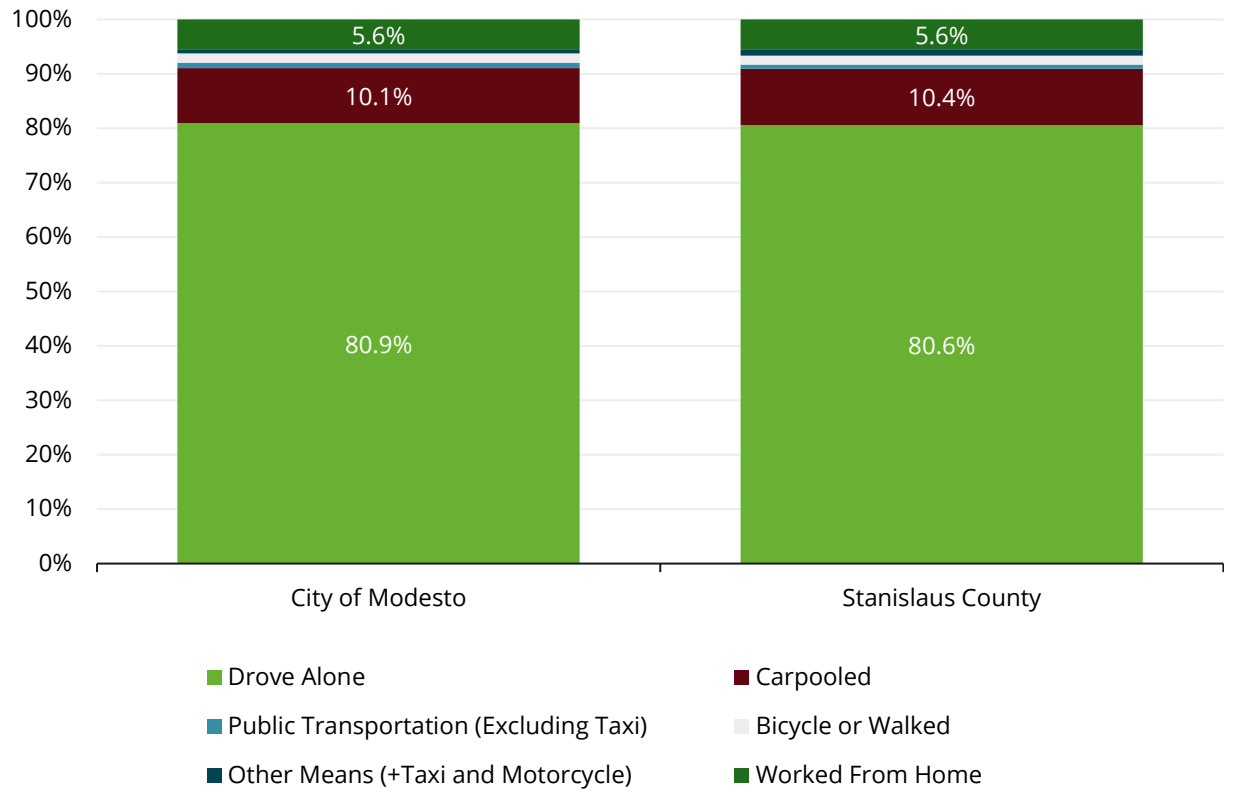
Transportation

Access to adequate transportation and a variety of transit options can help illustrate disparities in access to opportunities.

As shown in Figure 36, City of Modesto and Stanislaus County have nearly identical mode shares for transportation to work. A majority of workers (80 percent) drive alone to work, followed by 10 percent who carpool. Only about 1 percent of workers use public transportation or bike/walk to work.

[14] HUD Affirmatively Furthering Fair Housing. https://egis.hud.gov/affht/

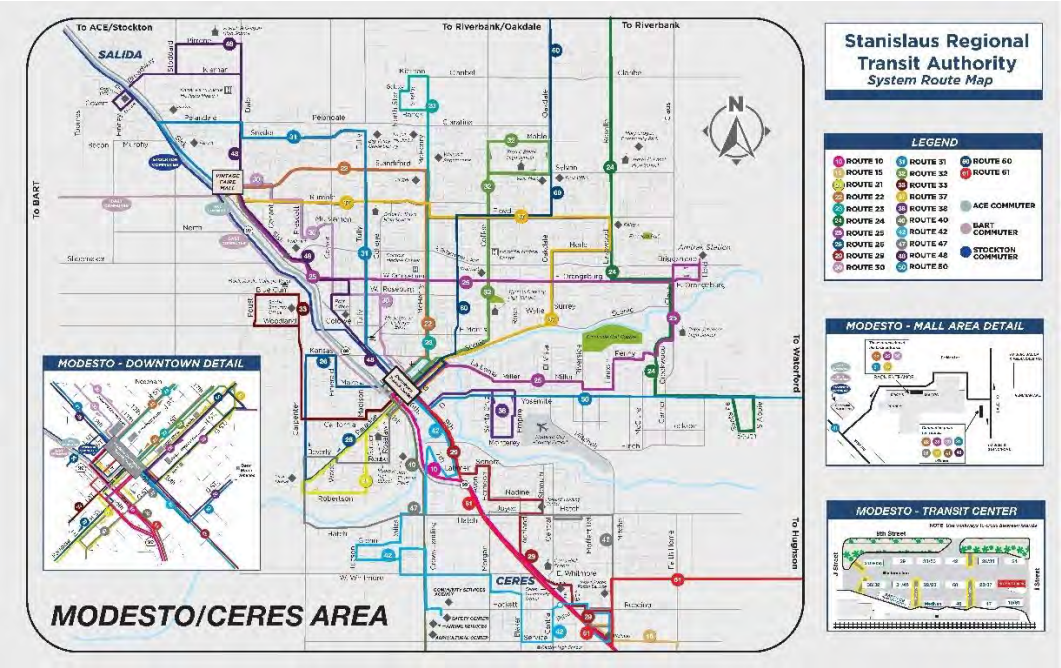
Figure 36: Means of Transportation for Work - Modesto (2020)



Source: US Census Bureau, ACS 16-20 (5-year Estimates), Table B08301

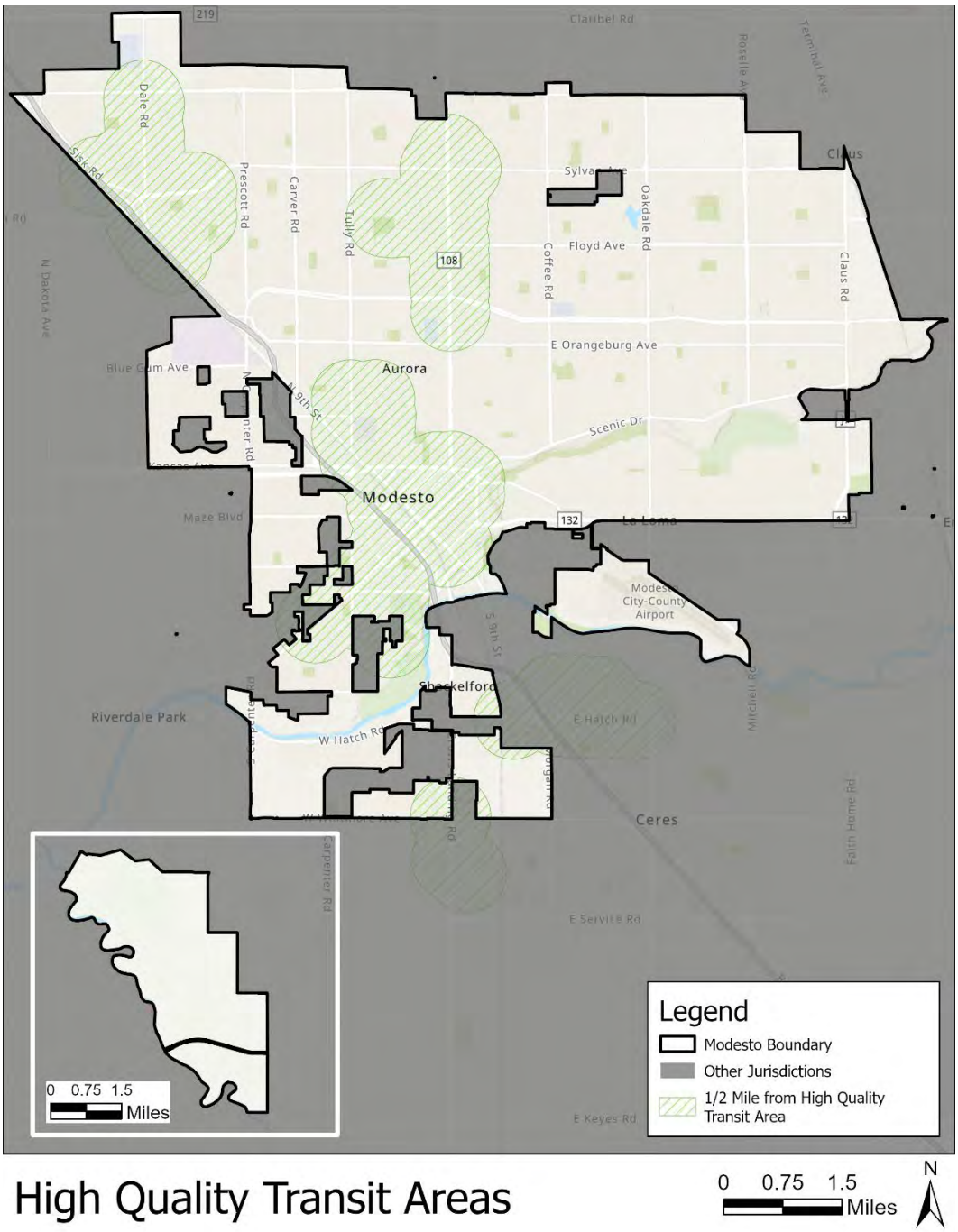
Stanislaus Regional Transit Authority (StanRTA) is the transit agency that operates services in Modesto and Stanislaus County. Services include commuter bus (3 routes), fixed route bus (25 routes), and Dial-A-Ride (3 service areas). Transit routes and service areas for Modesto are shown in Figure 37. StanRTA routes provide a quality transportation option for Modesto residents as well as regional connections to the Bay Area and neighboring cities.

Figure 37: StanRTA Service Area in Modesto (2023)



There is one major transit center located in downtown Modesto and four High Quality Transit Areas identified by Caltrans throughout the City (see Figure 38). The areas where the opportunity sites are primarily located, along the new Sisk and McHenry Mixed-Use Zones are considered high quality transit areas, and the majority of RHNA units are in areas with high quality access to transit. Downtown, where the R/ECAP is located, also has high quality transit access.

Figure 38: High Quality Transit Areas, 1/2 mile (2022)



Source: HCD AFFH Data Viewer

CalEnviroScreen 4.0

CES 4.0 is a tool that identifies communities in California that are disproportionately burdened by pollutants. Factors used to identify communities include ozone, particulate matter, drinking

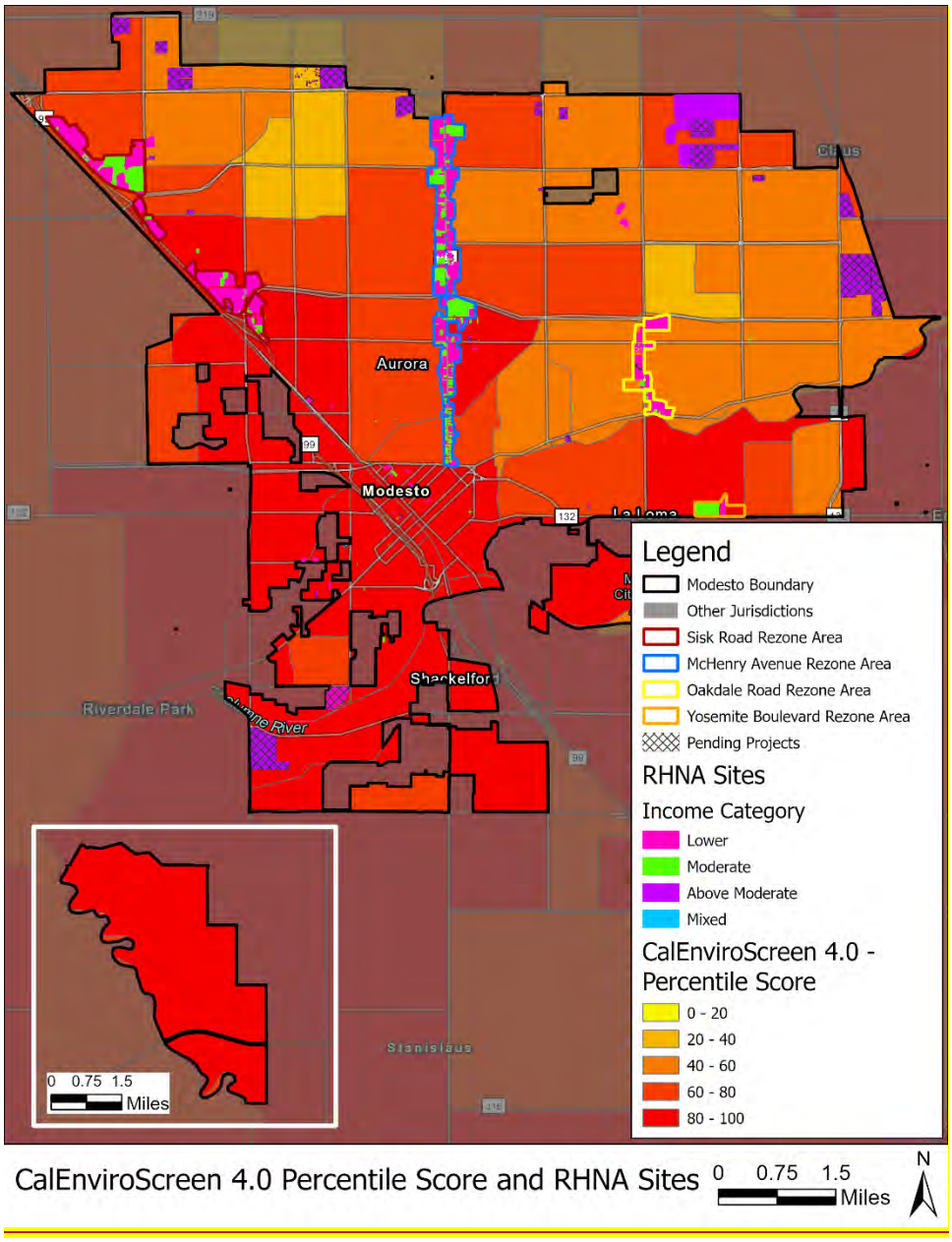
water contaminants, pesticide use, lead, diesel particulates, asthma rates, and linguistic isolation. A higher score indicates a higher effect of pollutants for the area.

The California Office of Environmental Health Hazard Assessment (OEHHA) compiles data to help identify California communities that are disproportionately burdened by multiple sources of pollution. In addition to environmental factors (pollutant exposures, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma and low birth weight infants), CalEnviroScreen also takes into consideration socioeconomic factors. These factors include education attainment, linguistic isolation, poverty, and unemployment.

The CES scores for the City of Modesto in Figure 39 show that the highest scores occur in the southern and downtown areas of the City, where the R/ECAP is located. CES scores are lower in the east. Tracts with higher CES scores generally are bisected by a highway, have larger populations of the non-White population, and have lower median incomes. Diesel particulate matter, impaired drinking water, and lead are amongst the highest scoring pollutants in the area, which may be attributed to areas of high traffic or contributions from the agriculture industry.

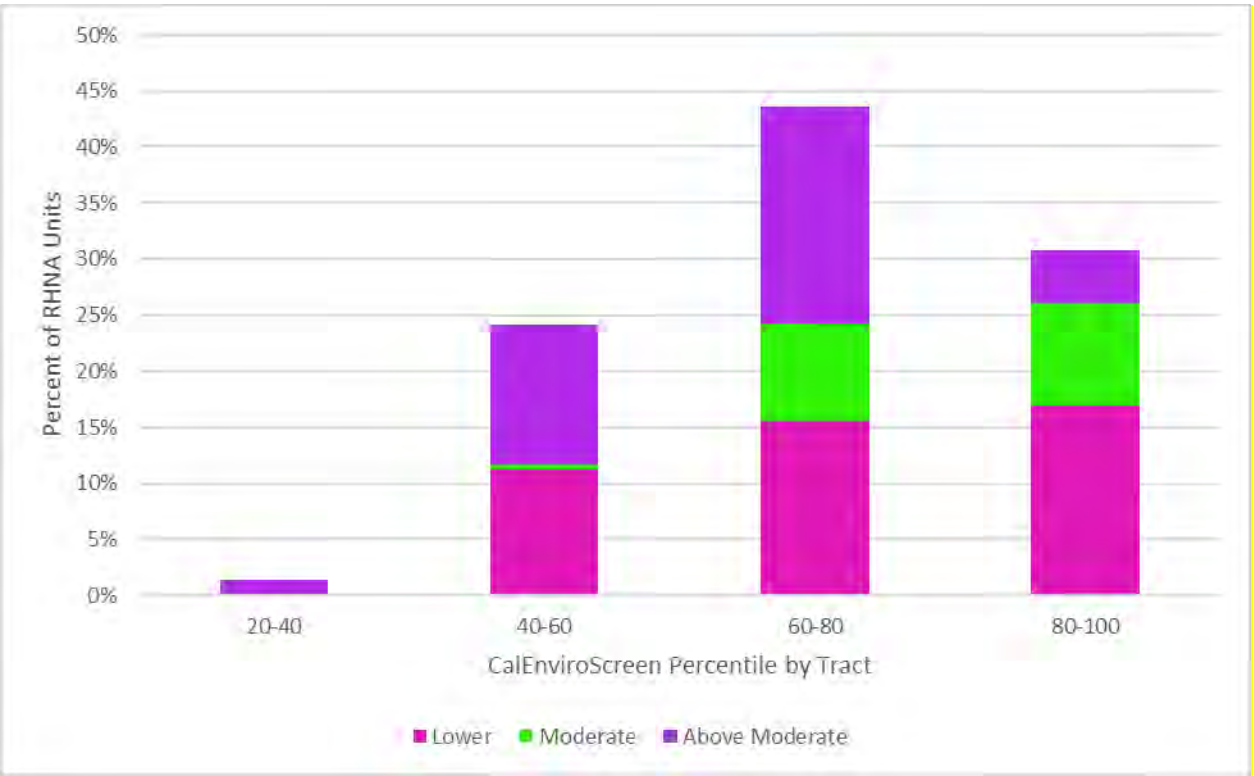
As shown in Figure 40, RHNA pending projects and opportunity sites are distributed throughout the higher scoring categories, which also compose the majority of the City. For example, about 25 percent of RHNA units are located in a tract in the 40-60 CES Percentile, about 40 percent of RHNA units are located in a tract in the 60-80 CES Percentile, and about 30 percent of RHNA units are located in a tract in the 80-100 CES Percentile. RHNA sites in these areas will provide residents with access to transit and employment resources.

Figure 39: Sites Inventory and CalEnviroScreen 4.0 Percentile Score by Tract



Source: HCD AFFH Data Viewer

Figure 40: Distribution of RHNA Units by CalEnviroScreen 4.0 Percentile Score



Findings

There is high variation in resource categories within the City, with low resource or areas of high segregation and poverty in the southern and downtown areas, moderate resource central areas, and high and highest resource areas in the northern and eastern areas of the City. A similar pattern is shown in the CalEnviroScreen percentiles, with improved scores further from downtown. As such, the RHNA units are distributed throughout all resource areas, with about 60 percent of units in a high or highest resource area, and about 25 percent in a low resource area or area of high segregation and poverty.

Disproportionate Housing Needs

Substandard Housing

The AFFH Rule Guidebook defines disproportionate housing needs as a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing needs when compared to the proportion of a member of any other relevant groups or the total population experiencing the category of housing need in the applicable geographic area (Code of Federal Regulations). The analysis is completed by assessing cost burden, overcrowding, and substandard housing. The Comprehensive Housing

Affordability Strategy (CHAS) developed by the Census for HUD provides detailed information on housing needs by income level for different types of households in Stanislaus County.

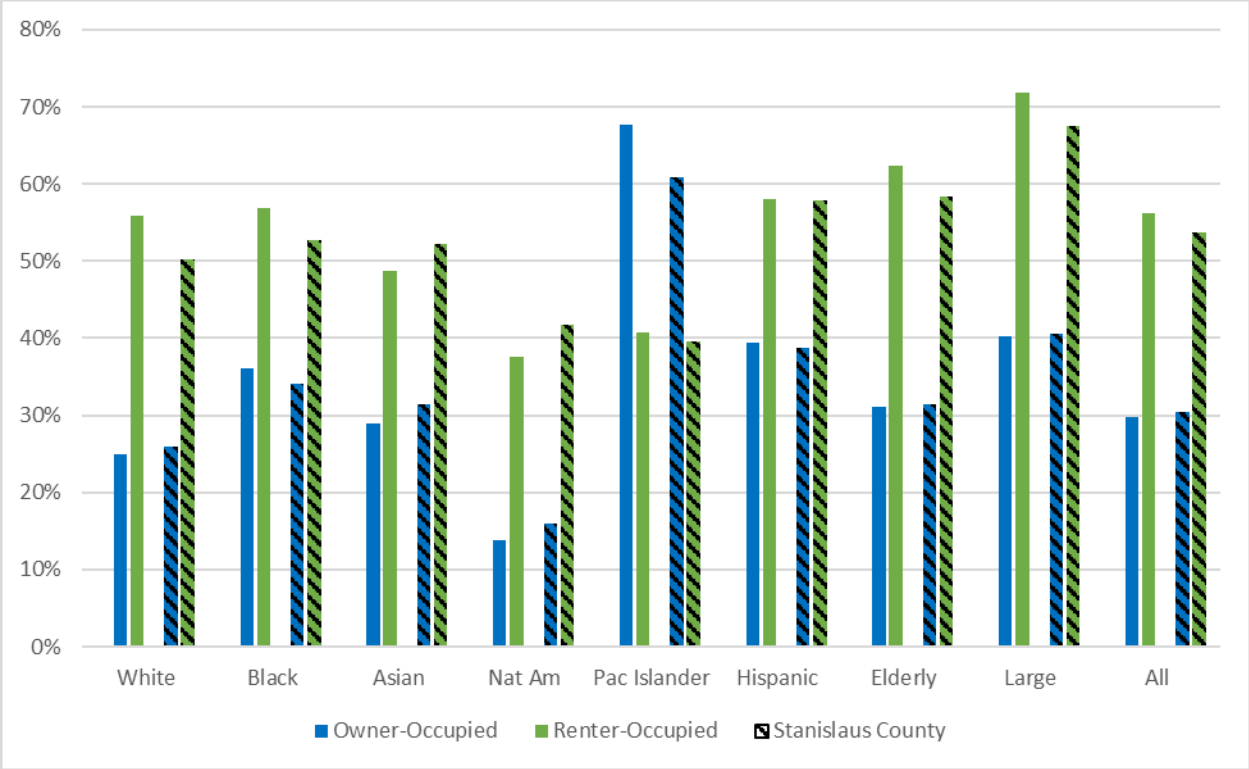
Disproportionate housing needs are determined by finding trends in housing problems in the population by race, household size, or household age. A housing unit is considered substandard or having a housing problem if it has one or more of the following housing conditions:

- Housing unit lacks complete kitchen facilities
- Housing unit lacks complete plumbing facilities
- Household is cost burdened
- Housing unit is overcrowded

Large and elderly households are often more likely to experience housing problems. A large household is a household with three or more children, but is also often calculated as a household with five or more people. An elderly household is calculated as any household with a person over 62 years of age.

Pacific Islander owners, and White, Black, and Hispanic renters experience right rates of housing problems, over 50 percent, while less than 30 percent of White, Asian, and Native American owners experience housing problems. Rates of housing problems are relatively comparable for each group at the County and City level, with large household renters experiencing the highest rates of housing problems in Modesto and Countywide.

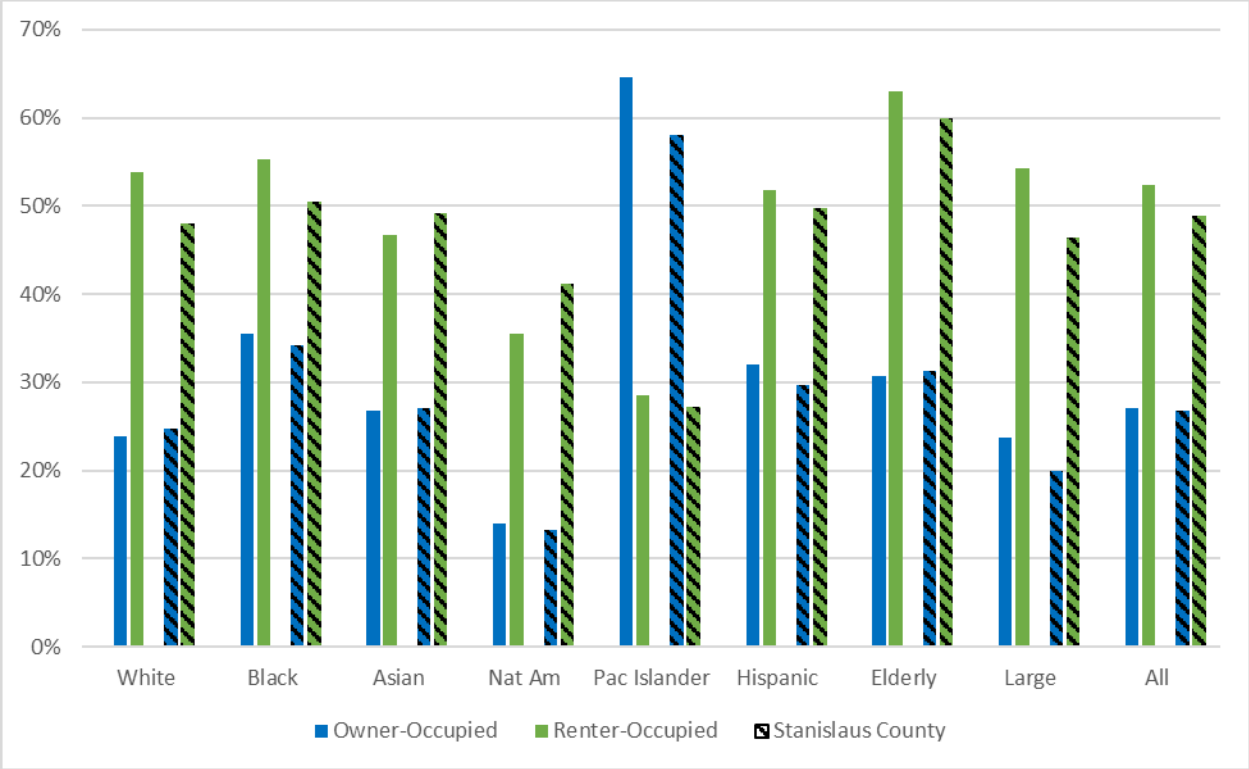
Figure 41: Housing Problems by Tenure and Race/Elderly/Housing Size



Source: HUD CHAS Data, 2019

Cost burden is when a household spends more than 30 percent of its monthly income on housing costs such as rent, mortgage, or utilities. Large households have more costs to support more people, and may experience cost burden or a lack of excess funds to amend housing problems. Elderly households may be on a fixed income, which affects excess funds necessary for maintenance in an older home bought before retirement.

Figure 42: Cost Burden by Tenure and Race/Elderly/Housing Size

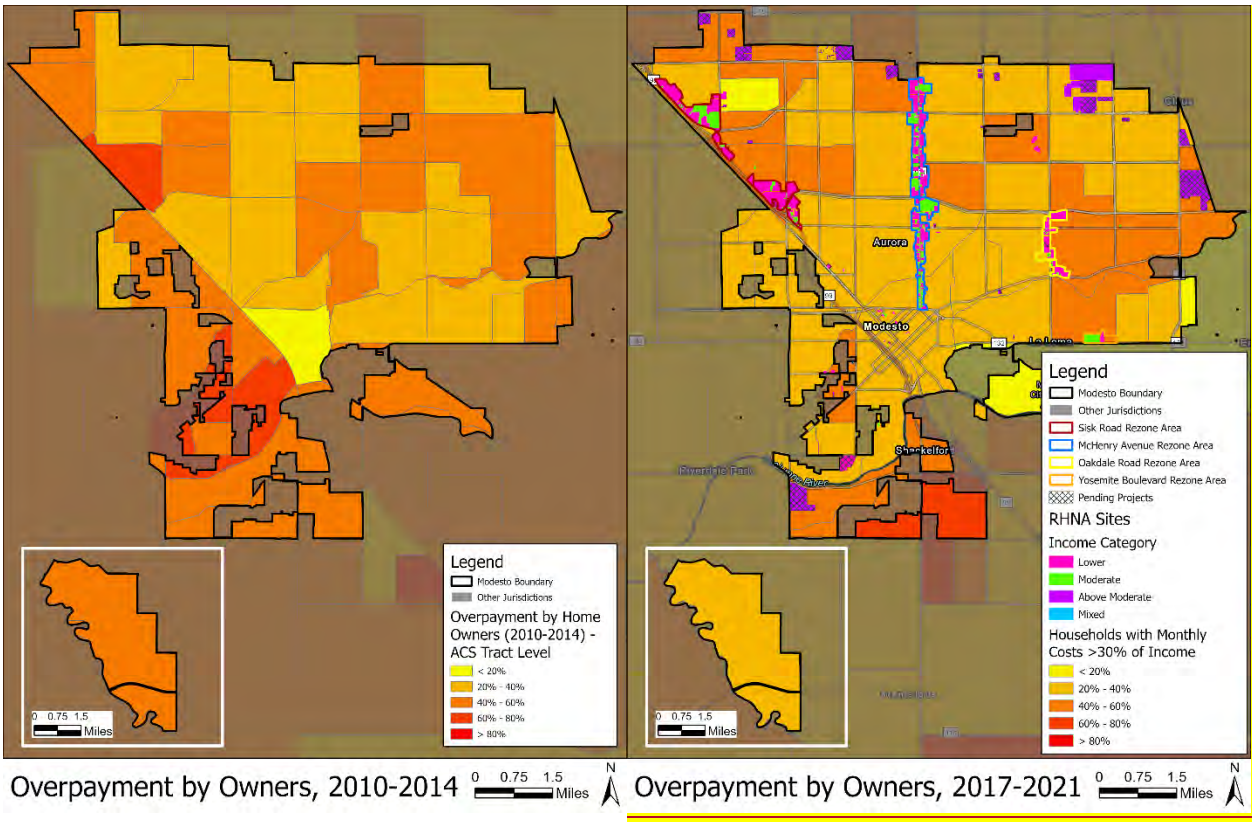


Source: HUD CHAS Data, 2019

Cost-burdened owners and renters by tract are compared using the 2010-2014 and 2017-2021 ACS data in Figure 43 and Figure 44. Tracts throughout the City have increased or decreased in rate of overpayment for owners since 2014, with the most notable changes being the increase in northern downtown and southern Modesto, and the decrease in southern downtown, near the Modesto airport, and along Sisk Road. Rates of overpayment for renters have remained consistently high in southern Modesto, and overpayment has decreased in many areas of western Modesto, while increasing in several areas of eastern Modesto. Most current areas of concentration of overpayment do not have a strong correlation with racial or income trends. However, the areas in southern Modesto and downtown with high concentrations of overpayment also contain the R/ECAP.

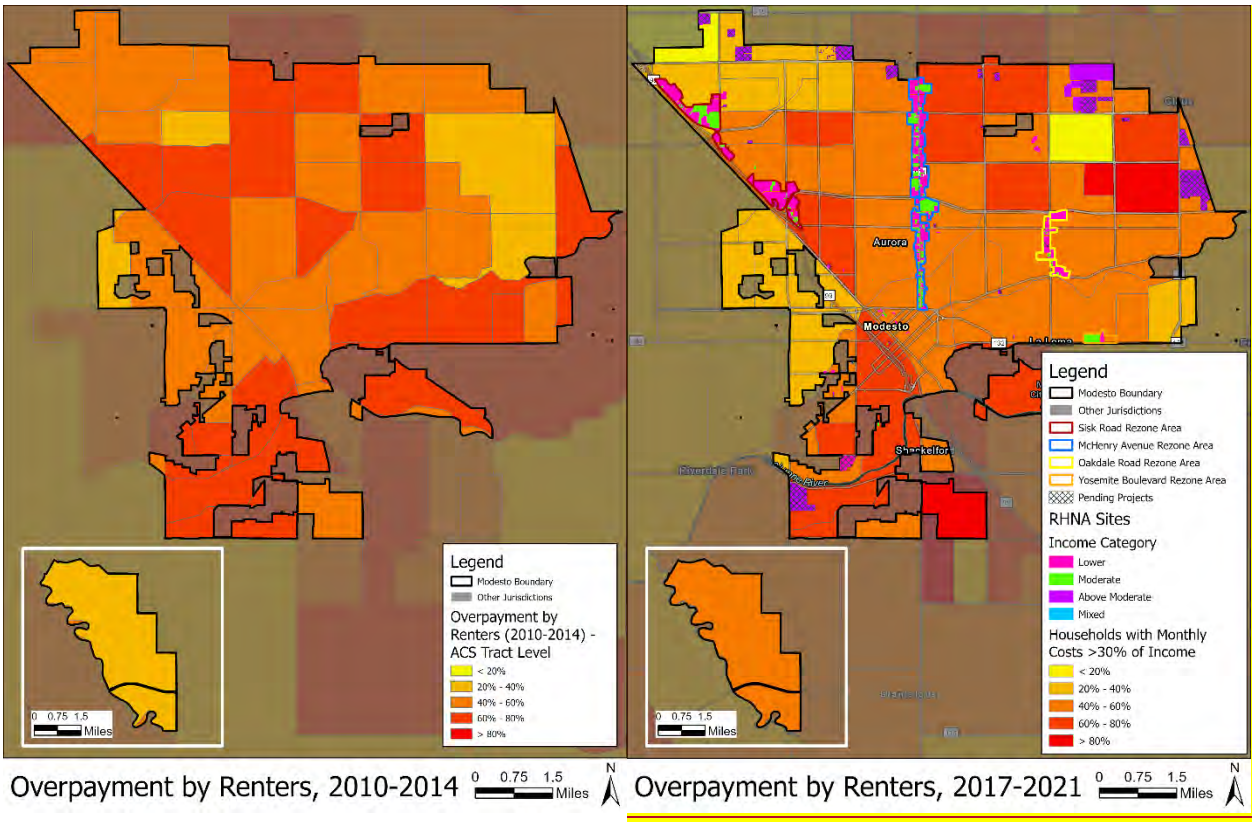
Overpayment in the City occurs at a similar rate to the County, with 38 percent of households experiencing a cost burden Citywide, compared to 36 percent in the County. In both cases, renters have significantly higher rates of overpayment than owners.

Figure 43: Overpayment by Owners (2010-2014 and 2017-2021)



Source: HCD AFFH Data Viewer

Figure 44: Overpayment by Renters (2010-2014 and 2017-2021)



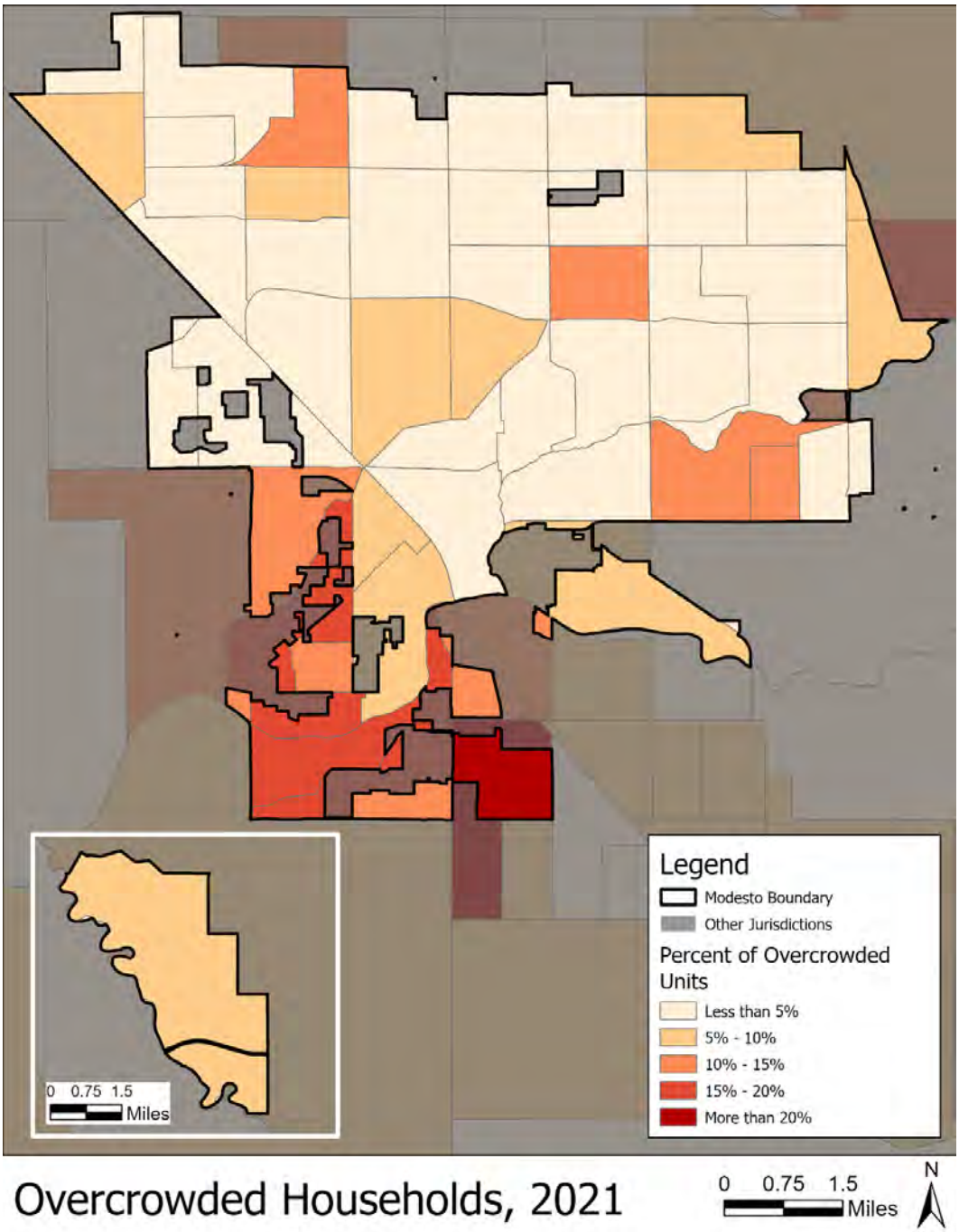
Source: HCD AFFH Data Viewer

Overcrowding

A household is considered overcrowded when there is more than one person per room, including living and dining rooms but excluding bathrooms and kitchens. Overcrowding can affect public facilities and services, reduce the quality of the physical environment, and create conditions that contribute to deterioration of the housing stock. Additionally, overcrowding can indicate that a community does not have an adequate supply of affordable housing and/or variety of suitable housing units to meet the needs of the community.

In Modesto, areas with high concentrations of overcrowding have generally lower median incomes and higher rates of the non-White population.

Figure 45: Sites Inventory and Overcrowded Households by Tract (2017-2021)



Source: HCD AFFH Data Viewer

Overcrowding is slightly less prevalent in Modesto (5.9%) than in the County as a whole (6.9%). Overcrowding is more prevalent for renters than owners both in the City and regionwide.

Table 60: Overcrowding by Tenure (2019)

Jurisdiction	Persons /Room	Owners		Renters		Total	
		Over-crowded Households	% of Total Population	Overcrowded Households	% of Total Population	Overcrowded Households	% of Total Population
Modesto	1.01 to 1.5	1,014	1.4%	2,195	3.0%	3,209	4.4%
	>1.50	325	0.4%	728	1.0%	1,053	1.5%
	Total Over-crowded	1,339	1.9%	2,923	4.0%	4,262	5.9%
Stanislaus County	1.01 to 1.5	3,428	2.0%	5,775	3.3%	9,203	5.3%
	>1.50	1,145	0.7%	1,668	1.0%	2,813	1.6%
	Total Over-crowded	4,573	2.6%	7,443	4.3%	12,016	6.9%

Source: HUD CHAS Data, 2019

Homelessness

Data on homelessness in Stanislaus County is based on the 2023 Point-in-Time Count (PITC), information provided to HUD by the Stanislaus Community System of Care (CSOC), and the Stanislaus Homeless Alliance (SHA). The PITC provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. A follow-up survey sampling of unsheltered and sheltered individuals is conducted two weeks following the count. The count was conducted on January 26, 2023.

Stanislaus County had an estimated homeless count of 2,091, 949 of which were unsheltered. Of this homeless population, 231 were children under the age of 18. There were 1,642 homeless persons surveyed in Modesto, 441 of which were unsheltered. Modesto's homeless population accounts for 79 percent of all homeless persons in the County. Modesto's larger share of the homeless population reflects its larger share of the total county populations (approximately 40 percent) and the availability of and access to more resources.

Table 61 shows the change in the sheltered/unsheltered population by city in Stanislaus County between 2020 and 2023. During this period, only four of the fifteen jurisdictions experienced an increase in the homeless population. The homeless population in Modesto increased by 3 percent during this period.

Table 61: Homeless Population by Jurisdiction (2020-2023)

Homeless Population	2020	% Change	2022	% Change	2023	% Total
Modesto	1,592	-10.0%	1,433	14.6%	1,642	78.5%
Turlock	232	-9.1%	211	10.4%	233	11.1%
Patterson	78	-29.5%	55	21.8%	67	3.2%
Empire	77	-9.1%	70	8.6%	76	3.6%
Oakdale	36	-27.8%	26	-15.4%	22	1.1%
Ceres	29	-48.3%	15	13.3%	17	0.8%
Riverbank	26	-30.8%	18	0.0%	18	0.9%
Newman	21	-42.9%	12	-50.0%	6	0.3%
Denair	7	-	-	-	-	-
Waterford	6	66.7%	10	-60.0%	4	0.2%
Salida	2	-	-	-	-	-
Hughson	1	0.0%	1	200.0%	3	0.1%
Keyes	0	-	4	-25.0%	3	0.1%
Crows Landing	-	-	1	-	-	-
Westley	-	-	1	-	-	-
Stanislaus County Total	2,107	-11.9%	1,857	12.6%	2,091	100.0%

Source: 2020 & 2023 Stanislaus County Homeless Point-in-Time Count Executive Summary.

Table 62 lists emergency shelters and transitional housing in Modesto. There are thirteen facilities with 896 total beds for persons experiencing homelessness in the City. Modesto is the county seat and largest City in Stanislaus County; therefore, Modesto is the central point for many supportive services for homeless individuals.

The City funds shelter activities through CDBG Public Services and ESG funds. The City partners with shelter providers in Modesto, such as The Salvation Army, to provide emergency and low barrier shelter services to homeless individuals. The Access Center Emergency Shelter (ACES) is a low-barrier shelter (drug and alcohol testing are not required to enter) serving individuals who choose to enter an emergency shelter. ACES is designed to allow homeless individuals to enter with pets, partners, and possessions, which are often-cited impediments that individuals have when entering a homeless shelter.

Table 62: Shelter Facilities in or Adjacent to Modesto

Facility Name	Type of Facility	Target Population	Number of Shelter Beds
Bennett Place	Shelter	Serious mental illness and Serious emotional disturbance	18
Center for Human Services	Emergency shelter	Individuals	6
Children's Crisis Center	Emergency shelter	Abused, neglected and high risk children	35
Community Housing & Shelter Services (CHSS)	Emergency shelter	Individuals	180
Empire Migrant Center*	Cold weather shelter	Families	90
Family Promise of Greater Modesto	Emergency shelter	Families	14
Haven Women's Center	Emergency shelter	Woman and their children fleeing domestic or sexual violence	13
Modesto Gospel Mission	Emergency shelter	Individuals and families	135
Salvation Army – Berberian Shelter	Emergency shelter	Individuals	180
Salvation Army – ACES Shelter	Emergency shelter	Individuals	182
Turning Point	Emergency shelter	Families	11
Women's Rest	Shelter	Individuals	5
Youth Navigation Center of Stanislaus County – Low Barrier Shelter	Transitional housing, crisis/drop-in and shelter and low-barrier shelter	Young adults ages 13 - 24	24
		Total	**896**

* Outside of Modesto City limits

Source: Modesto Annual Action Plan FY 2022-2023

The City of Modesto has a number of efforts aimed at reducing and ending homelessness. A number of these efforts are outlined in the 2023-2024 Draft Annual Action Plan[15]. These include:

1. **Camp2Home.** Through the Camp2Home initiative, Modesto created a unique set of partnerships and funding that creates a continuous, streamlined process to bring individuals out of the cycle of homelessness. The Community Health and Assistance Team (CHAT) is a partnership with the Modesto Police department that is designed to use trained Outreach Specialists to respond to qualifying 911 calls that are received through the 911 communications center for mental health crises and similar non-criminal, non-violent incidents.

   The Downtown Streets Team (DST) is a partnership with the local ACES and Berberian Shelters. The DST is a key component of the Camp2Home program in helping individuals to attain permanent housing is assisting them in obtaining job training and job placement. In this effort, the City of Modesto has partnered with the Downtown Streets Team (DST), a non-profit organization that creates a safe and engaging space to train homeless individuals. A rental subsidy administered by DST allows the individuals that placed in full time employment to also receive rapid rehousing opportunities with continued case management to ensure success in housing and employment.

2. **Center for Human Services (CHS).** CHS conducts street outreach to unsheltered homeless youth. Through street outreach, CHS engages with homeless youth and connect them to resources including housing at CHS' Hutton House, a runaway and homeless youth shelter (ages 13-17), and Pathways, a transitional living place for older youth (ages 18-21).

3. **Community Assessment, Response, and Engagement (CARE) Multidisciplinary (MDT) personnel strategy.** The CARE team is a joint strategy from the City of Modesto and Stanislaus County. The CARE team is made up of staff that are capable of engaging individuals and households in crisis, distressed in the moment for any number of reasons relating to mental or physical health. The CARE team conducts regular outreach and engagement with what are most often the hardest to reach individuals and households. The CARE team activity is tracked in detail through the CoC and its reporting. The City will continue to be a partner in the CARE team program in efforts to increase outreach and engagement to homeless households and individuals.

4. **Hospital Council's Stanislaus County Partnership.** This partnership has the goal of streamlining hospital discharges to Emergency Shelters that are ready and equipped to handle the level of care needed for an individual client. This serves to decrease the number of homeless individuals being discharged to the street.

[15] City of Modesto 2023-2024 Annual Action Plan Draft. https://www.modestogov.com/ArchiveCenter/ViewFile/Item/3774 Accessed May 30, 2023.

As a part of the Camp2Home efforts, the City maintains an Outreach Dashboard that monitors the outreach, accepted services, and denied services. Per the online dashboard, as of May 30, there have been 5,484 contacts and 4,700 accepted services. The type of services provided are also monitored on the dashboard and include health services (112 provided), basic needs (3,200 provided), vital documents (457 provided), and case management (1,100 provided). The dashboards tracks demographics such as age, years of homelessness, gender, and ethnicity. It also tracks barriers such as alcohol abuse, drug abuse, mental health, and chronic health conditions. The dashboard provides comprehensive data regarding individuals experiencing homelessness and the services that are utilized the most. Table 63 displays the services provided and percent of total services for each type of service. The most common services provided were basic needs, shelter services, and case management referrals.

Table 63: Camp2Home Services Provided

Services Provided	Total	Percent Of Total
Basic Needs	2,993	39.8%
Shelter Services	1,661	22.1%
Case Management Referral	1,129	15.0%
Transportation Services	474	6.3%
Vital Documents	453	6.0%
Pets	288	3.8%
Housing	173	2.3%
Health Services	110	1.5%
Income/Benefits	94	1.3%
Education	66	0.9%
Covid Services	51	0.7%
Employment	19	0.3%
Assisted Technology	7	0.1%
LGBTQ Services	2	0.0%
Total	**7,520**	**100%**

Source: City of Modesto

The City is continuing its Camp2Home Program and homelessness funding efforts through Program D - 2.

Displacement

The Urban Displacement Project at the University of California, Berkeley, developed a map of "sensitive communities" where residents may be particularly vulnerable to displacement in the

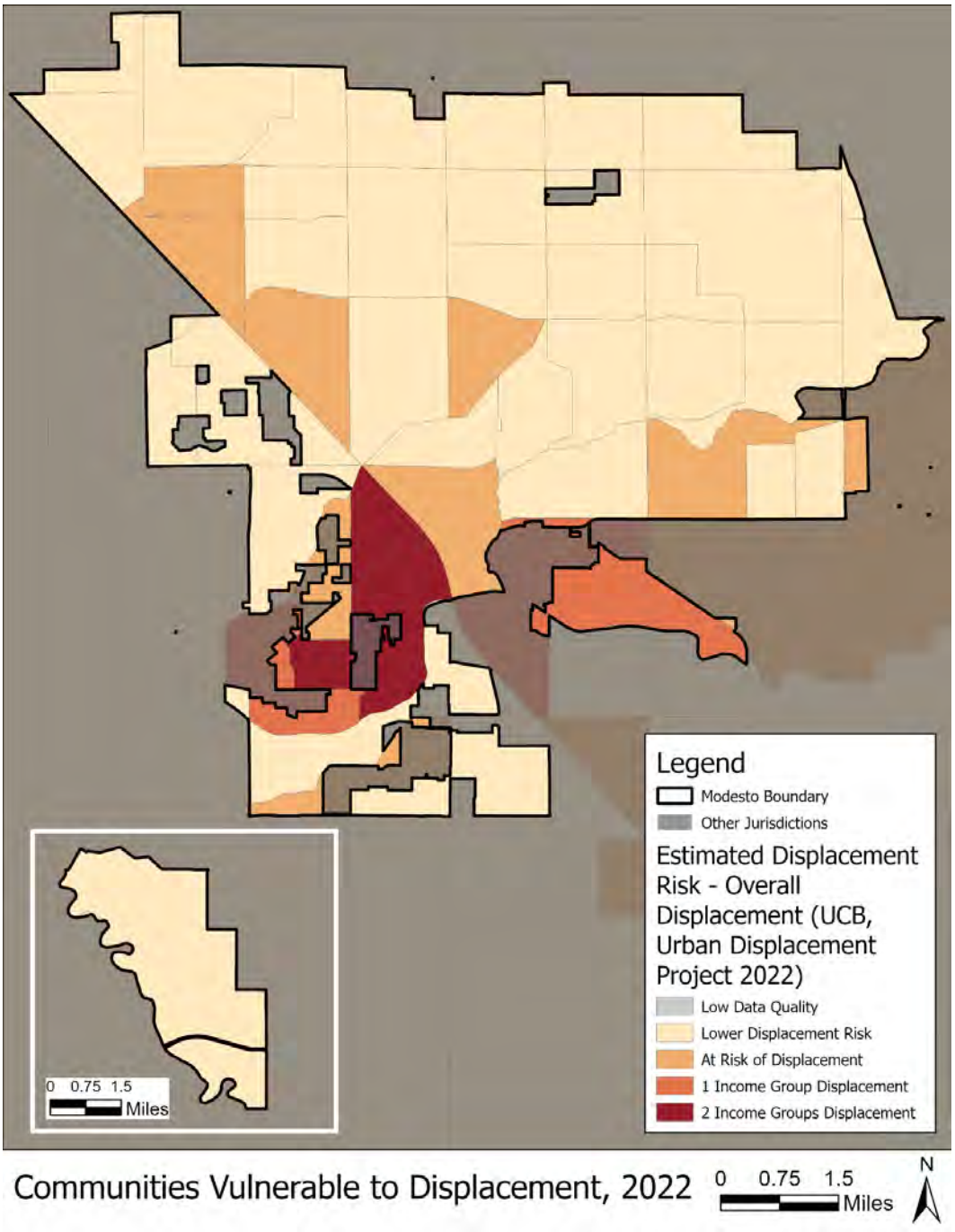
event of increased redevelopment and drastic shifts in housing cost. Sensitive communities are defined based on the following set of criteria:

- The share of very low-income residents is above 20 percent.
- The census tract must also meet two of the following criteria:
    - The share of renters is above 40 percent.
    - The share of people of color is above 50 percent.
        - The share of very low-income households (50 percent AMI or below) that are severely rent burdened is above the county median.
        - The census tract, or areas in close proximity, have been experiencing displacement pressures. Displacement pressure is defined as:
            - The percentage change in rent in a selected census tract, divided by county median rent increases OR
            - Median rent in a selected census tract, minus median rent for all surrounding tracts, divided by median rent for all tracts in county (rent gap).

Figure 46 shows the areas vulnerable to displacement as identified by the Urban Displacement Project. Of the 50 census tracts in the City, 15 are identified with some level of displacement risk. There are three tracts in the City of Modesto that have been identified as having one income group that is experiencing elevated, high, or extreme displacement risk and three tracts that have been identified as having two income groups that are experiencing elevated, high, or extreme displacement risk. These tracts with the highest displacement risk are located in the southern part of the City which includes downtown and surrounding neighborhoods.

There are two pending projects in the areas with two income groups having elevated displacement risk. There are no RHNA sites identified in the areas with a displacement risk that have any existing housing units, and RHNA site distribution is not expected to increase any risk of displacement. The City is including Displacement Prevention Program E - 4 to ensure that all households that are displaced are provided housing at equal affordability levels as the demolished housing.

Figure 46: Estimated Displacement Risk (2022)



Source: HCD AFFH Data Viewer

Findings

Overall, the City of Modesto experiences housing problems and cost burden at a comparable rate to the region as a whole. Overcrowding is slightly less prevalent in the City of Modesto

compared to Stanislaus County. The City is including Displacement Prevention Program E - 4 to ensure that all households that are displaced are provided housing at equal affordability levels as the demolished housing.

The City is continuing its support to persons experiencing homelessness through its Camp2Home Program and homelessness funding efforts outlined in Program D - 2.

Other Contributing Factors

Land Use History

Similar to many towns in San Joaquin Valley, Modesto was founded as a stop on the Central Pacific Railroad connecting Sacramento to Los Angeles. The Central Pacific Railroad and the subdivided and sold lots gave shape to Modesto's downtown layout (an approximately 640-acre tract). Modesto's population exceeded 1,000 residents in 1884. Surrounded by fields of grain and the nearby Tuolumne River used for grain barges, along with railroad traffic, the town grew. Irrigation water came from dams installed in the foothills, and irrigated fields of agriculture flourished.

In 1885, Modesto was the first city in United States to use a zoning ordinance to effectively segregate its Chinese residents. The ordinance mandated that laundries, nearly all Chinese owned, must be located west of the railroad tracks and south of G Street, in an area already known as Chinatown. Non-Chinese laundry owners were given an exemption. Historians see this as the first use of a city ordinance to mandate segregation.

By 1900, Modesto's population was more than 4,500. During World War II, the area provided canned goods and rations for the US armed forces and Allied forces.

Post-World War II, Modesto saw economic decline in the downtown so severe that by the 1970s, efforts were made to revitalize downtown, similar to efforts elsewhere in the country. Older buildings were demolished to make way for new buildings, such as the Stanislaus County Library and the former offices of Stanislaus County. Redevelopment efforts were formalized in the middle 1980s with the establishment of Modesto's Redevelopment Agency. Projects funded through the Redevelopment Agency included the construction of a downtown hotel and convention complex at 9th and K Streets and the expansion of government offices. Despite these efforts, the City continued to expand outward. Many downtown businesses relocated to the 83-acre Vintage Faire mall outside of downtown.

By 1980, Modesto had grown to 107,000 residents. This rapid growth concerned the public and through the next election the focus was the redevelopment of downtown. From the early 2000s on, downtown Modesto continued to see investment that supported the City's strong arts community, which has helped stabilize and revitalize the City.

Patterns of Annexation

The southern area of Modesto includes a number of unincorporated islands and pockets. These areas are not in the City of Modesto, but border the City and in some cases are completely surrounded by the City of Modesto. Due to the patterns of annexation and location of the boundary between the City and County, there are disparities in infrastructure quality of roads, sidewalks, and sanitary sewer in the southern parts of the City. In these areas, there are inconsistent providers of services, as some areas are served by the City and some are served by the County. The inconsistent pattern of services creates disparities between areas served by the City and areas served by the County. The unincorporated County islands lack services, quality sidewalks, and lighting. Additionally, the unincorporated areas tend to have the highest percentage of units that lack complete plumbing. Compared to the areas in the City, the unincorporated County islands are underserved. The inconsistent patterns of service and annexation contribute to a pattern of disparities in access to services and infrastructure.

The City is working with the County to improve the provision of services in this area. Place-based efforts in downtown Modesto, southwest Modesto, and the County Islands are outlined in Programs E - 1 and E - 2. These include long-range planning efforts to identify necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management Support Program, which aims to develop housing downtown and on the municipal golf course. Additionally, the City of Modesto is developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area.

The City has been coordinating with Stanislaus County to extend sewer mains and services to areas that are on septic systems. The City has made efforts to prioritize low-income and disadvantaged areas, not only in coordinating with sewer improvements with the County, but also for any necessary water system improvements. Coordination ensures that any needed underground work is done before roadway improvements. Neighborhoods include Airport, Parklawn, and Shackelford. The Utilities Department is currently conducting phases of work in Spencer-Marshall and Rouse-Colorado neighborhoods, and is planning future improvement projects in parts of West Modesto, and the Bret-Harte, and Riverdale neighborhoods.

In Riverdale, the Utilities Department is working with the State and a third party to replace 80 percent of the existing water system, destroy a bad groundwater well, and permanently tie Riverdale into the City of Modesto's water system. The City will then own and operate the water system in that area and Riverdale residents will become Modesto water customers. This work is funded by a grant.

The Utilities Department is also working with a consultant to obtain a grant for a project that would pay to extend sewer laterals from installed main stub outs at property lines to individual houses as well as remove the septic systems without charge to the homeowner. The cost of the 20 – 50 feet of sewer lateral installation needed on private property, removal of the septic

system, and connection fee acts as an obstacle for homeowners from transitioning from septic systems to the City's sewer services. If obtained, the grant would remove a financial obstacle and help more homes to connect to City sewer.

As discussed in the R/ECAP section of this chapter above, Stanislaus County is working to address infrastructure needs within unincorporated developed neighborhoods of the County, including County Islands in the Modesto sphere of influence that have not been annexed into the City. This includes prioritizing residential neighborhoods with public health and safety needs with installation of sewer mainlines, and potable water systems.

On May 18, 2021, the Board of Supervisors approved various strategic priorities for the use of $107 million in ARPA funding allocated to Stanislaus County. To date, of the $107 million, $55.8 million has been assigned to Community Infrastructure – Urban Pockets/County Communities. ARPA funds provide an opportunity for Stanislaus County to make substantial progress strategically on the infrastructure needs in its urban pockets and County communities and address the disproportionate quality of services in the County Islands and surrounding areas.

The County worked with each member of the Board of Supervisors to identify specific seven project areas within five districts. Of those seven project areas, four of them are within the City of Modesto's sphere of influence. All improvements are to be designed and installed to City of Modesto standards with the idea of annexation in the future as funding becomes available to provide improvements to the whole community.

Fair Housing Issues, Contributing Factors, and Meaningful Action

The City has adopted goals and actions that specifically address the contributing factors identified in the AFFH analysis. While the City views all contributing factors as important, higher priority was given to factors that limits fair housing choice and/or negatively impact fair housing per Government Code section 65583(c)(10)(A)(iv).

Table 64 displays the identified fair housing issue, contributing factor, actions taken to address the contributing factor, and priority level for each issue. Relevant programs are referenced in the action column for each contributing factor.

Table 64: Contributing Factors

Identified Fair Housing Issue	Contributing Factor	Action	Priority
Outreach and Enforcement	• Access to materials in appropriate languages • Source of income disparity	• Fair Housing Counseling (E - 3) • Housing Choice Vouchers (D - 6) • Bilingual Materials (F - 3) • Housing Outreach and Information (F - 4)	Low
Integration and Segregation	• Lack of public investment in specific neighborhoods (County Islands) • Source of income disparity • Lack of variety of housing types	• Rezoning Plan (A - 2) • General Plan and Zoning Density Increases (A - 3) • Housing Trust Fund (A - 8) • ADU Incentives (A - 10) • Missing Middle / Middle Income Housing (Duplexes) (A - 11) • SB 9 Ordinance Processing / Incentives (A - 15) • Affordable Housing Resources (D - 5) • Housing for Extremely/Very Low Income Households (D - 8)	Moderate

Identified Fair Housing Issue	Contributing Factor	Action	Priority
Disparities in Access to Opportunities	• Lack of public investment in specific neighborhoods (County Islands) • Disparities in access to water and sewer infrastructure • Presence of a R/ECAP • Lower income housing capacity in northern or central Modesto	• Rezoning Plan (A - 2) • General Plan and Zoning Density Increases (A - 3) • Consolidated Plan (A - 6) • ADU Incentives (A - 10) • Missing Middle / Middle Income Housing (Duplexes) (A - 11) • SB 9 Ordinance Processing / Incentives (A - 15) • Place-Based Improvements – Downtown (E - 1) • Place-Based Improvements – County Islands (E - 2)	High
Disproportionate Housing Needs	• Disparities in access to water and sewer infrastructure • Availability of affordable housing options	• Rezoning Plan (A - 2) • General Plan and Zoning Density Increases (A - 3) • Consolidated Plan (A - 6) • Housing Trust Fund (A - 8) • Housing for Persons with Disabilities / Reasonable accommodation Procedure (B - 7) • Preserving Units at Risk of Conversion (C - 1) • Mobile Home Rent Stabilization (C - 2) • Homeowner Repair Assistance (C - 3)	Moderate

Identified Fair Housing Issue	Contributing Factor	Action	Priority
	• Increased needs of homeless population	• Community System of Care (D - 1) • Camp2Home and Homelessness Funding (D - 2) • Affordable Housing Resources (D - 5) • Displacement Prevention (E - 4)	

Table 65 provides a detailed overview of actions included in Housing Element Programs that are aimed at affirmatively furthering fair housing. The table separates the actions by their identified fair housing issue and priority level. It summarizes the specific commitment, timeline, geographic targeting, and metric for each program.

Table 65: AFFH Action Matrix

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Fair Housing Outreach and Enforcement				
Fair Housing Counseling (E - 3)	The City shall continue to provide funds to and contract with Project Sentinel, or an agency that provides similar services, to provide fair housing assistance including landlord/tenant counseling. The City shall disseminate information about fair housing assistance through pamphlets in City-owned buildings and other public locations (e.g., City Hall, library, post office, other community facilities) and by posting information on the City website. Pamphlets will be made available in English and Spanish.	Ongoing	Citywide	Provide information to 30 households annually
Housing Choice Vouchers (D - 6)	The Housing Choice Voucher Program for very low-income households is administered by the Stanislaus County Housing Authority. The City of Modesto collaborates with the Housing Authority for the development of both rental and homebuyer housing developments. The City will support the Housing Choice Voucher Program by promoting the program to eligible households through City website, brochures, newsletters, and referrals.	Annually	Citywide	Promote the HCV program to 50 households annually.
Bilingual Materials (F - 3)	The City will continue its efforts to provide presentations, materials, and communications in both English and Spanish. In a continued effort to maximize inclusivity, productivity and engagement, the City of Modesto utilizes Wordly, a language interpretation tool. Wordly provides real-time interpretation services so that each City Council meeting participant can choose from several interpretation languages. Instructions on how to use Wordly are available on the City's website. The full housing element is also being translated into Spanish and will be posted along with the English version of the housing element. The City will review its demographics every five years to determine if translations in other languages are appropriate.	Review demographics every five years.	Downtown, County Pockets	Minimum of 3 mediums of outreach
Housing Outreach and	The City shall provide information about housing assistance, fair housing, housing resources, and housing programs through a wide variety of outreach methods such as:	Update the City website with housing	Citywide	Outreach to 250

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Information (F - 4)	▪ Conducting workshops and webinars by partnering with community-based organizations to inform residents of housing resources, assistance programs, and funding opportunities, on a monthly basis on average. ▪ Disseminating information about fair housing in City-owned buildings and other public locations (e.g., City Hall, Library, post office, other community facilities) and by posting information on the City website. Pamphlets will be made available in English and Spanish. ▪ Advertising housing assistance information on the City website, through the compilation of resources for rental assistance, down payment assistance, and other means of retaining existing housing or acquiring a new home. ▪ Coordinating with the City's Fair Housing Service Provider to provide resources and information at a housing resources event in the downtown area.	information as new resources become available		households annually
New Opportunities in High Resource Areas				
Housing Trust Funds (A - 8)	The City is currently developing a Housing Trust Fund utilizing $500,000 of American Rescue Plan Act funds. The Housing Trust Fund policies and programs are in development with anticipated adoption in 2023. Anticipated uses for the Housing Trust Fund may include, but are not limited to, new construction, acquisition and/or rehabilitation, and subsidy, or other means to assist other governmental agencies, nonprofit groups and private organizations or individuals in creating or maintaining affordable housing.	Adoption by Q1, 2024.	Citywide	Increased variety of funding for affordable housing projects
Incentives Beyond Density Bonus State Law (A - 12)	The City will study and consider adopting an affordable housing incentives policy above and beyond the minimum requirements of density bonus state law. The City will specifically consider additional incentives for households with special housing needs, including large households, extremely low-income households, and senior households.	Adopted incentives by Q3, 2025	Citywide	Increased housing choice and mobility for special needs households

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Rezoning Plan (A - 2)	The City will rezone to provide adequate sites to meet its housing need. **Rezoning efforts to be completed prior to December 31, 2023, include:** ▪ Create two new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modify P-D parcels on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard. Rezoning will occur across all opportunity categories, with specific geographic targeting in the higher resource areas. About 45 percent of the rezone area (13,774 units) is in high or higher resource areas, creating substantial new opportunities for housing mobility and lower-income housing in eastern and northern neighborhoods.	Before December 31, 2023.	Sisk Road, McHenry Avenue, Oakdale Road, Yosemite Boulevard	Create new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modify P-D parcels on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard.
General Plan and Zoning Density Increases (A - 3)	As a part of the General Plan update, the City will revise the densities so that the zoning and General Plan densities align. Specifically, the City will: ▪ Revise R-1 to increase the maximum from 7.5 to 10.9 du/acre. ▪ Revise R-2 to increase the maximum from 14.5 to 22 du/acre.	By December 31, 2024, or as required by state law.	R-1, R-2, R-3 zones	Increased maximum density in the R-1, R-2, and R-3 zones

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	Revise R-3 to increase the minimum from 21.8 to 22 and increase the maximum from 29 to 45 du/acre.			
Consolidated Plan (A - 6)	The City is an entitlement jurisdiction eligible to receive Community Planning and Development (CPD) funds from HUD. Annually, the City receives approximately $2.5 million in CDBG, HOME, and ESG funds from HUD. To receive these funds, the City must develop a Consolidated Plan that outlines the City's strategy for addressing housing and community development needs. The City must: ▪ Prepare an action plan annually ▪ Prepare new Consolidated Plan for 2025-2030 and 2030-2035 As a part of the Consolidated Plan efforts, the City will support nonprofit corporations in their efforts to make housing more affordable to lower- and moderate-income households. Specifically, the City will work with City-designated Community Housing Development Corporations (CHDOs) to promote, assist, and/or sponsor housing developments in Modesto for lower-income households. The City will provide some financial support for preserving, rehabilitating, restoring, converting, and acquiring affordable units and provide logistical support for projects by expediting any necessary approvals. Goals and indicators for the 2020 – 2024 Consolidated Plan include: ▪ Improve Condition and Increase Supply of Affordable Housing (construct 167 rental units, rehab 20 units) ▪ Work Towards Addressing and Preventing Homelessness (assist 105 households/persons) ▪ Enhance Infrastructure and Public Facilities (assist 1,000 households) ▪ Access to Jobs, Education, and Other Economic Development Services (assist 513 households) The City does not require a preference be given to any one population for its use of HOME funds; however, it is recognized that there are scenarios such as layered funding that requires HOME units to be set-aside for a preferred population. Priority populations currently identified in the Consolidated Plan include families or	Consolidated Plan prepared every 5 years; action plans prepared annually	Citywide	Adopted Consolidated Plan and annual action plan. Meet numeric indicators identified in 2025 – 2030 Consolidated Plan

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	individuals that are below the 80% area median income including but not limited to farmworkers, large households, single family, and multi-family. Families or Individuals experiencing or at risk for homelessness includes chronically homeless, mentally ill, substance abuse, veterans, persons with HIV/AIDS, victims of domestic violence, and youth.			
ADU Incentives (A - 10)	Pursuant to California Government Code Section 65583(c)(7), the Housing Element must include programs to incentivize and specifically facilitate ADU construction for lower-income households. To comply with this and encourage the development of ADUs in Modesto, the City will: ▪ Adopt a new set of preapproved/prereviewed plans. As a part of this effort, the City will pursue a partnership with Stanislaus County to collaborate on providing a joint set of preapproved plans. The City currently provides plan options from Stanislaus County on its website. ▪ Continue to exempt ADUs from Capital Facilities Fees. ▪ Educational promotion through Stanislaus Equity Partners (STEP). STEP administers the Stanislaus Backyard Homes Project, an innovative, housing solution in Stanislaus County that provides services to homeowners to create a new affordable rental unit on their property or backyard. The project offers homeowners a "one-stop-shop" for information, financing, design, permitting, and construction of new Accessory Dwelling Units (ADUs) in approved areas of Stanislaus County, including incorporated and unincorporated areas.	Preapproved plans by Q1, 2025. Create Tenant Matching Program by Q1, 2026.	Citywide	Increase the number of new ADUs permitted annually in the City from an average of approximately 6 to an average of approximately 15.
Missing Middle / Middle Income Housing (Duplexes) (A - 11)	To increase the variety of housing choice and opportunity in single-family neighborhoods, the City will encourage development on duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. The City will, distribute, and promote an information bulletin to inform homeowners of their ability to develop a duplex on their property.	Develop pamphlet by Q4, 2024.	R-1 zone, single-family zones, and high resource areas of the City per the most recent TCAC maps	Creation of 50 units throughout the planning period.

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
SB 9 Ordinance Processing / Incentives (A - 15)	The City will amend the zoning code to comply with the provisions of California Government Code Section 65852.21. The City will pursue a number of incentives and develop guidance materials for homeowners to assist them in developing SB 9 units on their properties. Efforts include: ▪ An SB 9 webpage to highlight opportunities for SB 9 development in Modesto. The webpage will include a step-by-step guide and instructions. ▪ Streamlined review. ▪ Advertising to homeowners. ▪ FAQs, similar to those provided for ADUs.	By Q1, 2025.	Citywide	Increase SB 9 unit production to 10 annually.
Place-Based Improvements – Downtown (E - 1)	The City develops and implements multiple programs and strategies and makes investments in infrastructure and services in known areas of concentrated segregation and poverty, all of which contribute to community revitalization and improved quality of life in downtown Modesto. Specifically, the City is pursuing the following: ▪ Currently developing plans to identify necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management Support Program, which aims to develop housing downtown and on the municipal golf course. ▪ Provide a Capital Facilities Fees waiver for low-income projects. ▪ Street improvement projects to transform 10th Street into a pedestrian-oriented corridor. ▪ A full pedestrian redevelopment of 9th Street, including Class I bike lines. This is in conjunction with Archway Commons Phase II, a 79-unit housing development on 7th Street. ▪ A redevelopment of the downtown bus station to transform it into a transit hub. This includes preparations for the Altamont Corridor Express, anticipated to begin operations in 2026.	Based on Capital Improvements schedule. Fee waiver ongoing. Courthouse to be completed in 2024. Altamont Corridor Express, anticipated to begin operations in 2026.	Downtown	Increased housing opportunity. Completion of four infrastructure projects in the downtown area, including one bike/pedestrian projects, one park renovation, one

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	A new courthouse to be opened in 2024, with redevelopment of the former courthouse and county jail as a mixed-use project. The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access downtown including: ▪ Replacement of the 7th Street Bridge at Tuolumne River ($1,401,911) ▪ Replace the existing sewer main on F Street, from 6th to Burney Street and improvements to sewer mains connecting to D and F street. ($200,000) ▪ 7th Street Bride water main, in conjunction with the bride replacement ($1.3 million) ▪ Tuolumne Boulevard intersection improvements at 7th and B Street, in coordination with the bridge replacement ($300,000) ▪ 9th St Corridor Improvements AHSC Grant: Install 2.2 miles of Class 1 bike path from Carpenter Road overpass to L Street. Additional improvements include installation of a roundabout at the 9th St/Carver intersection and potentially at the 9th/Tully and 9th/Kansas. ($6,000,000) ▪ Cesar E. Chavez Park Renovation Project: The Cesar E. Chavez Park Renovation Project will provide a complete renovation of Cesar E. Chavez Park, including the construction of an aquatics facility, skate plaza, building expansion, basketball court, soccer field, restroom, picnic area, landscaping, lighting, security cameras, walking paths and other general park amenities. ($8,500,000)			water/sewer project and one bridge replacement project.
Place-Based Improvements – County	The City, in partnership with Stanislaus County, implements programs and pursues place-based improvements in the unincorporated County Islands. Many of these investments are focused on upgrading infrastructure in the County Islands to eliminate existing inequality. Specifically, efforts include:	Based on Capital Improvements schedule. Partnership	County Islands	Increased access to water and sewer. Completion of thirteen

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Islands (E - 2)	▪ Investing $10 million to upgrade infrastructure in the County Islands such as curb gutters, sidewalks, streetlighting, sewer, water, and storm drains. ▪ Stanislaus County has allocated $55.8 million of ARPA fundings to Community Infrastructure for Urban Pockets/County Communities, including the County Islands in Modesto. The funding is a portion of $107 million in ARPA funding allocated to Stanislaus County and was approved for use in the County Islands on May 18, 2021. ▪ Collaborating with Stanislaus County to address any property tax issues as money becomes available to annex "island" properties to Modesto. ▪ Through the Capital Improvement Plan, working with the County to fund sewer connections. Developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area. The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access in the County Islands and surrounding Southwest Modesto areas. These efforts are working to invest in and improve areas with historically lower quality infrastructure, including: ▪ River Trunk Realignment, planned completion in 2027 ($23 million) ▪ Paradise Water Main: replacement of antiquated water mains to provide residential services and additional fire hydrants. Planned completion in 2026 ($2.7 million) ▪ Crows Landing pavement rehabilitation ($3 million) ▪ Paradise Road Pedestrian and Bicycle Safety Improvements: including installation of sidewalks to fill gaps, Class II bike lanes, pedestrian crossing, and traffic calming measures ($8 million) ▪ Neece Drive improvements including development of a non-motorized boat launch, concrete pathways, security lighting, and landscaping ($1 million)	with County underway		CIP projects in the southwest and downtown area, including eight infrastructure improvements, two pavement rehabilitation projects, two pedestrian/bike infrastructure projects, and one park improvement project. Completion of fourteen CIP projects in other disadvantaged neighborhoods including

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	▪ Colorado Avenue water main replacement ($2.2 million) ▪ Replace aged existing water mains along Sutter Avenue ($2.9 million) ▪ Pavement rehabilitation along Tuolumne Boulevard from Paradise Road to Neece Drive ($3.8 million) The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access in other lower resource areas or neighborhoods across the City, including: ▪ Roosevelt Park storm drain cross connection removal, providing storm drain improvements ($4.6 million) ▪ Pike Park Neighborhood replace existing water mains, estimated completion in 2025 ($6.4 million) ▪ La Loma Neighborhood sewer replacement ($1 million) ▪ La Loma Neighborhood replacement of aged water mains, multiple phases including Phase 3A ($5.7 million) and 2C ($2 million) ▪ River Trunk Section repair of 5,200 feet of damaged and temporary fixed river trunk and soil remediation along the Tuolumne River ($1.3 million) ▪ Improvement of pedestrian safety and traffic flow around Orville Wright Elementary School ($586,702)			ten infrastructure improvement projects (water, sewer, fiber optic cables), one pedestrian improvement project, two pavement rehabilitation projects, and one ADA improvement program.
Housing Mobility				
Rezoning Plan (A - 2)	The City will rezone to provide adequate sites to meet its housing need. **Rezoning efforts to be completed prior to December 31, 2023, include:**	Before December 31, 2023.	Sisk Road, McHenry Avenue, Oakdale Road,	Create new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	▪ Create two new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modify P-D parcels on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard. Rezoning will occur across all opportunity categories, with specific geographic targeting in the higher resource areas. About 45 percent of the rezone area (13,774 units) is in high or higher resource areas, creating substantial new opportunities for housing mobility and lower-income housing in eastern and northern neighborhoods.		Yosemite Boulevard	Highway (MU-H) zones, and modify P-D parcels on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard.
ADU Incentives (A - 10)	Pursuant to California Government Code Section 65583(c)(7), the Housing Element must include programs to incentivize and specifically facilitate ADU construction for lower-income households. To comply with this and encourage the development of ADUs in Modesto, the City will: ▪ Adopt a new set of preapproved/prereviewed plans. As a part of this effort, the City will pursue a partnership with Stanislaus County to collaborate on providing a joint set of preapproved plans. The City currently provides plan options from Stanislaus County on its website. ▪ Continue to exempt ADUs from Capital Facilities Fees. Educational promotion through Stanislaus Equity Partners (STEP). STEP administers the Stanislaus Backyard Homes Project, an innovative, housing solution in Stanislaus County that provides	Preapproved plans by Q1, 2025.	Citywide	Increase the number of new ADUs permitted annually in the City from an average of approximately 6 to an average of

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	services to homeowners to create a new affordable rental unit on their property or backyard. The project offers homeowners a "one-stop-shop" for information, financing, design, permitting, and construction of new Accessory Dwelling Units (ADUs) in approved areas of Stanislaus County, including incorporated and unincorporated areas.			approximately 15.
Facilitate Missing Middle/Middle Income Housing (A - 11)	To increase the variety of housing choice and opportunity in single-family neighborhoods, the City will encourage development on duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. The City will, distribute, and promote an information bulletin to inform homeowners of their ability to develop a duplex on their property.	Develop pamphlet by Q4, 2024.	R-1 zone, single-family zones, and high resource areas of the City per the most recent TCAC maps	Creation of 50 units throughout the planning period.
SB 9 Ordinance, Processing/ Incentives (A - 15)	The City will amend the zoning code to comply with the provisions of California Government Code Section 65852.21. The City will pursue a number of incentives and develop guidance materials for homeowners to assist them in developing SB 9 units on their properties. Efforts include: ▪ An SB 9 webpage to highlight opportunities for SB 9 development in Modesto. The webpage will include a step-by-step guide and instructions. ▪ Streamlined review. ▪ Advertising to homeowners. FAQs, similar to those provided for ADUs	By Q1, 2025.	R-1 zones.	Increase SB 9 unit production to 10 annually.
Housing Choice	The Housing Choice Voucher Program for very low-income households is administered by the Stanislaus County Housing Authority. The City of Modesto collaborates with the Housing Authority	Annually.	Citywide, with the	Promote the HCV program

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Voucher Program (D - 6)	for the development of both rental and homebuyer housing developments. The City will support the Housing Choice Voucher Program by promoting the program to eligible households through City website, brochures, newsletters, and referrals.		goal of increased voucher use in higher resource areas.	to 50 households annually.
ADU, JADU, and SB 9 Education (F - 2)	The City will develop and implement a comprehensive marketing program to advertise the benefits of ADUs, JADUs, and SB 9 units and the process for constructing such units. The City will provide educational pamphlets on the City website and at City Hall with detailed information on the ADU and JADU process as well as basic responsibilities and legal requirements of being a landlord. The pamphlets will be provided in both English and Spanish. The City will create an instructional handout and template form for deed restrictions for JADUs, meeting requirements of Government Code 65852.22. The City will focus outreach and education in the higher opportunity areas of the City to expand housing mobility and choice. Upon biennial review of geographic ADU distribution, the City will review and adjust promotion and outreach strategies to ensure ADUs and JADUs are being marketed in high resource areas that are seeing less ADU construction.	Develop marketing plan within one year of Housing Element adoption; implement marketing program within two years of Housing Element adoption. Biennial review of ADU geographic distribution.	Citywide.	Increase the number of new ADUs permitted annually in the City from an average of approximately 6 to an average of approximately 15. Increase the number of SB 9 applications to 10 annually.
Housing for	To provide for the needs of farmworkers, the City is pursuing a number of efforts to encourage and develop special needs housing, as follows:	Creation of developer	Citywide.	Increased housing

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Farmworkers (D - 9)	▪ Include farmworkers as a special needs group eligible for density bonuses beyond state law (A – 12) ▪ Compile a list of interested and qualified developers of farmworker housing and include them outreach efforts, which include advertising development opportunities, funding opportunities, and other educational and engagement efforts in the City (F – 1). ▪ Provide additional parking reduction opportunities for special needs housing projects(Program B - 6) Expand the Capital Facilities Fees waiver to apply to farmworker housing projects (Program D - 7). ▪ Targeted promotion of the Homeowner Repair Assistance Program (C - 3) to farmworker households to increase participation in the program. ▪ Continue to apply for funding for farmworker housing as opportunities are available. The City has previously applied for funding for farmworker housing and will continue to do so on an annual basis. Funding sources that can support farmworker housing include CDBG, HOME, CFF exemptions, and the Homeowner Rehabilitation Program. ▪ Continue to pursue active relationships to support and develop farmworker housing, including partnerships with organizations, who have significant experience in USDA grants, such as Visionary Home Builders, and the State Joe Serna, Jr. Farmworker Housing Grant Program (FWHG).	interest list by end of Q4, 2025. Adopted density bonus incentives by Q3, 2025.		choice and mobility for farmworkers
Place-based Improvements				
Place-Based Improvements – Downtown (E - 1)	The City develops and implements multiple programs and strategies and makes investments in infrastructure and services in known areas of concentrated segregation and poverty, all of which contribute to community revitalization and improved quality of life in downtown Modesto. Specifically, the City is pursuing the following: ▪ Currently developing plans to identify necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management Support Program, which aims to develop housing downtown and on the municipal golf course.	Fee waiver ongoing. Courthouse to be completed in 2024. Altamont Corridor Express,	Downtown Modesto.	Increased housing opportunity

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	▪ Provide a Capital Facilities Fees waiver for low-income projects. ▪ Street improvement projects to transform 10th Street into a pedestrian-oriented corridor. ▪ A full pedestrian redevelopment of 9th Street, including Class I bike lines. This is in conjunction with Archway Commons Phase II, a 79-unit housing development on 7th Street. ▪ A redevelopment of the downtown bus station to transform it into a transit hub. This includes preparations for the Altamont Corridor Express, anticipated to begin operations in 2026. A new courthouse to be opened in 2024, with redevelopment of the former courthouse and county jail as a mixed-use project. The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access downtown including: ▪ Replacement of the 7th Street Bridge at Tuolumne River ($1,401,911) ▪ Replace the existing sewer main on F Street, from 6th to Burney Street and improvements to sewer mains connecting to D and F street. ($200,000) ▪ 7th Street Bride water main, in conjunction with the bride replacement ($1.3 million) ▪ Tuolumne Boulevard intersection improvements at 7th and B Street, in coordination with the bridge replacement ($300,000)	anticipated to begin operations in 2026.		
Place-Based Improvements – County Islands (E - 2)	The City, in partnership with Stanislaus County, implements programs and pursues place-based improvements in the unincorporated County Islands. Many of these investments are focused on upgrading infrastructure in the County Islands to eliminate existing inequality. Specifically, efforts include: ▪ Investing $10 million to upgrade infrastructure in the County Islands such as curb gutters, sidewalks, streetlighting, sewer, water, and storm drains.	Based on Capital Improvements schedule. Partnership with County underway.	County Islands and surrounding areas.	Increased access to water and sewer. Completion of thirteen CIP projects in the

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	▪ Stanislaus County has allocated $55.8 million of ARPA fundings to Community Infrastructure for Urban Pockets/County Communities, including the County Islands in Modesto. The funding is a portion of $107 million in ARPA funding allocated to Stanislaus County and was approved for use in the County Islands on May 18, 2021. ▪ Collaborating with Stanislaus County to address any property tax issues as money becomes available to annex "island" properties to Modesto. ▪ Through the Capital Improvement Plan, working with the County to fund sewer connections. Developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area. The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access in the County Islands and surrounding Southwest Modesto areas. These efforts are working to invest in and improve areas with historically lower quality infrastructure, including: ▪ River Trunk Realignment, planned completion in 2027 ($23 million) ▪ Paradise Water Main: replacement of antiquated water mains to provide residential services and additional fire hydrants. Planned completion in 2026 ($2.7 million) ▪ Crows Landing pavement rehabilitation ($3 million) ▪ Paradise Road Pedestrian and Bicycle Safety Improvements: including installation of sidewalks to fill gaps, Class II bike lanes, pedestrian crossing, and traffic calming measures ($8 million) ▪ Neece Drive improvements including development of a non-motorized boat launch, concrete pathways, security lighting, and landscaping ($1 million) ▪ Colorado Avenue water main replacement ($2.2 million)			southwest and downtown area, including eight infrastructure improvements, two pavement rehabilitation projects, two pedestrian/bike infrastructure projects, and one park improvement project. Completion of fourteen CIP projects in other disadvantaged neighborhoods including ten infrastructure

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
	▪ Replace aged existing water mains along Sutter Avenue ($2.9 million) ▪ Pavement rehabilitation along Tuolumne Boulevard from Paradise Road to Neece Drive ($3.8 million) The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access in other lower resource areas or neighborhoods across the City, including: ▪ Roosevelt Park storm drain cross connection removal, providing storm drain improvements ($4.6 million) ▪ Pike Park Neighborhood replace existing water mains, estimated completion in 2025 ($6.4 million) ▪ La Loma Neighborhood sewer replacement ($1 million) ▪ La Loma Neighborhood replacement of aged water mains, multiple phases including Phase 3A ($5.7 million) and 2C ($2 million) ▪ River Trunk Section repair of 5,200 feet of damaged and temporary fixed river trunk and soil remediation along the Tuolumne River ($1.3 million)Improvement of pedestrian safety and traffic flow around Orville Wright Elementary School ($586,702)			improvement projects (water, sewer, fiber optic cables), one pedestrian improvement project, two pavement rehabilitation projects, and one ADA improvement program.
Bilingual Materials (F - 3)	The City will continue its efforts to provide presentations, materials, and communications in both English and Spanish. In a continued effort to maximize inclusivity, productivity and engagement, the City of Modesto utilizes Wordly, a language interpretation tool. Wordly provides real-time interpretation services so that each City Council meeting participant can choose from several interpretation languages. Instructions on how to use Wordly are available on the City's website. The full housing element is also being translated into Spanish and will be posted along with the English version of the housing element. The City will review its demographics every five years to determine if translations in other languages are appropriate.	Review demographics every five years.	Citywide	Minimum of 3 mediums of outreach

Program	Specific Commitment	Timeline	Geographic Targeting	2023 – 2031 Metric
Displacement Prevention				
Displacement Prevention (E - 4)	The City will develop a displacement prevention program that adheres to federal Uniform Relocation Assistance and Real Property Acquisition Act guidelines. The program will ensure that all households that are displaced are provided housing at equal affordability levels as the demolished housing.	By Q3, 2025	Citywide	No loss of affordable units
Mobile Home Rent Stabilization Ordinance (C - 2)	The City's rent control ordinance governs the maximum annual rent increases in the City's mobile home parks to ensure that the City's mobile homes continue to be some of the most affordable homeownership options in the City. Provide information on the City's rent control ordinance and Homeowner Repair Program (Program C - 3) to mobile home owners.	Monitor rent increase annually.	Mobile home parks throughout the City.	Preservation of 1,966 existing mobile homes.
Incentives Beyond Density Bonus State Law (A - 12)	The City will study and consider adopting an affordable housing incentives policy above and beyond the minimum requirements of density bonus state law. The City will specifically consider additional incentives for households with special housing needs, including large households, extremely low-income households, and senior households.	Adopted incentives by Q3, 2025.	Citywide.	Increased housing choice and mobility for special needs households

CONSTRAINTS ON HOUSING

CITY OF
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CALIFORNIA

Constraints on Housing

There are a wide variety of factors that influence whether, where, when, how, and what type of housing is constructed. While many factors enable, guide, and even incentivize housing construction, almost all pose some sort of limitation or constraint as well. Our land use policies and regulations are necessary but, by definition, establish limits on growth and development. These limits work with, influence, and are balanced by market forces.

There are generally two types of constraints: governmental and nongovernmental. Governmental constraints include the policies, regulations, and procedures that directly affect housing. This includes the goals, policies, and programs of the General Plan and the development standards and requirements of the Zoning Ordinance and other land use ordinances. Nongovernmental constraints include those factors that are beyond the direct control and authority of the City.

This section identifies and evaluates those factors that may pose significant constraints or burdens that may limit or constrain the production of housing to meet our local and regional housing needs and the goals and objectives of the General Plan. Such constraints, particularly those that limit the construction of or fair access to affordable housing, must be addressed with clear, measurable, and timely programs.

Governmental Constraints

Potential governmental constraints include, but are not limited to, growth management measures, land use controls, development standards, building codes, processing fees and procedures, exactions, property taxes, and site improvement costs. Governmental constraints can limit or deter the operations of the public, private, and nonprofit housing development sectors, making it difficult to meet the demand for housing and limiting supply in a region. Such constraints can limit access to housing for various ethnic, racial, or social groups, or prevent lower-income households from having adequate housing opportunities.

The City of Modesto sets forth policies to guide new development and the use of land within the City limits through its General Plan. These policies, in conjunction with the Zoning Ordinance, control the amount and distribution of land allocated for different uses within the City and how this land can be developed.

Locally Adopted Ordinances

The City does not have locally adopted ordinances such as inclusionary, affordable, or short-term rental ordinances that will impact cost or supply of housing.

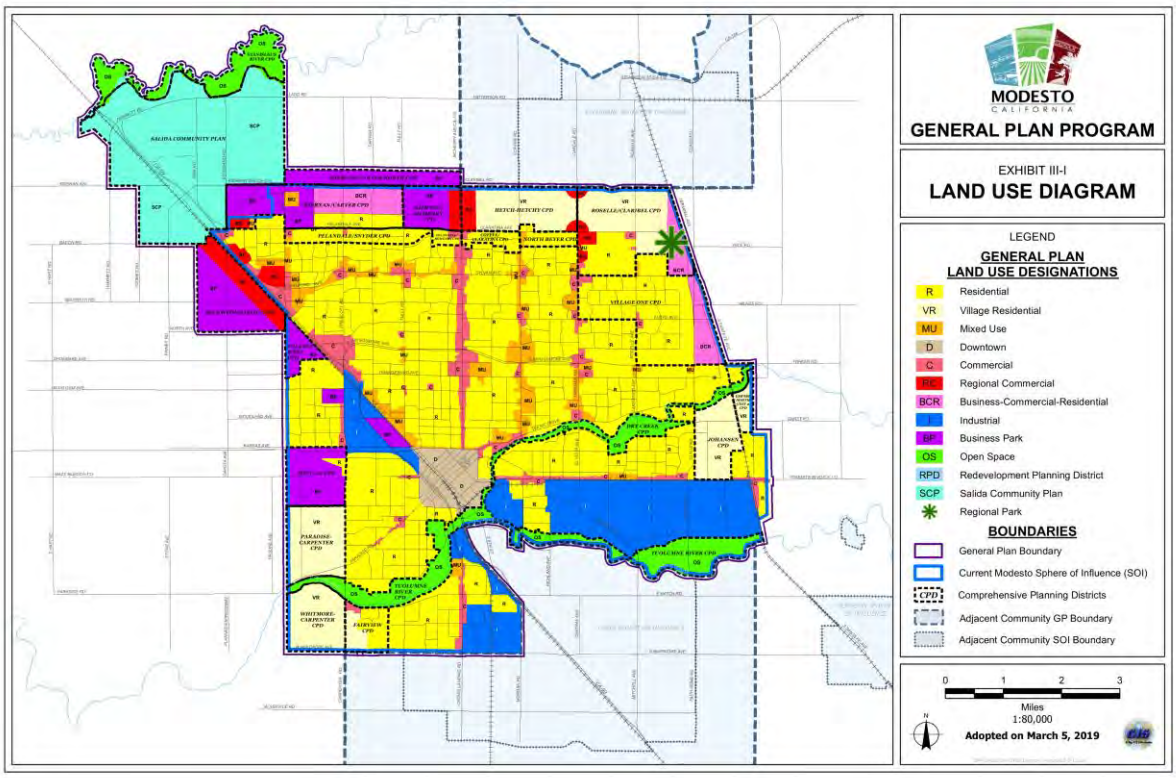
As part of the impact fee exemption ordinance, the Stanislaus County Housing Authority, and low, very low, and special needs housing developments are exempt from the City's Capital Facilities Impact Fees (developer fees). Capital facilities fees have been waived for recent

affordable housing projects within the City, reducing the potential adverse impact of fees on low-income development. Since the fiscal year (FY) 2016 – 2017, there have been 109 units exempt from the capital facilities fee.

General Plan

The General Plan is a comprehensive, long-range general policy document that expresses the community's vision and establishes 13 objectives, which include promoting equitable and affordable housing. The City is in the process of updating its General Plan and Zoning Ordinance.

Figure 47: General Plan Land Use Designation



The General Plan identifies six residential land use designations, as follows:

- **Residential (R):** This designation provides for residential uses throughout the Modesto Urban Area. Residential uses include single-family detached housing, single-family attached housing, multifamily housing, and mobile homes. Compatible uses in the residential designation may include schools, parks, and religious or community facilities. Existing small-scale commercial and office uses are also deemed compatible. The implementing zones are R-1, R-2, and R-3, and density varies depending on the zoning designation, with a typical density of 6.6 dwelling unit per acre (du/ac), a

maximum density of 7.5 du/ac area-wide, and a maximum density between 10.9 du/ac and 29 du/ac in zones designated for multifamily housing.

- **Mixed Use (MU):** This designation allows for development that contains a mixture of all or some of the following uses in close proximity to each other: residential, commercial, office, and/or institutional. For residential uses, the intensity should average approximately 14 du/ac over the entire residential area, with project-specific density to be consistent with zoning. For nonresidential uses, the guiding intensity is a floor area ratio (FAR) of approximately 0.35. The RHNA and zoning is not reliant on the 14 du/ac. This land use designation reflects previously existing uses. The average of 14 du/ac was originally intended to be an average of the whole land use designation area, and is not enforced on a project by project basis. The new mixed-use zones will reflect new densities.
- **Downtown (D):** The Downtown designation is applied within the original downtown grid/City center and limited surrounding areas. Modern transportation systems provide convenient transportation to and within the downtown area. Vertical mixed-use development is allowed and is encouraged by the Downtown zones. The applicable guiding intensity is a FAR between 1.0 and 14.0.
- **Village Residential (VR):** This designation provides for the development of urban "villages" to be made of mixed-use, compact, pedestrian-, and transit-oriented neighborhoods that are intended to accommodate a variety of residential product types, such as detached houses on small lots, multifamily housing, and senior housing, in addition to neighborhood-serving nonresidential uses. This designation may be applied to areas throughout the Planned Urbanizing Area. As areas designated Village Residential are entitled, annexed, and developed, the General Plan land use designation should be changed to Residential. Residential density is typically 6.6 du/ac (gross) for the entire district. Small-lot single-family residential development is encouraged. At least 15 percent of the residentially designated land area shall be reserved for multifamily development at a minimum density of 22.0 du/ac. The maximum multifamily residential density is 29.0 du/ac. Approximately 4 percent of lands designated Village Residential shall be devoted to commercial uses, with a guiding intensity of 0.35 FAR.
- **Business-Commercial-Residential (BCR):** This designation is intended to accommodate employment-intensive uses, and medium-high-density residential uses, with a variety of goods and services readily available. This provides for a combination of land uses, including Business Park, Commercial, and Residential, in close proximity in order to reduce vehicle trips. The land use mix should be a minimum of 55 percent and maximum of 70 percent of gross acreage devoted to business park uses; a minimum of 20 percent and a maximum of 30 percent of gross acreage to be devoted to residential uses; and a minimum of 10 percent and a maximum of 20 percent of

gross acreage devoted to commercial uses. For residential uses, densities should be between 10 du/ac and 30 du/ac (gross). For nonresidential uses, the guiding intensity is approximately 0.4 FAR.

- **Open Space (OS):** In the Open Space designation, planned land uses shall include low-impact recreational facilities, public ownership, low-density residential, and agriculture. New development within areas designated Open Space shall be designed to not detract from habitat value or passive recreational uses, nor increase flood potential. This designation is applied along the Tuolumne and Stanislaus Rivers and Dry Creek. For residential uses in the Open Space designation, the density shall not exceed 1 dwelling unit per 10 acres.

Table 66 lists the General Plan land use designations that allow for residential development, along with the range of building intensity. The City is in the process of updating its General Plan and Zoning Ordinance. Updates include modifications to ensure consistency between the General Plan, Zoning Ordinance, and California State Law.

Revisions anticipated to be completed prior to the end of 2023 and adoption of the Housing Element include the following:

- Creation of a two new Mixed-Use Zones, Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) along Sisk Road, McHenry Avenue, Yosemite Boulevard, and Oakdale Road.
- Amend P-D standards for parcels on Sisk Road, McHenry Avenue, Yosemite Boulevard, and Oakdale Road to allow for higher density residential development

Revisions anticipated to be completed after the adoption of the Housing Element include:

- Increase the densities of the R-1, R-2, and R-3 zones to ensure there is continuity of permitted densities between residential zones and align more closely with recommended densities in the General Plan.

Table 66: General Plan Land Use Designations and Density Guidance

General Plan Land Use Designation	Existing Density	Proposed Density
Low Density Residential (R-1)	Up to 7.5 du/ac	Less than 10.9 du/ac
Medium Density Residential (R-2)	10.9 to 14.5 du/ac	10.9 to 22 du/ac
Medium High Density Residential (R-3)	21.8 to 29 du/ac	22 to 45 du/ac
Mixed Use (MU)	Average 14 du/ac	Average 14 du/ac[1]
Mixed-Use-Pedestrian (MU-P)	N/A	22 to 45 du/ac[2]
Mixed-Use-Highway (MU-H)	N/A	22 to 45 du/ac[2]
Downtown (D)	FAR: 1 - 14	FAR: 1 - 14

Village Residential (VR)	6.6 du/ac	6.6 du/ac
Business-Commercial-Residential (BCR)	30% of ac	30% of ac
Open Space (OS)	1 du/10 ac	1 du/10 ac

Source: City of Modesto, General Plan Community Development Policies, 2019.

[1]The RHNA and zoning is not reliant on the 14 du/ac. This land use designation reflects previously existing uses. The average of 14 du/ac was originally intended to be an average of the whole land use designation area, and is not enforced on a project by project basis. The new mixed-use zones will reflect new densities.

[2]The Mixed- Use Zone will allow a range of high density development up to 45 du/ac.

Zoning Ordinance

Development Standards

The City's Zoning Regulations, Title 10 of the Code of Ordinances, establish development standards for new development, such as densities, height, parking, and setbacks, to implement the development envisioned in the General Plan.

Height Limits

The City has two types of height limits in residential districts: a maximum height measured in stories and an absolute height measured in feet. Height limits in the R-3 zone are 3 stories or 42 feet, whichever is less. For the R-1 and R-2 zones, the height limits are 2 stories or 30 feet, whichever is less. The height limits do not constrain multifamily development from reaching the prescribed densities put forth in the General Plan (10.9–14.5 du/ac for medium density sites and 21.8–29.0 du/ac for medium high density).

Setbacks

All residential zones have setbacks, which are the minimum distance between a structure and a lot line. Setbacks in Modesto are largely uniform but vary depending on number of stories and whether the parcel is adjacent to an R-1 zone for residential development and whether it's adjacent to a residential zone for mixed-use development. Residential zones have 15-foot front setbacks, 5–20-foot interior side setbacks, and 10–15-foot rear setbacks. Mixed-use zones (P-O, C-1, C-2, C-3) have 10–15-foot front and 0–5-foot rear and side setbacks.

While all setbacks reduce the amount of land that is developable on a site, the setbacks do not constrain projects from reaching the maximum housing density in a zone.

Lot Size

The Zoning Code specifies a minimum lot area for all residential zone districts. The lot size requirements are also dependent on whether the lot is an interior or corner lot. The R-1 zone requires 5,000 sf interior lots and 5,500 sf corner lots and 6,000 sf interior lots and 6,500 sf corner lots for both the R-2 and R-3 zones. For the SP-H zone, the lot area requirement is 10 acres.

Lot Coverage

All residential zones have lot coverage requirements, which is the maximum percentage of a lot occupied by structures including patios, porches, garages, and covered parking spaces. The lot coverage requirements vary depending on whether the lot is an interior lot or corner lot. The R-1 zone requires 50 - 55%, R-2 55-60% and R-3 60 - 65% maximum coverage. For the SP-H zone, the lot coverage requirement is 50% maximum coverage.

Lot Area

The City of Modesto does not regulate residential floor area.

Unit Size

The City of Modesto does not impose any minimum unit size requirements.

Parking

The City of Modesto does not have any garage or enclosure requirements for parking. There are no parking requirements beyond the number of spaces as specified in Table 69.

Table 67: Residential Zone Districts Development Standards

	R-1	R-2	R-3	SP-H [3]	P-D [2]
Lot Requirements					
Lot Area (min)					
Interior Lot	5,000 sq ft	6,000 sq ft	6,000 sq ft	10 ac	-
Corner Lot	5,500 sq ft	6,500 sq ft	6,500 sq ft		-
Lot Width (min)					
Interior Lot	50 ft	60 ft	60 ft	50 ft	-
Corner Lot	60 ft	60 ft	60 ft	60 ft	-
Flag Lot	20 ft	20 ft	20 ft	-	-
Lot Coverage (max)					
Interior Lot	50%	55%	60%	50%	-
Corner Lot	55%	60%	65%		-
Setback Requirements					
Front and Street-Side (corner lot)	15 ft	15 ft	15 ft	15 ft	-
Interior Side	First Story: 5 ft	First Story: 5 ft	First Story: 5 ft	15 ft	-
Adjacent to R-1[1]	Two Story: 10 ft	Two Story: 15 ft	Two Story: 15 ft Three Story: 20 ft	-	-
Not Adjacent to R-1[1]	Two Story: 10 ft	Two Story: 10 ft	Two Story: 15 ft Three Story: 10 ft	-	-
Rear	First Story: 10 ft Two Story: 15 ft	First Story: 10 ft Two Story: 15 ft	First Story: 10 ft Two Story: 15 ft	5 ft	-
Adjacent to R-1[1]	-	-	Three Story: 20 ft	-	-
Not Adjacent to R-1[1]	-	-	Three Story: 10 ft	-	-
Height (max stories/feet, whichever is less)	2/30 ft	2/30 ft	3/42 ft	2/30 ft	-
Density (min/max)	0/7.5 du/ac	11/14.5 du/ac	14.5/29 du/ac	-	-

(1) Adjacent to R-1 zone includes property zoned R-1 in the City including P-D zones (with R-1 density) and property zoned A-2, R-A, and R-1 in the County.

(2) All applications for P-D zones shall be processed as zone boundary changes and P-D zones, if adopted, shall be adopted by ordinance and will become part of the Zoning Map of the City. The development plan, conditions and development schedule for a P-D Zone shall be adopted by resolution. P-D zoning is entirely optional. It is used for if a developer needs to set regulations for a specific project that do not fit within current standards.

(3) The SP-H zone is not related to the RHNA or the sites inventory. For reference, the SP-H zone is the Specific Plan Holding Zone that is typically used when land is annexed and the applicant is still determining what the land will be used for. When the applicant is ready, the land will be rezoned. There are no RHNA sites in this zone.

(4) The City of Modesto does not impose any minimum unit size requirements.

Table 68: Zones Allowing Residential Uses Development Standards (Commercial/Industrial Zones)

Zones	Front and Street-Side (corner lot) (min ft)		Rear and Side (interior lot) (minimum in feet)				Building Height (stories/ft)	
	Building	When Lot is Adjacent to Alley	Building	Adjacent to Residential Zone (1)			Structure (maximum in stories/feet) (not adjacent to residential zone)	Adjacent to Residential Zone (1)
				One Story Portion	Two Story Portion	Third Story and above		
P-O	15	15	5	10	20	-	2/35	2/35
C-1	10	0	0	10/40	20/40	-	2/35	2/35
C-2	10	0	0	10/40	20/40	50	8/90	3/45
C-3	15	15	0	10/40	20/40	50	3/45	3/45

Note: Multifamily development allowed with a conditional use permit shall comply with R-2 or R-3 development standards.

(1) Adjacent to residential zone includes R-1, R-2, R-3, or residential P-D zones in the City or County.

Parking

In California, the cost of providing structured parking can add between $36,000 to $38,000 per housing unit to the overall costs of a multifamily housing development project (or about 8.0 percent of per unit costs).[16] High parking requirements can reduce the potential land available for development and increase the cost of development.

The City's parking requirements for residential use (Section 10-5.1) of the Code of Ordinances vary by residential land uses. Single-family residential uses require as many as two spaces per unit, while multifamily residential requires one space per unit. Modesto parking requirements

[16] Carolina Reid, Adrian Napolitano, and Beatriz Stambuck-Torres, "The Costs of Affordable Housing Production: Insights from California's 9% Low-Income Housing Tax Credit Program," The Terner Center for Housing Innovation at University of California, March 2020.

are provided in Table 69. Modesto's parking requirements are lower than in most cities. Construction of recent development, including below market-rate units, demonstrate that Modesto's existing parking requirements are not an unreasonable constraint on housing development.

Additionally, the City provides provisions for off-site parking, reductions in parking, or shared parking facilities for nonresidential buildings or uses in conjunction with a discretionary action that requires Board, Commission, or Council approval. Any request for off-site, reduced, or shared parking with a non-discretionary action such as a development plan review shall be reviewed by the Director. The approval body will be guided by the following criteria in making its determination:

- The applicant shall submit sufficient information to indicate the normal hours of operation of such uses or activities do not substantially coincide or overlap with each other and/or the peak hour parking demand;
- The adjacent or nearby properties will not be adversely affected relative to parking;
- The traffic and pedestrian circulation resulting from the off-site or shared parking approval will not be detrimental to the public health, safety and welfare;
- The development is located near available on-street parking or other public parking areas;
- Transit alternatives are available near the development;
- Mixed-use developments that include residential and retail or office.

A number of recent projects have utilized shared parking, including:

- El Rio Senior Housing
- Magnolia Garden
- Mable Apartments
- Tower Park
- Archway Commons Phase II
- Vine Street Developments

Table 69: Parking Requirements

Land Use	Required Parking Spaces
Single-Family Residential	2 per unit
Second Unit (Granny Flat)	1 additional space
Multiple-Family Residential(1)	
Studio	1 per unit
1 bedroom	1 per unit
2 or more bedroom	2 per unit
Assisted Living	1 space per 4 beds, or 1 space per 4 units
Emergency/Homeless Shelter	1 space per employee
Mobile Home Park	As specified per Planned Development zone approval
Senior Housing	As required by the designated approving authority

(1) Lots with 5 or more units shall also provide 1 guest parking space per 4 units.

(2) The City of Modesto does not have any garage or enclosure requirements for parking. There are no parking requirements beyond the number of spaces as specified.

Downtown Modesto Master Plan and Form Based Code

The Modesto Downtown Master Plan, adopted in August 2020, addresses improved parking, attractive public spaces, such as tiny parks and plazas, and opportunities for housing, transit, and other elements of a successful downtown.

Modesto adopted a Form Based Zoning Code for its downtown in 2010 (for the downtown core) and in 2015 (for the remainder of downtown). The Downtown Code covers 42 blocks in the downtown area (approximately 180 acres) and is intended to implement the General Plan vision for downtown as the cultural, social, business, and activity center of Modesto. Unlike use-based zoning, which characterizes most of Title 10, the development code for Modesto, the Downtown Code emphasizes the regulation of building form and placement and encourages mixed-use development on individual parcels. There are six form based code zones in the downtown area, each distinct in its purpose, development standards, intensity, and allowed uses (see Table 70 and the following descriptions).

- **Central Downtown (CD):** This zone is intended to foster the most intensive and active urban environment in the downtown, while ensuring an overall human scale to development. Reserved for large but unobtrusive building envelopes that accommodate a mixture of uses, including residential, with an interface that promotes a very strong public/private connection and lively streetscape. The district contains Historic Preservation sites that are included on the landmark preservation list in the General Plan.

- **Transition Downtown (TD):** This zone is intended to foster an intensive and active urban environment, but at a reduced scale from what is found in the Central District. Reserved for medium-large building envelopes that accommodate a mixture of uses, including residential, with an interface that promotes a strong public/private connection and lively streetscape. In addition to Historic Preservation sites, the zone contains the site of a future passenger rail station.
- **Urban General Downtown (UGD):** This zone is intended to create space for more urban activities and new housing is highly desirable. This zone links the Central Downtown zone to the outer districts and areas of downtown.
- **Main Street Downtown (MSD):** This zone is intended to promote and enhance a vibrant "main street" commercial environment within walking distance of the surrounding neighborhood. The Main Street Downtown zone is intended to be the commercial focus of the surrounding neighborhood but at a smaller scale than the Central Downtown zone. The focus of this district is on commercial uses but it also accommodates residential uses.
- **East Neighborhood Downtown (END):** The purpose of this zone is to facilitate the continuing transition of the east area of downtown that was originally developed as a residential neighborhood but is in the process of changing to commercial and office uses. This zone would allow a mixture of uses where new development would include a variety of housing types and commercial uses.
- **Traditional Neighborhood Downtown (TND):** This zone is intended to allow new residential development that is compatible with the traditional single-family residential character of the neighborhood. Provides provisions for frontage types, setbacks, building envelope, building height, building type, and yard areas to be compatible with the historical and existing characteristics of this residential neighborhood.

Table 70: Downtown Master Plan Area Development Standards

	Downtown Zones					
	CD	TD	UGD	MSD	END	TND
Setbacks						
Front	5-8 ft	0-8 ft	5-8 ft	0-5 ft	0-25 ft	15-25 ft
Side	0 ft	0 ft	5-8 ft	0 ft	0-20 ft	5-10 ft
Rear	-	-	-	0 ft	0 ft	5-10 ft
Building Form						
Lot Width	50 ft	50 ft	50-100 ft	-	-	-
Lot Area (min)	1,252 sq ft	1,250 sq ft	-	-	-	-
Height (Stories) (min-max)	3-15	2-8	1-3	1-3	1-3	1-2

Source: City of Modesto Municipal Code 10-7.5.

Form based code does not rely on metrics such as FAR or density requirements; rather it uses building types to determine what future development could be, which provides flexibility for redevelopment and reliability of outcome for developers, owners, and neighbors. Building types help achieve the desired built form and pedestrian orientation in the downtown. The following building types are allowed in downtown Modesto:

- Bungalow Court
- Commercial Block
- Courtyard
- Du-Tri-Quadplex
- Front Yard House
- Live Work
- Mansion Apartment
- Row House
- Stacked Flats

For each of these building types, there are seven provisions/guidelines that further regulate each typology:

- Description
- Access
- Parking

- Open Space
- Frontage
- Building Size and Massing
- Accessory Structures

Within the Downtown Master Plan area, parking requirements are simplified to require a minimum 1 space per unit and maximum 2 spaces per unit for all residential uses, with the exception of the CD and TD zones. Within the CD zone, ground-floor residential has no parking requirement minimum and has a 1 space per unit maximum for all floors; in the TD zone, the minimum requirement is 1 space per unit with a maximum of 1.5 space per unit for all floors. These parking standards require fewer spaces compared to other jurisdictions in the region and do not unduly constrain multifamily housing development.

The Downtown form based code permits a variety of housing types with permissive development standards that permit a wide range of densities. Modesto adopted the Modesto Housing Plan in August 2022. The plan included feasibility analyses of each housing type on a range of typical property sizes, locations and contexts. The study determined that the housing types are feasible based on local property values and conditions, and demonstrated that the form based code standards do not limit the feasibility of the housing types in Modesto. The Modesto Housing Plan also conducted test fit case studies for typical lots for a variety of contexts including mixed-use and commercial corridors. The test fit case studies demonstrated realistic yields ranging between 32 to 50 dwelling units per acre in a mixed-use corridor context (e.g., the C-1, C-2, C-3 and P-O zones allow high density residential development with a conditional use permit).

Cumulative Effect of Development Standards

The cumulative effect of development standards is not likely to constrain the ability of developers to achieve maximum densities on site development. The combination of setback, height, and parking requirements do not impede the ability of projects to reach the maximum density. The City of Modesto has permissive standards for development, especially in the form based code and Downtown Modesto Master Plan area. The Modesto Housing Plan adopted in 2022 conducted feasibility and spatial site plan analyses for a wide variety of housing types in a variety of contexts throughout Modesto. The plan demonstrated the feasibility of the housing types without using the maximum permitted building heights. Densities of 50 to 100 dwelling units per acre were feasible using 4-story buildings and the existing development standards.

Recent projects demonstrate that the existing development standards (including setbacks and height requirements) do not constrain development from meeting, and in many cases exceeding, the maximum allowable density in each zone. Table 71 compares the approved projects with the development standards of the relevant zone. Recent development shows that the combination of height and setbacks are not limiting projects from reaching the

maximum density. All of the projects are setback beyond the minimum setback allowed and only one project reached the maximum height allowed. The permissive development standards allow high density projects and allow projects to meet the prescribed maximum density of the zone, if applicable. The form based code allows a variety of build types and flexibility in development without regulating density.

Table 71: Comparison of Development Standards of Recent Projects

Project	Zone	Acreage	Density		Height		Setbacks	
			Actual	Max Allowed	Actual	Max Allowed	Actual	Min Allowed
235 E Coolidge	R-3	0.7	29	29	14'7"	42'	Front 20' Side 5' Rear 23'9"	Front 15' Side 5' Rear 5'
1011 7th St	TD	0.2	40	Form Based Code	2 Stories	8 Stories	Front 7' Side 5' Rear 60'6"	Front 5' Side 0' Rear 0'
812 7th	TD	0.56	14	Form Based Code	16'11"	8 Stories	Front 5' Side 5' Rear 34'6"	Front 5' Side 0' Rear 0'
1642 Sisk	C-3	7.2	21	29	29'6"	42'	Front 20' Side 10' Rear 10'	Front 15' Side 5' Rear 5'
3955 Coffee	SP	2.83	24	29	42'	42'	Front 20' Side 15' Rear 15'	Front 15' Side 5' Rear 5'

Source: City of Modesto

Density Bonus

Modesto's density bonus provisions are contained in Chapter 8 of the Zoning Ordinance, which implements the State's Density Bonus law (Government Code Sections 65915 through 65917). The purpose of the affordable housing density bonus is to expand housing opportunities for very low-, low-, and moderate-income persons, seniors, students, transitional foster youth, disabled veterans, and homeless persons throughout the City.

Residential projects of five or more units may qualify for a density bonus over the maximum allowable base density of the district. A density bonus of a certain percentage is granted to projects that have a certain percentage of the total units set aside for households at certain income levels or projects that serve certain groups. Developer concessions or incentives are granted for a residential project that meets the criteria for a density bonus project. The City will grant all concessions consistent with state law. Incentives granted by the City may include the following:

- Parking: a reduction in the number of spaces required by up to 0.1 spaces per unit for one incentive, and an additional 0.1 spaces per unit for a second incentive, when compared to the standard for parking set forth in California Government Code Section 65915(p).
- Parking: an increase in the proportion of permitted compact spaces up to 35 percent.
- Use of federal, state, or local affordable housing funds to subsidize the cost of the qualifying project.
- Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- Deferral of City Capital Facilities Fees until the issuance of a Certificate of Occupancy for the qualifying project.
- Expedited processing, technical assistance, and/or use of redevelopment funds or powers.
- Setback: a reduction of up to 10 percent in the front yard setback.
- Height limitation: an increase of up to 10 percent in maximum height limitation.

The ordinance was last substantively revised in May 2023 and consistently references state law for specifics related to density bonus, and processes and procedures.

Modesto Landmark Preservation Ordinance

The ordinance establishes criteria under which historic resources are formally declared local landmarks and describes the responsibilities of the Landmark Preservation Commission. The Landmark Preservation Commission has the authority to recommend sites to the City Council for designation as Modesto Landmark Preservation Sites.

- The eligibility of a site for designation as a Modesto Landmark Preservation Site shall be determined by the Modesto Landmark Preservation Commission in a public hearing. The Modesto Landmark Preservation Commission shall adopt a resolution of recommendation for each site or for a district.
- The Commission shall forward its recommendations, together with its findings of significance and eligibility, to the City Council.
- The City Council, upon recommendation of the Commission, may, by resolution, designate a Modesto Landmark Preservation Site, and an appropriate presentation and/or identifying plaque may be provided for. Prior to such designation, the City Council shall hold a public hearing pursuant to the same notice provisions as required for the Landmark Preservation Commission meeting in accordance with the Modesto Municipal Code.

In cases where the landmark-eligible resource receives a pending application the Director will then determine whether an application must be made to the Landmark Preservation Commission for its written approval prior to issuance of a building permit. No building permit shall be issued until the Landmark Preservation Commission issues written approval or the Director indicates that the resource is not subject to review by the Landmark Preservation Commission.

The Commission will review the application following criteria found in Section 9-10.07. The recommendations of the Commission will be consistent with the California State Historical Building Code; and to the extent that a recommendation is inconsistent, the standards of the California State Historical Building Code shall prevail.

If within forty-five (45) days from the filing of the completed application, the Commission has neither approved or denied the building permit application, the plans and permit application shall be deemed to have been approved by the Commission, and if all other requirements of the City have been met, the appropriate department head shall authorize a permit for the proposed work.

There are no known RHNA opportunity sites on the Landmark Preservation Sites list.

Providing For A Variety of Housing Types

Table 72 shows the allowed uses in residential zones in the Zoning Code. As discussed in the next section, accessory dwelling units and junior accessory dwelling units are allowed in the R-

1, R-2, and R-3 districts. Single-family residential zoning includes three districts: R-1, R-2, and R-3. Single-family dwellings are permitted as a matter of right in all single-family residential districts. Multifamily units are permitted as a matter of right in single-family residential districts, except for the Low-Density Residential (R-1) zone.

Table 72: Allowed Residential Uses Under the Zoning Code

Land Uses	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	P-D	SP-H
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	N	P
Accessory Dwelling Unit	P	P	P	C(4)	C(4)	C(4)	C(4)	N	N	N	P(5)	P
Junior Accessory Dwelling Unit	P	P	P	C(4)	C(4)	C(4)	C(4)	N	N	N	P(5)	P
Single-Family Dwelling	P(1)	P	P	N	N	N	N	N	N	N	N	P(2)
Manufactured Homes	P	P	P	N	N	N	N	N	N	N	N	N
Multiple Family(3)	N	P	P	C	C	C	C	N	N	N	P	N
Mobile Home Parks	N	N	N	N	N	N	N	N	N	N	P	N
Supportive Housing	P	P	P	P	P	P	P	N	N	N	P	N
Transitional Housing	P	P	P	P	P	P	P	N	N	N	P	N
Emergency Shelter	N	N	N	N	C	C	C	C	C	C	N	N

Source: City of Modesto Municipal Code 10-3.101.

Note: P = Permitted; C = Conditionally Permitted; N = Not Allowed

(1) In R-1, one unit per lot. For corner lots, see Section 10-3.217.

(2) One single-family dwelling per lot.

(3) See Sections 10-4.505(b) and 10-4.507(b). ADUs are allowed in conjunction with multiple-family development on commercial properties for which a conditional use permit has been issued in accordance with Chapter 9 Administration, Article 7 Conditional Use Permits.

(4) Residential uses are allowed in the P-O, C-1, C-2, and C-3 zones only through a Conditional Use Permit. If a Conditional Use Permit for residential uses has been approved, an ADU or JADU is permissible. A Conditional Use Permit would not be permissible expressly for the purposes of an ADU or JADU in these zones.

(4) ADUs and JADUs are only permitted in P-D zones that allow residential uses.

Accessory Dwelling Units

Accessory dwelling units (ADUs) and junior accessory dwelling units (JADU) are attached or detached dwelling units that provide complete independent living facilities for one or more persons and are located on a lot with a proposed or existing primary residence. ADUs provide additional housing opportunities for people of all ages and economic levels. The City of Modesto allows and regulates ADUs and JADUs in Section 10-4.115 Accessory Dwelling Units of

Chapter 4 Development Standards of the Zoning Code. The City of Modesto permits ADUs and JADUs in any zone that allows residential uses. One ADU (attached or detached) and one JADU are allowed on any lot in a residential or mixed-use zone when there is only one existing single-family dwelling on the lot.

The City adopted an ADU ordinance on May 11, 2023. The ordinance updated ADU requirements to comply with state law and remove constraints to ADU development. It was submitted to HCD on May 16th, 2023 and HCD confirmed receipt on May 24th, 2023. No comments or revisions were provided. Should HCD determine that revisions are necessary to comply with state law, the City will revise its ADU ordinance through Program A - 9. The current ADU ordinance complies with state law, and the City is committed to updating the ordinance as necessary.

Senate Bill 9

Effective January 1, 2022, Senate Bill (SB) 9 requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units in the lot area typically used for one single-family home.

The City has not adopted an SB 9 ordinance or objective standards. The City will amend the zoning ordinance though Program A - 15 to comply with the provisions of California Government Code Section 65852.21. The program also includes efforts to facilitate and provide technical assistance for the development of SB 9 units.

Emergency Shelters

An emergency shelter is housing with minimal supportive services for unhoused persons that is limited to occupancy of 180 days or less per calendar year by an unhoused person. No individual or household may be denied emergency shelter because of an inability to pay.

Assembly Bill (AB) 139 (2019) requires the identification of a zone or zones where emergency shelters are permitted by right. AB 139 also modified the allowed parking standards for emergency shelters. The City may now only require parking to meet the needs of staff working at the shelter and may not impose any standards based on the number of beds or persons served. The City's Zoning Code requires that one parking space be provided per employee, which is compliant with state law.

The City's emergency shelter requirements are provided in Chapter 3, Article 2, Specific Land Use Regulations, of the Zoning Code. Currently, only one emergency shelter is allowed as a conditional use in the C-1, C-2, C-3, C-M, M-1, or M-2 districts and they are not permitted in the Downtown zones, therefore the City code does not meet state law requirements (Government Code Section 65583).

The City is currently in the process of amending the Zoning Ordinance to permit emergency shelters ministerially, by-right, without discretion in the C-3 district as well as modifying the definition of emergency shelters to comply with Government Code Section 65583 (Program B - 5). The amendments to the Zoning Ordinance as they relate to updating the emergency shelter standards are anticipated to be adopted in November 2023, prior to the adoption of the Housing Element. The following are the proposed development standards for emergency shelters:

1. Number of Beds. The maximum number of beds or persons permitted to be served nightly by an emergency or homeless shelter shall be determined and as allowed by Building and Fire Codes.
2. Required Parking. An emergency or homeless shelter shall provide off-street parking at a ratio of one (1) space per employee.
3. Waiting Area. An emergency or homeless shelter shall provide an on-site, client intake, waiting area to prevent queuing on public sidewalks.
4. Onsite management. An emergency or homeless shelter shall have a manager on-site during operating hours.
5. Proximity. Emergency or homeless shelters shall not be less than 300-feet apart from other emergency or homeless shelters, as measured from the nearest property lines.
6. Length of Stay. The maximum length of stay at an emergency or homeless shelter shall be 180-days in a consecutive 365-day period, or not longer than the time frame established by the California Health and Safety Code for Emergency Shelters, whichever is greater.
7. Lighting. Sites with an emergency or homeless shelter shall provide lighting in all parking, pedestrian, and entry areas. Lighting shall be in compliance with Title 24, California Code of Regulations.
8. Security. Emergency or homeless shelters shall provide on-site security during hours that the emergency shelter is in operation.

Based on the 2023 Point-in Time Count (PITC), an estimated 441 unsheltered homeless persons are located in Modesto. At 200 square feet per bed, 441 beds could be accommodated in facilities totaling approximately 88,200 square feet (2.0 acres) of floor area to accommodate the City's estimated unsheltered need.

The City has sufficient properties in the C-3 zone to accommodate Modesto's unsheltered population, which would require approximately 2.0 acres of land. The C-3 zone covers just over 283 acres on 246 parcels, including 135 sites and 205.5 acres currently identified in the sites inventory. This leaves approximately 77.5 acres of suitable C-3 zoned land to accommodate the most recent PITC.

The C-3 zone is primarily located along major commercial corridors (McHenry Ave, Sisk Rd, and Yosemite Blvd) in the City which creates improved access via walking or transit to support services and community amenities. Residential uses are allowed in C-3 with a conditional use permit and must adhere to R-2 and R-3 zone standards. Residential uses that are allowed include single-family and multifamily housing. In addition to the development of vacant parcels in the C-3 zone, adaptive reuse of existing structures is another option for establishing shelter facilities without redevelopment of the properties.

Low Barrier Navigation Centers

Low barrier navigation centers (LBNC) are service-enriched shelters that are focused on moving individuals into more permanent housing. LBNCs provide temporary housing while case managers connect individuals experiencing homelessness to shelter, public benefits, and health services. Under the Housing for Homeless Act (2019), local governments are required to allow LBNCs by right in areas zoned for mixed uses and nonresidential zones that permit multifamily uses.

Modesto does not currently explicitly allow LBNCs in any zone, though this would not prevent their development if an application for one were received. The City is in the process of amending its zoning code pursuant to Government Code Section 65583 to allow LBNCs by right in areas zoned for mixed uses and nonresidential zones that permit multifamily uses, including the P-O, C-1, C-2, and C-3 zones. The amendments are anticipated to be adopted on November 7, 2023, prior to the adoption of the Housing Element. Amendments to the zoning code comply with state law surrounding LBNCs, including AB 101, are included in Program B - 5.

Manufactured Homes

The permitting of modular, or manufactured, housing on foundations is subject to the same development standards as conventional single-family units, consistent with Government Code Section 65852.3. The City of Modesto permits manufactured homes by right in all residential zones that permit single-family dwellings except in the Specific Plan-Holding Zone (SP-H). There is no constraint on the development of manufactured homes.

Supportive and Transitional Housing

Supportive and transitional housing is allowed by right in all zones where single-family and multifamily uses are permitted with no additional requirements; supportive and transitional housing are only subject to objective development and standards and policies that apply to other multifamily developments within the same zone. There are no requirements that constitute a constraint on supportive and transitional housing in the City. The City is compliant with all provisions outlined in California Government Code Section 65651.

Since 2019, the City has approved 246 units of new permanent supportive housing the City leveraged State and Federal funding in the amount of $183 million dollars. These projects included two direct awards in the amount of $5.7 million dollars in State Project Homekey funds. One of these projects included a conversion of a commercial space into 14 units of supportive housing for homeless youth and youth at-risk of homelessness in the downtown area.

Farmworker and Employee Housing

The Employee Housing Act (Health and Safety Code Section 17021.5 and 17021.6) requires local jurisdictions to consider employee housing providing accommodations for six or fewer employees as a single-family structure with a residential land use designation. The Modesto Zoning Ordinance allows unrelated individuals to live together as a household, but does not include any specific provisions related to employee housing and does not identify farm worker housing separately as a permitted use.

Through Program B - 5, the Zoning Ordinance will be amended to both streamline and define agricultural worker housing. This includes ministerially approving of agricultural worker housing that meets the requirements of Health and Safety Code Section 17021.8. The updated definitions will identify that any agricultural worker housing made up of less than 36 beds in a group quarter or 12 units or spaces can be classified as agricultural land use and permitted in the same manner as agricultural uses consistent with Health and Safety Code Section 17021.6.

Single-Room Occupancy Units

Single-room occupancy (SRO) residences are small, one-room units occupied by a single individual, and may either have a shared or private kitchen and bathroom facilities. SROs are rented on a monthly basis, typically without a rental deposit, and can provide an entry point into the housing market for extremely low-income individuals, formerly unhoused, and disabled persons.

While SRO units are not specifically defined or explicitly listed as permitted uses or unit types in the City's Zoning Code, Modesto does not have a minimum unit size and has approved several projects for small, one room unit developments in the City. This includes a number of hotel conversions into SROs with permanent supportive housing.

- Kansas House: A hotel conversion turning a motel into 103 of permanent supportive housing units. The project includes services for the persons experiencing homelessness.
- Traveler's Motel Conversion: A conversion of an existing hotel into 54 permanent supportive housing units.

Development Review and Permitting Procedures

The efficiency and timing of a jurisdiction's processes for review and approval of residential development has a significant impact on the amount and pace of housing construction. The procedures for development review and permitting in the City are described below.

Growth Management Initiative Ordinance

The City has adopted by initiative two ordinances that can constrain the extension of sewer infrastructure into proposed new residential areas. Measure A (passed in 1979) and Measure M (passed in 1997) require that any proposed extension of sewer infrastructure into newly annexed areas (beyond the existing development area) be subject to an advisory citizen vote. Measure M expanded Measure A so that it included all sewer system improvements inside the service area.

Votes are held during regularly scheduled elections (March and November); thus they can delay the potential extension of infrastructure for up to six months.

The vote is advisory only. The positive or negative result of a public advisory election is not binding upon the City Council, which may choose to either allow or prohibit growth in these areas. One goal of the Urban Growth Policy is to maintain a 3-5 year supply of vacant residential land for future development. Public advisory elections concerning extending sewer service are typically scheduled every other year in odd-numbered years if City Council determines, through the Urban Growth Review, that the City has an inadequate supply of developable land and that the City's infrastructure can accommodate additional development.

Additionally, the City Council has held the required advisory vote for all unincorporated areas within the City's Sphere of influence, including both expansion areas as well as County "islands".

However, no vote has been held since 2015. By 2015, the Modesto had planned for the long-term growth of the city. Modesto prepared comprehensive plans for the growth areas. It conducted numerous votes pursuant to the policy that implements Measures A and M.

No further expansion of the sewer system is planned or anticipated. Pursuant to the General Plan, all future growth will be within existing or planned sewer improvements approved in accordance with Measures A and M. The City's growth plan is focused on infill development along mixed use corridors and not outward expansion and suburban sprawl on vacant lands.

Measure A and Measure M did not limit growth in the prior planning period as they have not been utilized since 2015. The City has no intention to utilize these Measures moving forward.

The Measures, and the implementing public votes, were made irrelevant with the final votes and system strategy in 2015. No future expansion or votes are expected. As such, the City is including Program A - 17 to formally discontinue this procedure.

Measures A and M do not limit the number of permits issued or the amount of land available for housing. There are no other growth control ordinances in the City of Modesto.

Permit Processing and Entitlement Review Procedures

The requirements of the permit processing procedure have the potential to act as a constraint to the development of housing. The time and uncertainty of the review and revision cycle can contribute significantly to the overall cost of the project, ability to obtain and maintain funding, and the cost of each dwelling unit. Certainty and consistency in permit processing procedures and reasonable processing times are important to ensure that the developmental review and approval process does not act as a constraint to development by adding excessive costs or discouraging housing development.

The City utilizes an online permit tracking process called eTRAKiT for the review of building permits. Plans are uploaded via the City website and simultaneously reviewed by each department. Once all completed reviews are received, the redlined plans are uploaded to the user's eTRAKiT account and the user is notified so that they can review the redlined plans via eTRAKiT. Once the requested revisions are completed by the designer, the user can upload the revised plans to their permit in eTRAKiT, which then automatically routes the revised plans to City staff; when the plans have been approved, Building Safety contacts the user to obtain the permit and download the electronic plans. Entitlement applications are taken in over the counter, plans are in the works to shift this to online, through eTRAKIT, as well, however, it is uncertain when that process will be complete. The permit processing and entitlement review times for various applications are shown in Table 73. The level of project review depends on the type of project.

Table 73: Typical Permit and Entitlement Processing Times

Permit/Entitlement Type	Processing Time	Approval Body
Building Permit	30 Days	Building Safety & Neighborhood Preservation Unit
Conditional Use Permit	60 Days	Board of Zoning Adjustment
Variance	60 Days	Board of Zoning Adjustment
General Plan Amendment	95 Days	City Council
Specific Plan Amendment	95 Days	City Council
Zone Change / Zoning Amendment	95 Days	City Council
Final Subdivision Map	60 Days	Planning Commission
Parcel Map	60 Days	Planning Commission
Tentative Tract Map	60 Days	Planning Commission
Environmental Impact Report	120-180 Days	Same as project approval body
Negative Declaration	60-120 Days	Same as project approval body

Source: City of Modesto.

To provide a full understanding of processing time in the City, an analysis of all discretionary permit applications from 2015 through 2022 was conducted. The results demonstrated that subdivisions were approved within 169 days on average and approvals of multifamily projects were approved within 148 days on average. The average length of time for building permit approval was 56 days for multifamily and 27 days for single family projects.

The default expiration period for planning approvals in the Modesto Municipal Code is two years, however staff has the discretion to extend this period. Typically, staff has been allowing five years (5). Therefore, applicants would have to apply for a building permit prior to the planning to approval expiring.

Analysis of time periods between planning approvals and an application for a building permit show that the period varies greatly depending on a variety of powerful external influences and circumstances beyond the control of the city. These include:

- Preparation of detailed site and building construction plans;
- Whether the applicant intends to develop the property themselves or must market the entitled property for sale to a builder;
- The cost and availability of construction materials and labor;
- The need to obtain permits from other regulatory agencies;
- The ability to obtain project and construction financing; and

- Changes in market conditions.

Time periods typically range from 6 months to two years, and sometimes longer, depending on the size and complexity of the project and the external factors. These external, non-governmental factors determine the time between project approval and requests for construction permits. There is no evidence or suggestion that Modesto's processes create an unreasonable or significant hindrance on the construction of the city's share of the RHNA.

Modesto has implemented extensive and meaningful procedural reforms to streamline the approval of housing to help facilitate and expedite housing production. These include:

- Staff-level only review (DPR) for development consistent with zoning. (Previous to this change, most residential and commercial development required Planning Commission or BZA approval).
- Standardized development standards in residential and commercial zones. The reduction in the previously many differences between zones complicated understanding, review and implementation.
- Authorized staff to approve minor deviations in development standards and reduced parking. (This previously required variance or other discretionary approval by BZA or P/C).
- Assign a single project planner responsible for shepherding development through the entire entitlement process, including working with other departments to resolve issues. Also using the same project planner to review building permit plans (familiarity with project). The continuity, familiarity and responsibility for the success of the project improves understanding, accuracy, efficiency and reduces errors and delays.
- Instituted electronic plan submittal and review. The transition from paper to electronic plans speeds submittal, transmittal, sharing, review, saves time, and improves accuracy, accountability, and allows for more efficient revisions.
- Established timeframes for completion of initial project reviews (e.g., completeness review in 5 days, interdepartmental referral 2 weeks, first comments in 30 days).
- Implementation of TrackIt system for interdepartmental review.
- Modesto allows applicants to process detailed construction plans (building, grading, etc.) concurrently with discretionary permit approvals.
- Staff is also continuing to update codes and ordinances to replace subjective review processes with objective standards that can more easily be met by design professionals prior to review. As an example, second-story review used to be a separate review process for all projects. Now, that separate review for the Mixed-Use zones and ADUs has been replaced by a set of objective standards.

Additionally, the City recently commissioned a study of the permitting process in an effort to identify strengths, seek improvements and create efficiencies. From this study, a ten-step action plan was developed to ensure a comprehensive and timely review of all permits. The action plan was developed by the multiple divisions that makeup the Development Review Team. On May 26, 2020, the City Council adopted the Action Plan and the key performance indicators proposed by the Permitting Efficiency Task Force. Performance standards for permit review include 30 calendar days for new apartments and 21 calendar days of new single family dwellings for the first review. Resubmittals have performance standards of 15 days and 7 days for multi-family and single family developments, respectively. A Permitting Efficiency Report that reviewed projects from January – March 2022 found that the average first review time for multi-family projects was 23 days, and for single family projects was 25 days.

Typical Development Review Procedure

The City's Development Plan Review is outlined in Section 10-9 of the Zoning Ordinance. The Director is the review authority for the Development Plan Review process, which applies to residential development in the Downtown, residential development of five for more units in the R-2 and R-3 zones and residential projects that exceed one story in the R-1, R-2, and R-3 zones. The process is typically as follows:

1. Pre-application **(Optional)**
    a. A submittal/conference between developer and staff to ensure major issues are addressed early in the process. While optional, it is highly recommended, as it can greatly reduce time and cost of modifications to plans later in the process by catching them at the start of the permitting process. This can include identification of additional approvals necessary, constraints that will affect design, and other issues.
2. Planning Application Submittal.
    a. Depending on the level of entitlement necessary, review ranges from a staff-level Development Plan Review to a Planning Commission or City Council-level process such as a Conditional Use Permit or Planned Development Amendment.
3. Staff-level review and comment.
    a. Planning staff refers out the application materials to relevant Departments, Divisions, and partners for review. The standard review period is 14 days, after which Planning staff compiles responses into a draft comment letter to the applicant. The applicant then provides any required changes or feedback. This process typically takes 30 days.
    b. In cases where Specific Plan Amendments, General Plan Amendments, and specified other items require it, Tribal Consultation also occurs during this step. This additional referral takes between 30 and 90 days.

c. As part of development review plan process the City provides design feedback to applicants administratively and uses the Neighborhood Compatibility Guidelines and Multi-Family Residential Design Guidelines as guidance during the review process. City staff receive comments from multiple departments and work with applicant to address all comments comprehensively.

4. California Environmental Quality Act
    a. Concurrently with Step 3 above, Planning staff prepares environmental documentation. Typically for a multi-family project, this will come in the form of a Finding of Conformance with Modesto's Master Environmental Impact Report (MEIR), or a Notice of Exemption from CEQA. These processes typically do not add additional time beyond the 30 days for Step #3 above.
        i. The City of Modesto makes every effort to comply with all state laws regarding CEQA and permit processing, including compliance with California Public Resources Code sections 21080.1 and 21080.2 (time limits for determining whether certain residential projects are exempt from CEQA).
    b. If a project requires additional Environmental Review to the level of a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report additional documentation is required. If a Mitigated Negative Declaration or Environmental Impact Report is required, the project referred to Planning Commission or City Council for a decision. Additional environmental documentation takes from 3 to 12 months depending on the project.
5. Planning Commission **(If Necessary)**
    a. If necessary, a public hearing is scheduled at the Planning Commission. This typically occurs around 60 days after application, barring major changes, need for a 90-day Tribal Consultation, or unique circumstances.
6. City Council **(If Necessary)**
    a. If necessary, a public hearing is scheduled at the City Council. This typically occurs around 100 days after application, barring major changes, need for a 90-day Tribal Consultation, or unique circumstances.

Examples of Permit Processing Timeline.

The following are examples of the permit processing timeline of residential development projects that have received planning entitlements. The examples range from 31 to 117 days from submittal to approval, averaging 88 days, illustrating the quick timeline for approval of housing.

Stanislaus Housing Authority Workforce Housing: Conversion of an existing 148-room hotel into 148 studio apartments. (92-days to Board of Zoning Adjustment approval)

1. Application submitted for Conditional Use Permit to allow multi-family residential in a commercial zone on August 15, 2022.

2. Application determined to be complete on September 15, 2022.
3. Application was referred to City departments and relevant outside agencies August 15, 2022.
4. Project found Categorically Exempt from CEQA under Section 15301, "Existing Facilities."
5. Board of Zoning Adjustment Meeting October 27, 2022
6. Board of Zoning Adjustment Approval issued November 15, 2022.

The Hamptons: 436-unit, multi-family project including nineteen (19), 3-story, residential buildings on 19.8-acres. (117-days to Administrative approval)

1. Application submitted for an Administrative Development Plan Review on December 22, 2021.
2. Application was referred to City departments and relevant outside agencies December 23, 2021.
3. Application determined to be complete on January 22, 2022.
4. Assembly Bill 52 (AB 52) 30-day consultation letters sent December 23, 2021
5. Initial Study/FOC Prepared March 2, 2022
6. IS/FOC 20-day Notice Published in Modesto Bee March 6, 2022
7. DPR Approval issued April 18, 2022.

Self Help Enterprises: 45-unit, affordable, multi-family building. (31-days to Administrative approval)

1. Application submitted for an Administrative Development Plan Review on June 6, 2023.
2. Application determined to be complete on July 6, 2023.
3. Application was referred to City departments and relevant outside agencies June 7, 2023.
4. Project found Categorically Exempt from CEQA under Section 15332, "In-Fill Development Projects." July 5, 2023.

5. DPR Approval issued July 7, 2023.

Free Will Baptist Church: Nine (9), modular, Supportive Housing Units on church property. (112-days to Board of Zoning Adjustment approval)

1. Application submitted for Conditional Use Permit to allow multi-family residential in a commercial zone on January 23, 2023.
2. Application determined to be complete on February 23, 2023.
3. Application was referred to City departments and relevant outside agencies January 31, 2023.
4. Community Meeting No. 1, February 1, 2023.
5. Community Meeting No. 2, March 20, 2023.
6. Project found Categorically Exempt from CEQA under Section 15332, "In-fill Development Projects."
7. Board of Zoning Adjustment meeting, April 27, 2023.
8. Board of Zoning Adjustment Approval issued May 15, 2023.

Planning, Building, and Development Impact Fees

Cities charge permit fees to recover the costs associated with reviewing and processing applications for development. Cities also charge impact fees, which are intended to mitigate the impact of a development on local facilities or infrastructure. Common examples of impact fees include school fees and utility connection fees.

Modesto's planning fee schedule was last updated in July 2022. State law requires that these fees be true cost recovery fees and do not exceed the cost to the City to review and process the permit. As part of fee schedule updates, the City reviews the staff time and other resources necessary to process permits to ensure that fees are set at an appropriate level in compliance with state requirements. Table 74 shows a comparison of planning fees for Modesto and Stanislaus County. As shown, the jurisdictions vary in range for use permit fees. Modesto's fees are generally lower for development plan review, tentative subdivision maps, and specific plan review.

Table 74: Comparison of Planning Fees

Permit Type	Modesto	Stanislaus County
Rezone	$3,988	$12,162
Conditional Use Permit with Development	$5,573	$5,549 (1) - $6,631 (2)
Conditional Use Permit without Development	$2,654	-
Conditional Use Permit in Single-Family Dwelling	$1,461	-
Variance	$2,654	$4,913
Variance for Single-Family Dwelling	$1,461	
Development Plan Review	$3,625	$7,037 (3)
Final Development Plan (Planning Commission approval) (5)	$5,573	-
Final Development Plan (Administrative approval)	$3,625	-
Tentative Subdivision Map	$5,573	$8,954 plus $30/lot
Tentative Parcel Map	$2,732	$4,823 - $5,449 plus $30/lot depending on the zoning district
General Plan Amendment	$6,914	$6,837
Specific Plan Review	$10,000	$21,990
Specific Plan Amendment (City Council approval) (5)	$6,914	-
Specific Plan Amendment (Administrative approval)	$3,625	-
Environmental Impact Report	Actual Cost, $10,000 deposit	Cost estimate determined by on call consultants (4)
Mitigated Negative Declaration	$5,000	
Negative Declaration	$1,198	
Initial Study	$543	
Accessibility Review: Americans with Disabilities Act and California Building Code Chapter 11; Certified Access Specialist Review and Inspection	$233/Hour ; $115/hour	-

Source: City of Modesto, Planning Division Fee Schedule Effective July 1, 2022 to June 30, 2023; Stanislaus County Planning Services Fee Schedule - Effective July 22, 2023.

(1) Non-Agriculture Zones
(2) Requiring Board of Supervisors Approval
(3) Developer agreement deposit
(4) $3,748 deposit for recirculation

(5) Used for discretionary projects like rezones, conditional use permits, and tentative tract maps

The City of Modesto imposes a couple of development impact fees, including for capital facilities, sewer, and water development. Typically, fees per unit for high-density residential are lower than fees per unit for low-density residential. Development fees for the City of Modesto for the fiscal year 2023 - 2024 are shown in Table 75.

Table 75: Infrastructure and Impact Fees

Fee Type	Single-Family	Multifamily	Senior Housing	ADU
Building Permit	$3,284	$5,342	$5,342	$2,241(1)
Capital Facilities Fee – City Limits	$16,740	$11,301	$10,395	-
Capital Facilities Fees – Downtown Economic Incentive Program	$9,135	$6,034	$5,805	-
Sewer	$2,643	$2,151	-	$2,151
Water	$2,202	$3,671–$367,065(2)	-	-
Total Impact Fees/Unit(3)	$30,720	$23,157	$16,200	$2,151

Source: City of Modesto. Fiscal Year 2023 – 2024.

(1) New Units $2,241, Conversion/Additional Sq Ft 500 $2,349

(2) 1" Service to 12" Service

(3) Includes Capital Facilities, Sewer, and Water fees only

Fees associated with new development in the City vary significantly by geographic location. As shown in Table 76, the City has 16 active Community Facilities Districts (CFDs), each with its own assessment cost for new developments. There are six RHNA opportunity sites that fall within a CFD, two in the Vintage CFD and four in the Tivoli CFD. Most areas of town are not located in a CFD and are not required to pay any CFD assessment. CFDs are created to provide a funding and reimbursement mechanism for public facilities and/or services for various specific plan areas. CFDs are the preferred method of financing infrastructure because no finding of special benefit for each parcel is required. They are also established to ensure that new development projects do not solely become the responsibility of the General Fund.

Table 76: CFD Facility and Maintenance Fees

CFD Name17	Facilities Tax (max)	Maintenance Tax (max)	
		Developed Properties	Undeveloped Properties
Village One	$276,543.48/gross acre	$268.88/unit	$134.46/unit

[17] Includes annexed multi-family properties (unless otherwise stated).

CFD Name17	Facilities Tax (max)	Maintenance Tax (max)	
		Developed Properties	Undeveloped Properties
North Beyer Park	$54/unit	$52/unit	
Enterprise Business Park	$1,019/net taxable acre	$50.35/net taxable acre	
Carver / Bangs-Pelandale / Snyder	Tax Area A (Carver / Bangs): APN 078-018-048 - $40,736.53 Tax Area B (Pelandale / Snyder): APN 078-066-003 -$26,266.26; Dale Road Professional Park (APN 078-066-016) - $40,172.26	Tax Area A (Carver / Bangs): $2,519.22/ net taxable acre Tax Area B (Pelandale / Snyder): $1,954.06/ net taxable acre	
Coffee-Claratina	Subdivision Loretelli Manor fees are per Lot and will be determined at Annexation	$7,109.98/ net taxable acre	
North Pointe	N/A	Zone 1 & 2 Maximum Maintenance Portion - $3,436.88/ net taxable acre Maximum Sinking Fund Portion (no escalator) - $80.00/ net taxable acre	
Fairview Village	Maximum Maintenance Portion: $1,245.00/lot Maximum Sinking Fund Portion (no escalator): $1,245.00/lot	$728.04/lot	
Village One #2	$10,521.09/ net taxable acre	$10,304.66/ net taxable acre	
Hetch Hetchy	$179,046/lot	$100,572/lot	
North Beyer Park #2	APN 082-014-041: $7,139.58 APN 082-016-042: To Be Determined	APN 082-005-031 (Rose Villas): $77,018.60 APN 082-025-002 (Parcel 2 of 55-Parcel Map-12): $40,049.66	
Kiernan Business Park West	$9,475.40 - $254,713.36/lot (Depending on APN)	$427.49 - $203,717.74/lot (Depending on APN)	

CFD Name17	Facilities Tax (max)	Maintenance Tax (max)	
		Developed Properties	Undeveloped Properties
Kiernan Business Park South	$0 - $3,065,114/lot (Depending on APN)	N/A	
Kiernan Business Park East #2	$204,396.12/ net taxable acre	$4,375.46/net taxable acre	
The Vintage	N/A	Tax Area A: – $865.68/lot Tax Area B: $456.54/lot Tax Area C: $443.14/acre	N/A
Woodglen	Single Family Residential Property: $1,171.78/lot Other Property: $12,675.38/acre	Single Family Residential Property: $1,062.88/lot Other Property: $11,497.68/acre	
Tivoli	Very Low Density: $31,865/unit Low Density: $31,865/unit Medium Density: $31,865/unit Medium High Density: $24,284/unit		

CFD fees have the potential to be a constraint to the development of affordable housing. For example, CFD fees in the Tivoli Specific Plan are $24,284/unit for Medium High Density development. To ensure that fees do not constrain affordable housing, fee reductions or waivers are sometimes granted based on project-specific findings. Capital facilities fees have been waived for recent affordable housing projects within the City, reducing the potential adverse impact of fees on low-income development.

Since the fiscal year (FY) 2016 – 2017, there have been 109 units exempt from the capital facilities fee. Recent affordable housing developments that have been exempt from the capital facilities fee include:

- Housing Authority: 4 units, FY 2016-2017
- Stanco 4 units, FY 2016-2017

- Kestrel Ridge (Housing Authority), 8 units, FY 2017-2018
- Havencove (Housing Authority), 1 unit FY 2018-2019
- 525 Benson (Housing Authority), 3 units FY 2018-2019
- 1101 Carver Rd Archway Commons, 74 units FY 2020-2021
- 112 James St (Stanislaus Equity Partners), 7 units FY2021-2022
- 413 Vine St (Housing Authority), 35 units FY 2022-2023

School Fees

In addition to the costs above, the Modesto City School District charges development fees. The entirety of Modesto is served by the Modesto City School District. The residential development fees for the school district were $4.79 per square foot through June 30, 2023[18]. The City does not have control over these fees, and the fees have not constrained the development of housing in recent years.

Transparency of Development Standards

The City strives to be transparent in its development review process by providing as much information as possible related to the City's regulations, processes, procedures, and fees on the City website. The Municipal Code (including Zoning Ordinance), application forms, fee schedules, and other information are all readily available for reviewing on the website. The City is in compliance with requirements set forth in AB 1483.

The City uses the eTRAKiT permitting system, which facilitates not only internal routing and plan check review, but also has an externally facing portal where applicants can submit online and community members can search for project status and download project materials and correspondences.

SB 35 Approval Procedure

SB 35 (2017) requires a Streamlined Ministerial Approval process for developments in jurisdictions that have not made sufficient progress towards their Regional Housing Needs Allocation. Through Program B - 1: SB 35 Permit Processing and SB 330 Compliance, the City will create and implement an expedited permit process for qualifying affordable housing projects, pursuant to SB 35 and SB 330.

As of May 2023, the City of Modesto has not received an SB 35 application. If the City were to receive an SB 35 application, it would follow state law procedure. The following permitting

[18] City of Modesto. Estimated Modesto Accessory Dwelling Unit Development Fees 2022-2023. https://modestogov.com/DocumentCenter/View/18856/ADU-Development-Fees-2022-2023-PDF

procedure that the City will follow is from the Streamlined Ministerial Approval process guidelines outlined by the California Department of Housing and Community Development.

After receiving a notice of intent from the applicant intending to submit an application for a Streamlined Ministerial Approval process, the following steps must occur:

1. The City will complete the tribal consultation process outlined in Government Code Section 65913.4(b) prior to accepting an application for a Streamlined Ministerial Approval process.
2. Once the tribal consultation process is complete, the City will begin processing the submitted application for a Streamlined Ministerial Approval process.
3. The City will perform a determination of consistency with regard to objective zoning, subdivision, and design review standards.
4. The City will perform a determination of consistency with density requirements.
5. The City will complete the design review within the following timeline, following acceptance of the application in item #2 above:
    - Within 60 calendar days of submittal of the application to the City if the development contains 150 or fewer housing units.
    - Within 90 calendar days of submittal of the application to the City if the development contains more than 150 housing units.
6. The City will determine whether the application for Streamlined Ministerial Approval complies with all applicable requirements, and will approve or deny the application, within the following timeline:
    - Within 90 calendar days of submittal of the application to the City if the development contains 150 or fewer housing units.
    - Within 180 calendar days of submittal of the application to the City if the development contains more than 150 housing units.

The City will establish and implement expedited permit processing for qualifying affordable housing projects, pursuant to SB 35 and SB 330, and create checklists and instructions for reviewing and approving SB 35 and SB 330 projects. The City will also amend the Zoning Ordinance to require that any demolished residential units located on a Sites Inventory property be replaced pursuant to Government Code Sections 65915(c)(3) and 65583.2(g). The City will also add information regarding the expedited permit process on the City's website.

Housing for Persons with Disabilities

The US Census Bureau defines persons with disabilities as those with a long-lasting physical, mental, or emotional condition. Certain conditions affect a person's housing choices, whether it creates a need for accessibility, living spaces for caretakers, transit access, or other.

Reasonable Accommodation Procedures

In some circumstances, development standards that may otherwise be acceptable may constrain the development of housing for persons with disabilities. For example, wheelchair access to a dwelling may not be able to be constructed without a ramp encroaching into the front yard setback. In such cases, state and federal law require local jurisdictions to provide relief from specific requirements or standards to accommodate the needs of persons with disabilities.

The City provides a Disabled Access Declaration Worksheet (available on the City's website) that certifies that the building and site comply with current state Title 24 Disabled Access Standards. As of July 2023, the City has a reasonable accommodation application in place. The application allows review at staff level instead of requiring a variance through the Board of Zoning Adjustment, reducing time and expense for persons with ADA access issues. An applicant needs to submit a form with contact information, a short description of the basis of the request, and an explanation of why the accommodation is necessary. The request is reviewed by Community & Economic Development Department staff, the City's ADA coordinator, and other Departments as appropriate based on the nature of the request, including but not limited to the Engineering and Fire Departments.

The review authority's written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
2. Whether the requested accommodation is necessary to make housing accessible to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

Additionally, the City Building & Safety Division includes an Accessibility Review at the discretion of the Chief Building Official and/or the Community and Economic Development Director that covers ADA and California Building Code Chapter 11 compliance as well as a certified access specialist review and inspection (fees can be seen in Table 74). The City supports equal access to housing for persons with disabilities and promotes reasonable accommodations to property owners.

Through Program B - 7: Housing for Persons with Disabilities/Reasonable Accommodations Procedure, the reasonable accommodations procedure will provide clarity and certainty to any request for reasonable accommodations.

Definition of Family

Zoning Ordinance definitions of "family" or "household" may constrain the development of housing for persons with disabilities, specifically group homes or care facilities, when they limit the number of members of a family or household or require that family or household members be related.

The Modesto City Code defines family as "An individual or two (2) or more persons living together as a single household unit in a dwelling unit. Family does not include larger institutional group living situations including, but not limited to, fraternities and sororities nor does it include commercial group living arrangements including, but not limited to, boarding houses and lodging houses." This definition is consistent with state law and does not pose a constraint on the development of housing for persons with disabilities.

Residential Care Facilities

The State Lanterman Developmental Disabilities Services Act (Lanterman Act) requires that licensed residential care facilities serving six or fewer individuals be treated as residential uses and permitted by right in all zones where residential use is permitted. Modesto Zoning Ordinance Section 10-2.172 includes the residential care facility definition which is compliant with state law and is provided below:

> *"Residential care facility" means a single-family dwelling unit which provides 24-hour non-medical care of persons who are in need of personal service, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment, in a facility licensed by the State of California. A residential care facility does not include family day care, foster care or any medical services, including nursing services, beyond that required by the residents of the residential care facility for sustaining the activities of daily living. A residential care facility specifically includes a community care facility, residential care facility, alcoholism or drug abuse recovery facility, or family care home, foster home, or group home for mentally disordered or otherwise handicapped persons or dependent or neglected children, as defined by California Health and Safety Code Section 1502 and licensed by the State of California.*

The City currently permits residential care facilities serving six (6) or fewer persons principally permitted with a ministerial process in all residential zones. The City currently requires a CUP for residential care facilities for seven or more persons as well as for two or more care facilities occupying one property under common ownership. The City is removing the CUP requirement for these facilities through Program B - 5.

There are no specific development standards that apply to residential care facilities that do not also apply to other residential development in the same zone, except for parking. The parking requirement for residential care facilities is two (2) spaces per unit and one (1) additional space for each employee beyond 2 employees. Reviewing the Zoning Ordinance

and making necessary amendments to comply with AB 2162 (California Government Code Section 65651) has been included in Program B - 7.

Building Code

The City of Modesto is adopting—and enforcing—the 2022 California Building Code (CBC). When development plans are submitted for plan check, they are reviewed by the Building and Development Services team for compliance with the CBC. The City actively enforces CBC provisions that regulate access and adaptability of buildings to accommodate persons with disabilities. The City has adopted no local amendments to the CBC that constrain development of housing for persons with disabilities.

Code Enforcement

The City's Neighborhood Preservation Unit staff responds to potential violations of the Modesto City Code, which are handled primarily on a complaint basis by building inspectors and residents. Common violations include issues associated with blighted properties, zoning violations, and illegal dumping and parking.

In 2019, the City of Modesto adopted a Rental Housing Safety program to safeguard rental housing. The program requires annual self-inspections of rental housing units. Annual self-inspections encourage preventative maintenance and allow landlords and property managers a better chance of awareness of poor conditions. The awareness provides opportunities for preventative maintenance which protects rental housing stock and the value of adjacent properties. Code Enforcement continues to follow up on complaints but the Program conducts proactive inspections of up to 10% of rental units. A proactive approach reduces the need for tenants to request help from City officials and eliminates the fear of retribution from landlords.

On- and Off-Site Improvement Requirements

Modesto requires on-site improvements for new developments, which are intended to meet health and safety requirements of the community. Typical on- and off-site improvements which may be required for new development on infill sites include improvements to the adjacent traffic signals and sidewalks and sanitary sewer and stormwater connections. In cases where water or wastewater infrastructure may need to be enlarged or repaired to accommodate new construction, developers are responsible for paying the direct costs of improvements. A review of recent certificates of approval for recent projects found that all conditions of approval were standard, objective, and related to adhering to the approved site plan or City standards as outlined in the Municipal Code.

Although requirements for on- and off-site improvements do add to the overall cost of development, they are necessary to ensure provision of vital infrastructure services to residents. Based on the recent proposals submitted and entitled citywide for a range of

housing types (Table 84: Entitled and Pending Projects), the City's site improvement requirements do not create an undue constraint on development.

The City requires standard street widths for most development projects.

- Local streets require a 50-foot street right-of-way consisting of 36 feet of roadway, curbs, a 4-foot-wide sidewalk on each side of the street, and drive-over curb or 6-foot sidewalk with a vertical curb.
- Cul-de-sacs require a 50-foot street right-of-way consisting of 34 feet of roadway, drive-over curbs, and 4-foot-wide sidewalks on each side.
- Minor collector streets require 60-foot street right-of-way, consisting of 36 feet of roadway, vertical curbs, and 5-foot-wide sidewalks on each side.
- Minor collector streets with bike lanes require a 72-foot street right-of-way consisting of 48 feet of roadway, including a 6-foot-wide bike lane on either side of the street, vertical curbs, and 5-foot-wide sidewalks on each side.

Other off-site improvements include the installation of sewer, water, and storm drain lines. The installation of streetlights, street signage, fire hydrants, and street trees is also required at time of recordation of the final map for single-family subdivisions and certificate of occupancy for multifamily development.

Nongovernmental Constraints

Nongovernmental constraints include those caused by market conditions, environmental hazards and limitations, and infrastructure operated by outside agencies.

Requests to Develop Below the Anticipated Density

In some regions, market factors such as the demand for single-family housing or larger high-end condominiums can lead to properties being developed below the maximum allowable density. Requests to develop housing at densities below those anticipated in the Housing Element act as a potential constraint to housing development. The City has not received any requests to develop 5th Cycle sites below the density anticipated in the 5th Cycle Housing Element.

Cost and Availability of Land

The cost of land is a significant contributor to the overall cost of housing. Land values fluctuate with market conditions and have generally been increasing since the Great Recession, and substantially increasing since 2012. Land prices are determined by numerous factors, most important of which are land availability and permitted development densities. As land becomes less available, the price of land increases. The scarcity of adequate housing opportunities in Stanislaus County have influenced upward pressure on land and housing costs in Modesto.

The price of land varies depending on a number of factors, including size, location, the number of units allowed on the property, and access to utilities. Vacant land sales (October 2022–May 2023) are shown by cost and acreage in Table 77. The price ranges from $4.46 to $17.64 per square foot, with an average price of $11.46 per square foot (or $499,197.6 per acre). The City has little control over land costs, which can pose a constraint to development.

Table 77: Vacant Lot Sales in Modesto (2022-2023)

Acreage	Land Cost	Cost per sq. ft.	Date Sold
0.54	$105,000	$4.46	5/12/2023
0.19	$100,000	$12.08	5/04/2023
0.18	$125,000	$15.94	3/21/2023
0.51	$220,000	$9.90	3/06/2023
0.22	$169,000	$17.64	12/29/2022
17.72	$3.9 million	$5.05	11/17/2022
0.41	$270,000	$15.12	10/17/2022

Source: Zillow.com, 2023.

Construction Costs

Construction costs include the cost of materials and labor. Materials costs include the cost of building materials (wood, cement, asphalt, roofing, pipe, glass, and other interior materials), which vary depending on the type of housing being constructed and amenities provided. In general, construction costs can be lowered by increasing the number of units in a development, until the scale of the project requires a different construction type that has a lower cost per square foot.

One indicator of construction costs is Building Valuation Data, compiled by the International Code Council (ICC). The unit costs compiled by the ICC include structural, electrical, plumbing, and mechanical work, in addition to interior finish and normal site preparation. The data are national and do not account for regional differences, nor include the price of the land upon which the building is built. The Building Valuation Data, dated August 2022, reports the national average for development costs per square foot for apartments and single-family homes as follows:

- Residential Multifamily: $153.00 to $227.64 per square foot
- Residential One- and Two-Family Dwelling: $166.08 to $212.00 per square foot
- Residential Care/Assisted Living Facilities: $193.49 to $269.11 per square foot

California building costs tend to be higher than national levels.

Availability of Financing

Interest rates affect homeownership opportunities throughout the City. In May 2023, Freddie Mac's primary mortgage market survey listed interest rates on home loans at 6.39 percent on a 30-year fixed-loan rate. The interest rate has increased steadily over the past three years. In June 2020, the interest rate for a 30-year fixed loan was 3.21 percent. Low housing inventory can create competition among potential homebuyers, especially for first-time homebuyers. The sales price of housing is typically adjusted for changes in mortgage rates.

Table 78 displays the number of loan applications received in 2020 for the purpose of purchasing a home in the Modesto metropolitan statistical area. Note that the Modesto metropolitan statistical area includes ode than just the City of Modesto, and encompasses the entirety of Stanislaus County. Specifically, the table lists the number of total applicants, the number of loans originated, the number of applications that were approved but not accepted by the applicant, and the number of applications denied across various types of loans.

Table 78: Disposition of Home Loans (2020)

Loan Type	Total Applicants	Originated	Approved Not Accepted	Denied	Withdrawn / Other
Conventional Purchase	6,918	4,025	202	553	2,138
Government Backed Purchase	4,696	2,424	79	280	1,913
Home Improvement	2,029	1,096	42	461	430
Refinance	13,838	6,330	374	2,271	4,863
Total	27,481	13,875	697	3,565	9,344

Source: Lending Patterns Lite.

Environmental and Infrastructure Constraints

Environmental hazards affecting housing units include geologic and seismic conditions, soil conditions, flood risk, vegetation and wildlife habitat, toxic and hazardous waste, fire hazards, noise levels, and preservation of agricultural lands. In Modesto, seismic hazards provide the greatest threat to the built environment. Infrastructure constraints include the availability and cost of water and sewer services. The following hazards may impact future development of residential units in the City and can pose a potential constraint to housing development.

Environmental Constraints

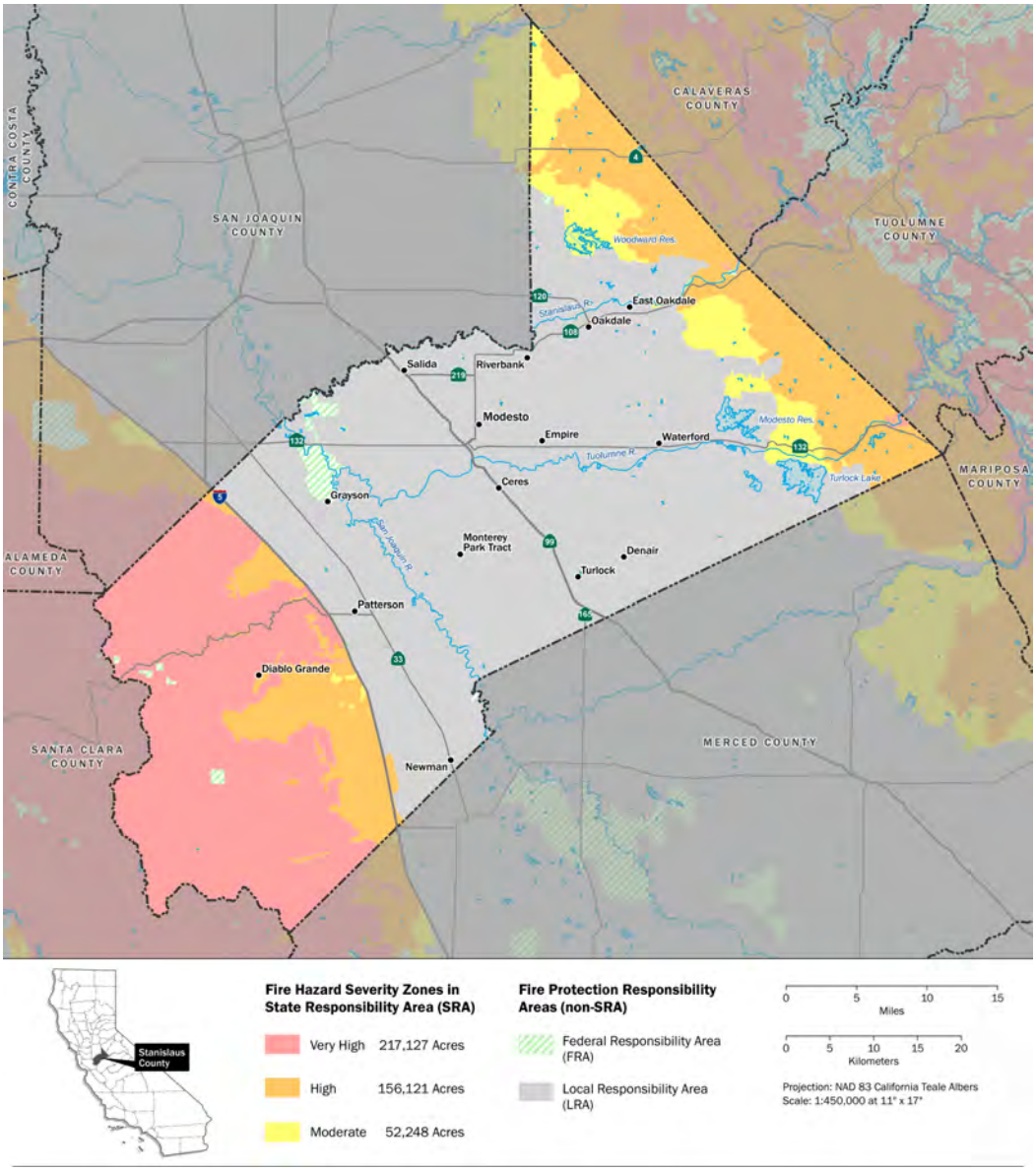
Seismic Hazards

Modesto is located in Alquist-Priolo Zone 3, the lowest risk zone for earthquakes. Modesto is characterized by very flat topography (0.1 percent average slope), non-expansive soils, and low likelihood for landslide, liquefaction, or other geologic hazards. The Urban Area General Plan does not identify any potential geologic hazards that could pose significant constraints to the production of housing within the City.

Fire Hazards

Residential fire protection is provided by the Modesto Fire Department. The department maintains a first response time of six minutes or less for all residential areas of the City. Older areas of the City have the greatest risk of fire, as the frequency of vacant buildings, age of building materials, and lack of fire suppression systems all increase with older developments. Sufficient facilities and services are maintained by the Fire Department to handle all known risks associated with fire hazards. Therefore, fire hazards do not represent a significant constraint to the development of housing. As shown in Figure 48, the City of Modesto does not fall within any fire hazard severity zone.

Figure 48: Fire Hazard Severity Zones, Stanislaus County



Source: California Department of Forestry and Fire Protection, 2022.

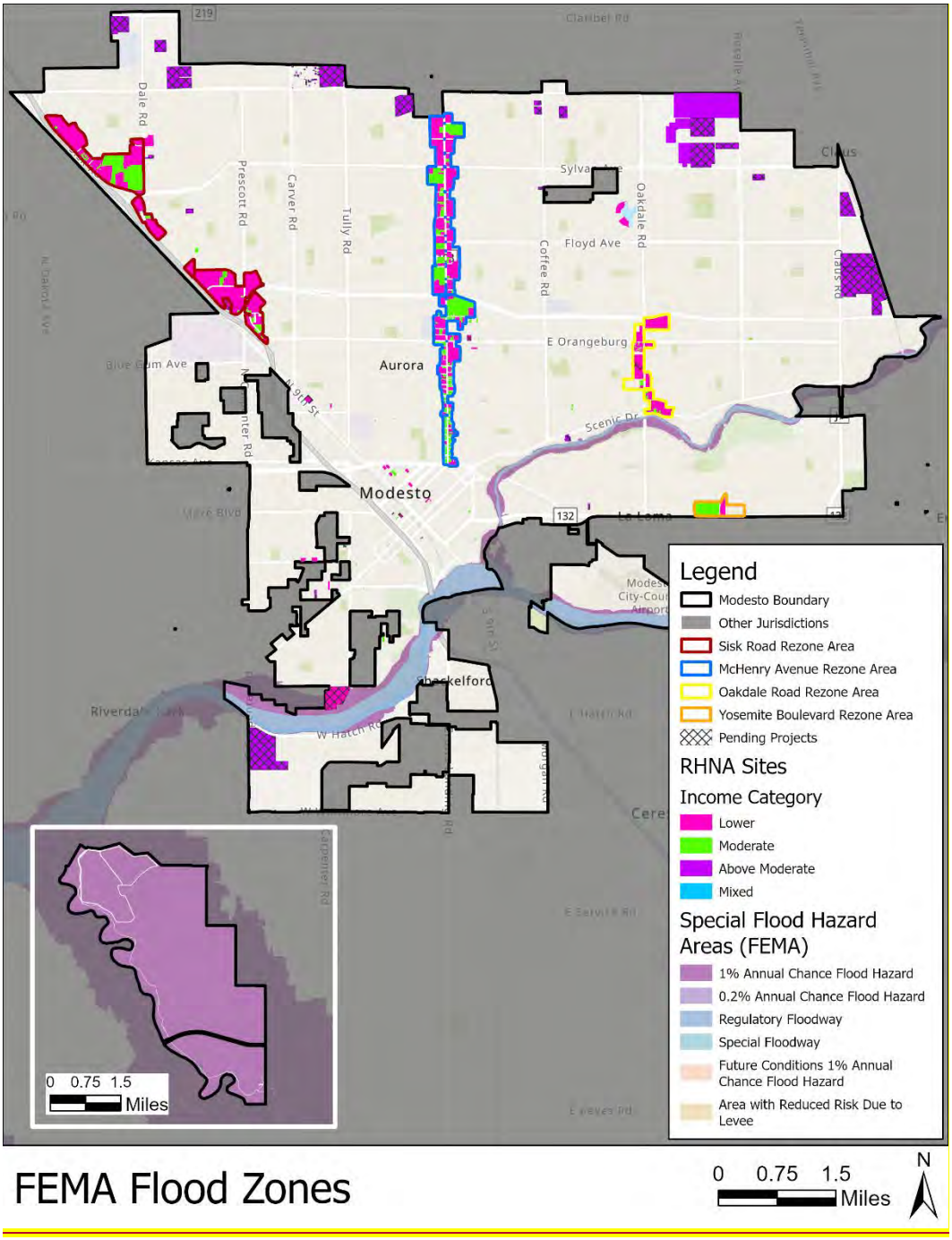
Flood Hazards

The major waterways affecting Modesto do not pose any major flood risk. The Tuolumne and Stanislaus Rivers are both controlled by dams and other flood control strategies, and Dry Creek does not have a significant record of flooding within the City limits.

While flooding from the waterways is not considered a major risk, the General Plan identifies flooding associated with poor storm drainage as a major issue. In future flooding events, the extent of damage will depend upon the area inundated and the level of urbanization that

exists in flood-prone areas. Figure 49 shows the areas of the City that fall within the Federal Emergency Management Agency's 1 percent and 0.2 percent annual chance flood hazard areas.

Figure 49: Flood Hazard Map



Source: Federal Emergency Management Agency.

Local Data

There are no RHNA sites with known contamination, and no sites were identified as having contamination in either the City of Modesto Urban Area General Plan EIR or Tivoli Specific Plan EIR.

According to the Department of Toxic Substances Control's data management system (EnviroStor), there are no parcels in the sites inventory that have cleanup, permitting, enforcement, and investigation efforts open and no sites have known or suspected contamination issues.

Additionally, there are no known easements that would preclude development on any RHNA site. Therefore, the RHNA opportunity sites inventory have no identified conditions that would preclude or impact housing development.

Infrastructure Constraints

The availability of infrastructure and services to meet new demands created by new residential development is another potential constraint to housing development.

Water

Water supply in the Modesto area originates from two sources: City-operated wells and surface water provided by the Modesto Irrigation District (MID). City-owned wells extract groundwater and treat it as necessary to potable standards throughout the water service areas. Surface water is piped to the City through the MID Treatment Plant from the Modesto Reservoir. The MID Treatment Plant has been delivering surface water to the City of Modesto since its completion in 1995. The City also operates several isolated water systems outside the City limits as part of the purchase of the former Del Este Water Company in the 1990s. These water systems are supplied primarily by groundwater sources. Modesto will continue to meet its future demands through its Joint 2020 Urban Water Management Plan.

Sewer

The City of Modesto sanitary sewer system collection system consists of approximately 655 miles of sewer pipes, 12,977 manholes, 48 lift stations, and other related infrastructure. The Wastewater Collections Division operates and maintains the sanitary sewer system using a reliability-centered preventive maintenance (PM) approach, which seeks to prevent stoppages and blockages within the sanitary sewer system by optimizing the PM schedule for each asset.

The City has adopted by initiative two ordinances that can constrain extension of sewer infrastructure into new residential areas. Measure A (passed in 1979) and Measure M (passed in 1997) require that any planned extension of sewer infrastructure beyond the existing development area be subject to an advisory citizen vote. Measure M expanded Measure A so that it included all sewer system improvements inside the service area. Votes are held only during regularly scheduled elections (March and November); thus they can delay the potential

extension of infrastructure for up to six months. The vote is advisory an allows Modesto residents to voice their opinions on growth before it happens. The positive or negative result of a public advisory election is not binding upon the City Council, which may choose to either allow or prohibit growth in these areas. One goal of the Urban Growth Policy is to maintain a 3-5 year supply of vacant residential land for future development. Public advisory elections concerning extending sewer service are typically scheduled every other year in odd-numbered years if City Council determines, through the Urban Growth Review, that the City has an inadequate supply of developable land and that the City's infrastructure can accommodate additional development.

Water and Sewer for Affordable Housing

Pursuant to Government Code 65589.7, the Planning department coordinates with the Utilities Department (water and sewer provider) to ensure prioritization of services to housing developments serving lower-income households. In some cases, the City of Modesto Utilities Department has prioritized capital improvements in certain areas to coordinate with other improvements that serve lower-income developments. For example, the Utility Department prioritized a water main upsize project in conjunction with the development of Kansas House, a conversion of a motel into 103 permanent supportive housing units with services for persons experiencing homelessness.

The Utilities Department is also working with a consultant to obtain a grant that would pay to extend sewer laterals from installed main stub outs at property lines to individual houses as well as remove the septic systems without charge to the homeowner. The cost of the 20 – 50 feet of sewer lateral installation needed on private property, removal of the septic system, and connection fee acts as an obstacle for homeowners from transitioning from septic systems to the City's sewer services. If obtained, the grant would remove a financial obstacle and help more homes to connect to City sewer.

Energy Conservation

Energy Conservation State law (Government Code Section 65583[a][7]) requires a housing element to provide an analysis of opportunities for energy conservation in residential development. Not only do such energy conservation measures reduce consumption of nonrenewable or limited resources, but they can also substantially lower housing maintenance costs.

Pacific Gas and Electric (PG&E) provides gas service for the City. The Modesto Irrigation District provides electric service from the City limits on the north to the Tuolumne River on the south. South of the Tuolumne to the City limits, electric service is provided by the Turlock Irrigation District.

As of January 1, 2020, the State of California began requiring solar on newly constructed low-rise residential buildings (single-family homes, duplexes, and townhouses of three stories or

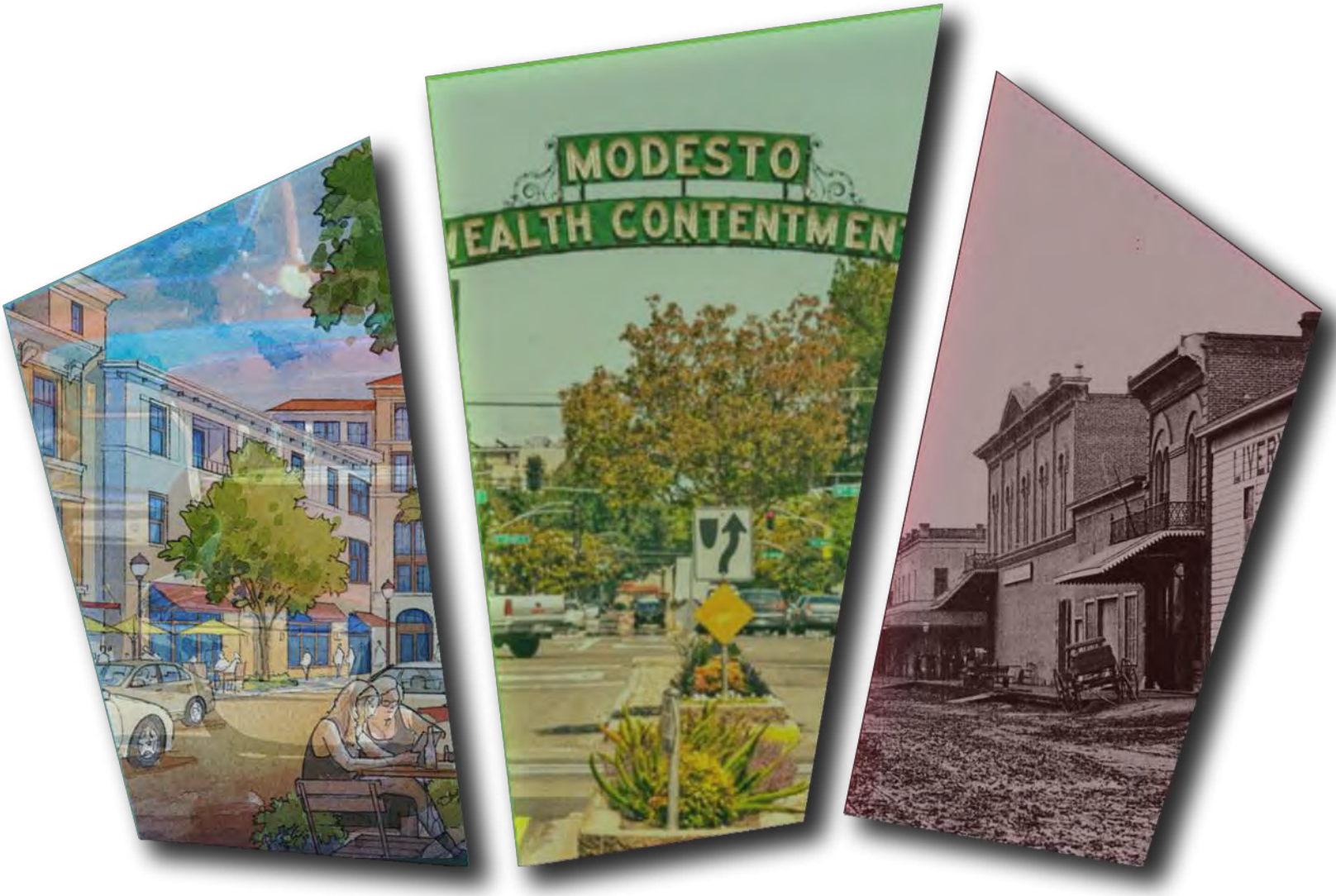
less, including ADUs) through the 2019 California Building Standards Energy Code (Title 24, Part 6). The City of Modesto adopted and implemented the code. PG&E also provides several programs, incentives, and rebates for qualified renters and homeowners to save energy and money. The City provides links to these PG&E programs on the City's website for energy conservation.

Recent changes to energy conservation efforts with the adoption of the 2022 Energy Code include:

- All new single family developments are now built with an Energy Storage System ready so that a homeowner can easily install a battery system
- Heat pump water heaters are now standard in new homes
- All new homes must be installed with 220V for electric ranges and dryers

These programs, along with smart growth strategies which the City of Modesto is promoting and implementing as part of the Housing Element, will further local and statewide energy conservation goals.

The Modesto Irrigation District operates a weatherization program available to low-income rental or owner-occupied households. The program provides energy efficient measures such as replacement of broken windows, refrigerator, microwave, swamp coolers and the installation of insulation, sunscreens, weatherstripping, and some repairs.



SITES AND RESOURCES

City of **MODESTO**

Housing Element 2023-2031

CITY OF MODESTO CALIFORNIA

Sites and Resources

Land Inventory

The sites and resources section of the Housing Element provides an overview of available land resources and residential sites for future housing development; evaluates how these resources can satisfy future housing needs; reviews financial and administrative resources available to support affordable housing; and discusses resources available for the development, rehabilitation, and preservation of housing in Modesto.

Housing Allocation

California General Plan law requires that a community provide a fair share of sites to allow for and facilitate production of the regional share of housing. To determine whether a jurisdiction has sufficient land to accommodate its share of regional housing needs for all income groups, that jurisdiction must identify "adequate sites." As defined under California Government Code Section 65583(c)(1), adequate sites are those with appropriate zoning and development standards, with services and facilities to encourage and provide for the development of a variety of housing for all income levels.

The California Department of Housing and Community Development (HCD) and the California Department of Finance (DOF) are responsible for assessing the housing needs for different regions across the state. Modesto is in the Stanislaus Council of Governments (StanCOG) region, which received a regional allocation of 34,344 housing units. StanCOG then distributed these housing units between all jurisdictions, a process known as the Regional Housing Needs Allocation (RHNA). StanCOG adopted its final allocations on August 17, 2022. The City of Modesto's RHNA for the 2023-2031 planning period (6th Cycle) is 11,248 total units, spread among different income categories, as shown in Table 79.

Table 79: City of Modesto 2023-2031 RHNA

Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2,807*	1,943	1,981	4,517	11,248

Source: Regional Housing Needs Allocation, StanCOG, 2023-2031

*Note: Pursuant to AB 2634, local jurisdictions are also required to project the needs of extremely low-income households (0–30% of area median income). The projected extremely low-income need can be assumed as 50 percent (1,403) of the total need for the very low-income households.

No Net Loss Buffer

State law requires cities to continually maintain adequate capacity in their sites inventories to meet their RHNA for all income levels. In the event that a site is developed below the density projected in the Housing Element, or at a different income level than projected, the City must take action(s) to ensure adequate sites are available to accommodate the remaining balance

of the RHNA. If the City does not have any additional capacity within the existing zoning, it must identify and rezone new sites that can accommodate the remaining need within six months. For these reasons, the City is including a buffer of 15 percent above the remaining RHNA need once accounting for pending projects and accessory dwelling units (ADUs). Table 80 illustrates the RHNA breakdown by income category with the 15 percent buffer beyond the remaining need. As shown, the pending projects (Row B) and projected ADUs (Row C) are subtracted from the RHNA (Row A) to determine the unmet RHNA (Row D). The unmet RHNA of 2,678 very low, 1,525 low, 1,906 moderate, and 945 above moderate-income units are multiplied by 15 percent (Row E). Row F sums the unmet RHNA (Row D) and the 15 percent of the unmet RHNA (Row E) to show the target opportunity sites capacity.

Table 80: 2023–2031 RHNA Buffer Calculation

Row Identifier	Capacity Category	Very Low	Low	Moderate	Above Moderate	Total
A	RHNA	2,807	1,943	1,981	4,517	11,248
B	Pending Projects	116	405	62	3,559	4,142
C	Projected ADUs	13	13	13	13	52
D	Unmet RHNA *(A – B – C)*	2,678	1,525	1,906	945	7,054
E	Target Buffer (15% of Unmet RHNA) *(D*0.15)*	402	229	286	142	1,058
F	Unmet RHNA + Target Buffer *(D + E)*	3,080	1,754	2,192	1,087	8,112

Realistic Capacity

State law requires that a city project realistic estimates for housing capacity on its RHNA sites. Realistic capacity may be estimated by utilizing recent project history, using a minimum density, or through other methods. As a majority of growth is expected to take the form of multifamily housing, recently approved and constructed multifamily projects were reviewed to understand and establish historical trends for multifamily housing development in Modesto. The realistic capacity calculation also takes into account recent inquiries and permits for uses in zones that allow mixed-use or stand-alone commercial uses.

Table 81 lists recent residential projects in Modesto, their land use, zoning, density, and yield percentage. The yield percentage is the percentage of the maximum density the project achieved. Seventeen recent and pending projects are in the P-D, R-1, SP, and R-3 zones. Projects in the SP zone generally have a permitted use which attributes an additional zone's

standards to the parcel, such as R-1, R-2, or R-3. The allowed uses for the P-D zones varies, so all P-D yield calculations are based on the highest, R-3 maximum density. Overall, the average yield of all seventeen projects is 87 percent. Project yields range from 18 percent to 214 percent. Breaking the capacity down by zone, the average yield in the P-D zone is 83 percent, R-1 zone is 105 percent, and R-3 zone is 70 percent.

Table 81: Example Project Densities

Project	Units	Acreage	Zoning	Land Use	Max Density	Project Density	Yield %	Exceptions Used to Reach Density	Income Category
0 Vine Street (Housing Authority)	35	0.6	P-D *(Permitted Use R-3 density)*	R	29	62.0	214%	The P-D zone does not designate a maximum density for special types of housing, such as supportive housing.	Very Low/ Moderate
112 James Street	7	0.3	R-3	R	29	25.6	88%	-	Very Low
3313 Coffee Mixed Use	15	0.9	P-D *(Permitted Use Commercial and R-3 density))*	MU	29	16.3	56%	-	Above Moderate
3600 Dale	44	1.7	P-D *(Permitted Use R-3)*	MU	29	25.6	88%	-	Above Moderate
835 California Avenue (STANCO)	6	0.7	R-3	R	29	8.4	29%	-	Very Low
Arcadia	141	29.4	SP *(Permitted Use R-1)*	R	7.5	4.8	64%	-	Above Moderate
Calandev	76	16.2	P-D *(Permitted Use R-1)*	R	7.5	4.7	62%	-	Above Moderate
James Street	7	0.3	R-3	R	29	25.6	88%	-	Very Low
JKB Apartments	206	9.3	SP *(Permitted Use R-3)*	MU	29	22.3	77%	-	Above Moderate

Project	Units	Acreage	Zoning	Land Use	Max Density	Project Density	Yield %	Exceptions Used to Reach Density	Income Category
Mable Avenue (Assyrian Church)	90	6.5	SP *(Permitted Use R-1)*	R	7.5	13.9	186%	The Specific Plan regulates density on an area-wide basis, not parcel-basis. This parcel does not cause the overall project area to exceed the prescribed density so it was permitted.	Above Moderate
Magnolia Grove	35	1.5	P-D	R	29	24.1	83%	-	Above Moderate
Olivewood	87	9.4	SP *(Permitted Use R-1)*	R	7.5	9.2	123%	The Tivoli Specific Plan allows for a unique density range of 8-18 du/ac.	Above Moderate
River Vista (Habitat for Humanity)	11	1.4	R-1	R	7.5	7.9	105%	Rather than a density regulation, this project meets the minimum lot size of 5,000 sf.	Low
Rumble/Conant	50	2.3	P-D *(Permitted Use R-3)*	R	29	22.2	77%	-	Above Moderate
Scenic	41	2.3	P-D *(Permitted Use R-3)*	R	29	18.2	63%	-	Above Moderate
Snow	213	38.0	SP *(Permitted Use R-1)*	R	7.5	5.6	75%	-	Above Moderate

Project	Units	Acreage	Zoning	Land Use	Max Density	Project Density	Yield %	Exceptions Used to Reach Density	Income Category
Tesoro	36	5.7	P-D *(Permitted Use R-1)*	R	7.5	6.3	84%	-	Above Moderate
TRRP (Housing Authority)	92	17.4	P-D	R	29	5.3	18%	-	Low
Woodglen	367	61.2	R-1	R	7.5	6.0	80%	-	Above Moderate

Source: City of Modesto

Table 82 shows the assumed yields for all zones in the City where RHNA sites are identified. In general, the deductions in yield from the maximum will cover and accommodate any reductions in site capacity due to any constraints on the site. The yields were determined based on recent residential development trends and development standards assessed in the constraints section. For the zones with traditional development standards (P-D, R-1, and R-3) with RHNA sites, the yields are assumed at or below the recent trends. Recent development trends suggest that projects tend to average around 70 percent of the maximum yield. The average of these recent projects is 82 percent, illustrating that the maximum density is largely achievable in these zones.

The zones in Downtown Modesto (CD, END, MSD) have no set density and utilize a form base code. Since there is no maximum density for these zones, an analysis was done of the building types and development standards allowed in each of the downtown zones to set a realistic maximum density based on the form based code standards. The flexibility and standards of the form based code allows development at much higher densities than the assumed maximums; however, a realistic maximum for these zones was established for the purposes of determining an estimated yield for the RHNA.

The City recently completed the City of Modesto Housing Plan,[19] which serves to identify appropriate candidate locations for new residential development, provide test fits of various housing product types in different zones, and analyze financial feasibility of development of different types of housing in the City. The Housing Plan provides a comprehensive analysis of the types of housing that could be developed in different zones of the form based code. For the CD and UGD zones, the test fit of stacked flats at a density of 100 dwelling units per acre (du/acre) was found to be feasible. It should be noted that 100 du/acre was deemed feasible without using the maximum allowable permitted heights. The test fit building type was only four stories, while development of up to eight stories is allowed. Using this feasibility analysis, a density of 100 du/acre was used as the maximum density for the CD and UGD zones, as building at this density was found to be financially feasible. The estimated yield density is 70 percent of 100 du/acre, for a yield of 70 du/acre.

For the END and MSD zones, a test fit of a four-story courtyard building, at 56 du/acre, was determined to be financially feasible. Using this feasibility analysis, a density of 50 du/acre was used as the maximum density for the END and MSD zones. The estimated yield density is 70 percent of 50 du/acre, for a yield of 35 du/acre.

Proposed projects support the assumption of high-density development in the form based code areas. A proposed project in the downtown form based code consists of 78 units on 0.88 acres, for a density of approximately 89 units per acre.

[19] City of Modesto Housing Plan. https://www.modestogov.com/DocumentCenter/View/19912/FINAL-DRAFT-HOUSING-PLAN-07-25-22

The City is in the process of developing two new Mixed-Use Zones, Mixed-Use Pedestrian and Mixed-Use Highway (MU-P and MU-H) that will allow high-density residential development along Sisk Road, McHenry Avenue, Yosemite Boulevard, and Oakdale Road. These zoning amendments are anticipated to be completed in November, 2023. While many of the buildings in the Mixed-Use Zones are likely to be converted and redeveloped for housing during the 6th Cycle planning period, the City acknowledges that not all of the available properties will be redeveloped. The City is accounting for the likelihood of nonresidential uses by assuming conservative calculations and only utilizing a small portion of what could happen in the jurisdiction to meet the RHNA.

The City is taking an extremely conservative estimate and assuming 17 percent yields on sites in the Mixed-Use Zones. This means that each individual parcel is assumed to have a low capacity or likelihood, but cumulatively, the area can accommodate a substantial portion of the RHNA. Note that the proposed Mixed-Use zones and the CD, END, and MSD Zones all allow 100 percent residential development.

The City is rezoning parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and amending related P-D parcels to allow for 45 du/ac in order **to create a total capacity of 31,469 units, in the proposed rezone areas**. **This capacity is 280% of the allocated RHNA (11,248) and 447% of the unmet RHNA (7,034).** The assumption for these zones is 6,051 units, which is less than 20% of the total capacity; most of the sites in these zones are included at a 17% yield of the maximum. Providing such an excess of appropriately zoned land and using a low yield ensures that the City has capacity to meet the RHNA. **This takes into account the existing non-vacant use and allowance of 100% non-residential uses on these parcels, as only a fraction of the parcels have to be developed with residential uses to meet the RHNA.**

Additionally trends in the City support the development of residential uses in zones that also allow non-residential uses. A review of inquiries and recent development in the City illustrate the market demand for increased residential uses. This is shown in recent projects, redevelopment of non-residential uses to residential, and requests to rezone from a non-residential to a residential use.

Examples of recent residential projects in zones that allow non-residential uses include:

- 1208 9th Street - the City assisted in the acquisition and rehabilitation of 1208 9th Street, creating 14 units for young adults ages 18-24 experiencing homelessness.

Examples of pending and approved residential projects in zones that allow non-residential uses include:

- Church Properties (225 and 231 East Orangeburg Avenue) – nine (9) supportive housing units (approved April 27, 2023) - Building Permit applied 7/27/23.
- 1612 Sisk Road – conversion of a hotel into 148 studio apartments (workforce housing) – Building Permit applied 6/01/22.

- 7th Street Village – a downtown project that consists of 79 low-income units. The project has been approved.
- Traveler's – motel conversion consisting of 54 very low-income units. The project has been through the Development Plan Review process and next steps are to obtain building permits.
- 3313 Coffee Mixed Use – 15 above moderate income units on a lot with a charter school and educational buildings.
- 3600 Dale Rd – 44 units multifamily – Building Permit Issued 6/12/23.

Examples of inquiries the City has received from developers interested in residential projects in zones that allow non-residential uses include:

- 129 Phoenix Ave – two potential dwelling units.
- 500 9th Street - Owner interest in redevelopment of 500 9th Street for mixed-use project including retail and residential.
- 812 7th Street - An approved project for 8 tiny homes on 812 7th Street inquired about potential for more units on the property. The property is within ½ mile of the StanRTA route #21, a major transit route. Therefore, there is no required parking minimum per Government Code Section 65863.2, so the developer could remove parking and add additional units.

The recent trends in development illustrate that there is high likelihood of the development of residential uses in zones that allow non-residential uses. Combined with the low yields assumed on each site, there is a surplus of capacity for residential development and a market demand for residential uses in non-residential zones. The allowance of non-residential uses in these zones will not preclude the City from providing adequate capacity to accommodate its RHNA allocation.

Table 82: Assumed Yields

Zone	Maximum Density	Yield	Estimated Yield Density
CD	Form Based Code (Estimated 100 du/ac)	70%	70 du/ac
END	Form Based Code (Estimated 50 du/ac)	70%	35 du/ac
MSD	Form Based Code (Estimated 50 du/ac)	70%	35 du/ac
MU-P	45 du/ac	17%	6.75 du/ac
MU-H	45 du/ac	17%	6.75 du/ac
P-D	45 du/ac (Refers to R-3 Density)	70%	31.5 du/ac
P-O	45 du/ac (Refers to R-3 Density)	50%	22.5 du/ac
R-1	10.9 du/ac	80%	8.72 du/ac
R-3	45 du/ac	70%	31.5 du/ac
UGD	Form Based Code (Estimated 100 du/ac)	70%	70 du/ac

* May allow higher density should certain objective standards be met.

Assumed Affordability

Density

The California Government Code states that if a local government has adopted density standards consistent with the population-based criteria set by the state, then HCD must accept sites with those density standards as appropriate for accommodating the jurisdiction's share of lower-income units. For Modesto, this density is 30 du/acre. The selected RHNA sites within the Mixed-Use, P-D, R-3, CD, END, MSD, P-O, and UGD Zones meet the requirements of Government Code Section 65583.2(c)(3)(B). Table 83 shows the income levels, densities, and their implementing zones in Modesto.

Moderate-income housing can be accommodated through medium- and higher-density zones, with maximum densities ranging from 15 to 30+ du/acre. These densities support a variety of multifamily housing typologies, including townhomes and garden-style apartments, which may be affordable to moderate-income households. Above moderate-income housing needs may be met through lower-density, single-family typologies, typically in the 0 to 15 du/acre range.

Table 83: Densities, Affordability, and Implementing Zones

Income	Density Range	Modesto Implementing Zone
Above Moderate	0–15	R-1, SP
Moderate	15–30	MU-P, MU-H, P-D, R-3
Low	30+	MU-P, MU-H, P-D, R-3, CD, END, MSD, P-O, UGD
Very Low	30+	MU-P, MU-H, P-D, R-3, CD, END, MSD, P-O, UGD

Size

Pursuant to state law, RHNA sites accommodating lower-income units must have areas between 0.5 and 10 acres, regardless of allowed density. The RHNA sites in the inventory adhere to this; all sites accommodating lower-income units are between 0.5 and 10 acres. No lot consolidation was assumed.

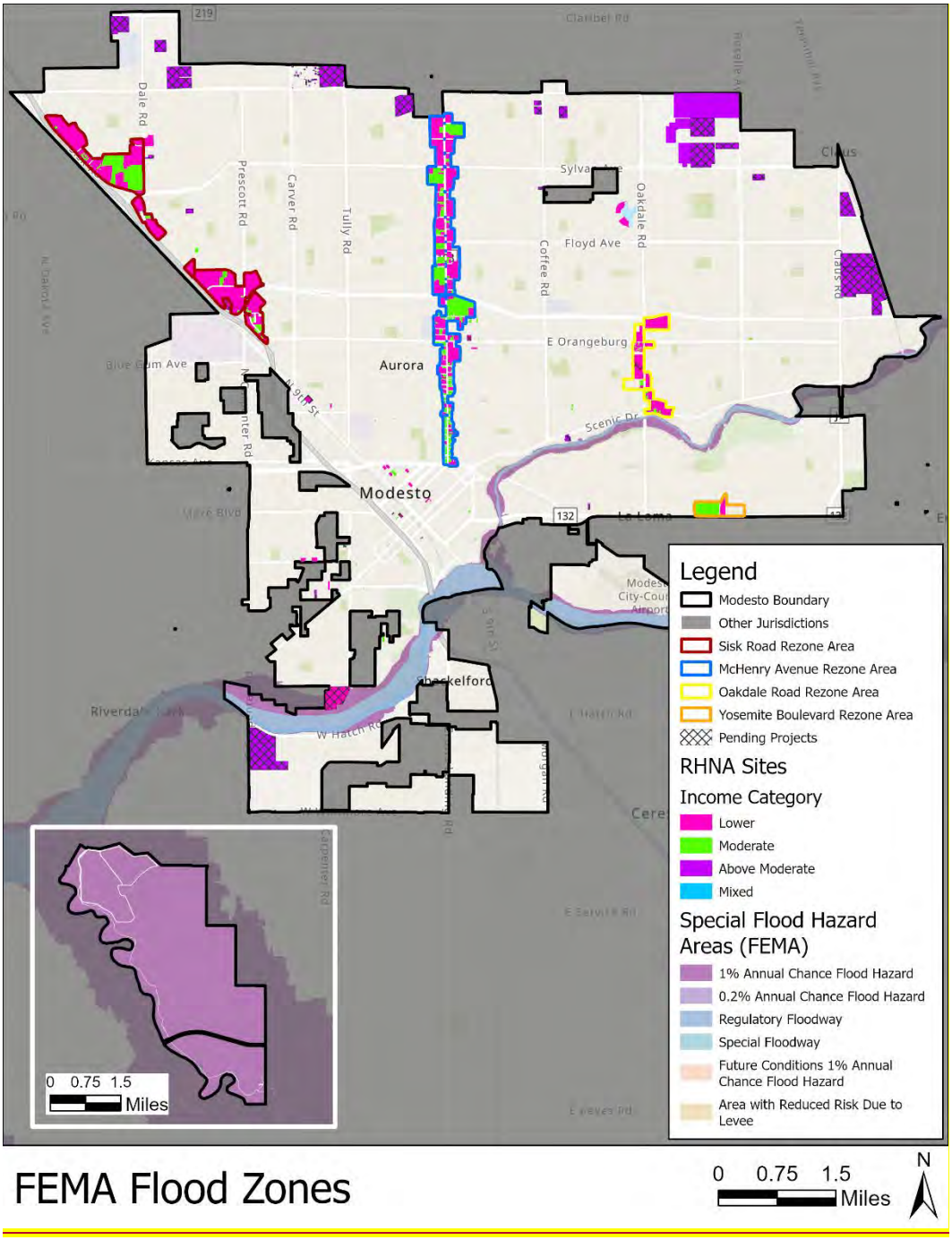
Environmental and Infrastructure Constraints

The site inventory analysis takes into consideration any environmental constraints such as habitat, flood, noise hazards, and steep slopes. Any environmental constraints that would lower the potential yield (e.g., steep slopes) have already been accounted for in the site/unit capacity analysis. In general, the deductions in yield from the maximum will cover and accommodate any reductions in site capacity due to environmental constraints.

Flooding

Portions of Modesto fall into flood hazard zones as defined by the Federal Emergency Management Agency (FEMA). The City of Modesto has been a participating jurisdiction in FEMA's National Flood Insurance Program since July 1974. Figure 50 shows the special flood hazard areas in the City. None of the RHNA sites fall into an identified flood hazard area.

Figure 50: Special Flood Hazard Areas and RHNA Sites



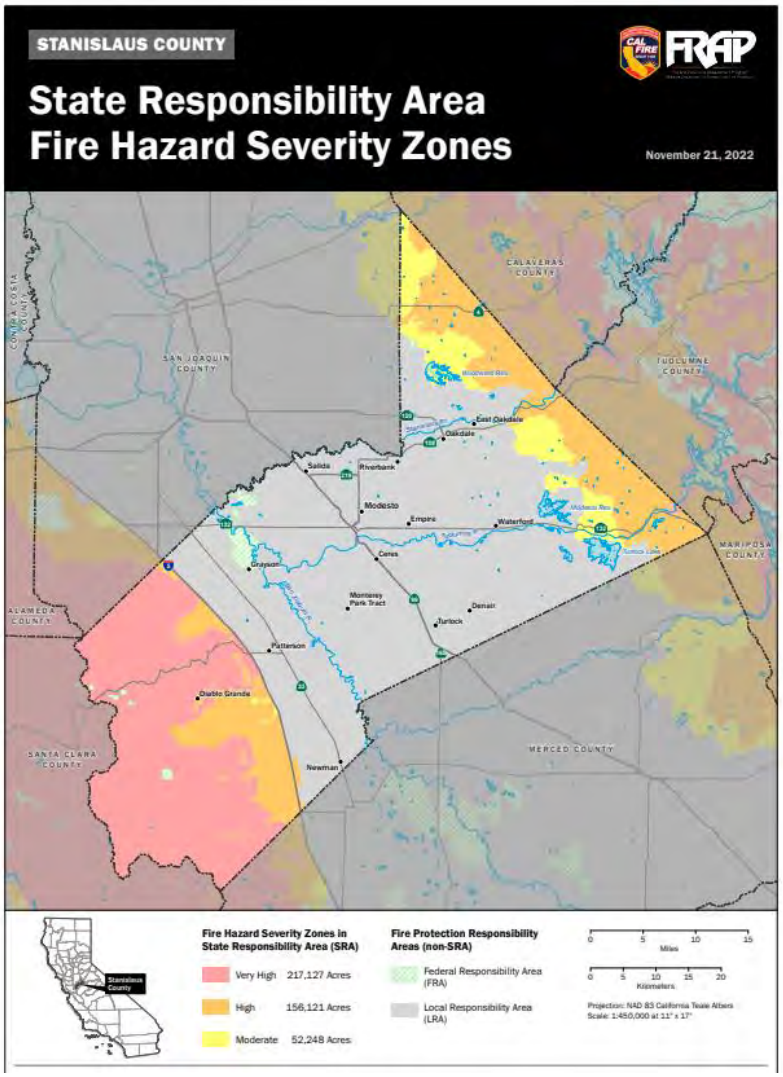
Source: FEMA, City of Modesto

Fire

As of June 2008, the California Department of Forestry and Fire Protection has determined that Stanislaus County has no Very High Fire Hazard Severity Zones in the area of local

responsibility. The 2022 State Responsibility Area Fire Hazard Severity Zone in Stanislaus County is shown in Figure 51. As there are no Very High Fire Hazard Severity Zones in the City, no RHNA sites are located in Very High Fire Hazard Severity Zones.

Figure 51: State Responsibility Areas Fire Hazard Severity Zones, 2022



Source: California Department of Forestry and Fire Protection, 2022.

Infrastructure

Water supply in the Modesto area originates from two sources: City-operated wells and surface water provided by the Modesto Irrigation District (MID). Modesto meet its demands for water supply through its Joint 2020 Urban Water Management Plan. The City of Modesto sanitary sewer collection system provides service to the City.

All RHNA sites have adequate access to water and sewer services provided by the City of Modesto.

Entitled and Pending Projects

Per the HCD Sites Inventory Guidebook, the City may credit sites that have been proposed, approved, or given a certificate of occupancy since the beginning of the RHNA projected period.[20] Table 84 provides an overview of projects that are proposed, entitled, or have been issued permits and will not receive certificates of occupancy prior to June 30, 2023. Entitled and pending unit counts were based on City approved entitlements, building permits issued, and submitted applications. The City has reviewed the pending projects and there are no known barriers to development, phasing, or other relevant factors that would prohibit the pending projects from being completed during the 6th Housing Element Cycle. Any phasing or buildout horizons are considered in unit counts.

All units are anticipated to be completed in the planning period. The City will monitor the actual units constructed and income/affordability when the projects are developed as a part of A - 1. If the projects are not developed or are developed with fewer RHNA units than anticipated, the City will identify additional RHNA sites needed to make up the loss.

In the 5th cycle, no applications were withdrawn, reduced in size, or denied. Analysis of 41 5th cycle housing projects totaling 3,268 approved units demonstrates that there is a lot of interest and activity to build the units approved during the 5th Cycle. Approximately 86% of the units are actively pursuing building permits or are less than 2- 3 years after receiving discretionary approval.

- 313 (10%) have received building permits between January 2021 and July 2023.
- 912 (28%) units are part of the Pending Projects that the City is actively working with and expect the majority of the projects to be completed in the next two years.
- 1,200 (37%) are within the typical 2-3 year period after discretionary approval when the applicants satisfy conditions of approval such as obtaining regulatory permits, prepare construction drawings, and obtain financing and procure contractors before obtaining building permits.
- Only 445 units (14%) are more than 2-3 years old and do not have or are actively pursuing a building permit.

This indicates a high likelihood that the pending and entitled projects with be constructed during this cycle.

The City works closely with applicants, owners, and developers to monitor progress and updates on pending projects. Table 84 includes a current update on the progress of each

[20] HCD Sites Inventory Guidebook. https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf

project based on conversations between the City and the developers. As shown in the table, the majority of projects are anticipated to be complete in the next 2 years. The City is in active conversation with developers on almost all projects, especially lower-income projects.

As shown in Table 84, there are 4,142 units of entitled and pending projects in the City. Of these, 116 are very low income, 405 are low income, 62 are moderate income, and 3,559 are above moderate income.

All of the lower- and moderate-income units identified in Table 84 are, or will be, deed restricted for a period of 55 years. Projects with deed-restricted units are as follows:

- 1612 Sisk Road (Housing Authority) consists of 150 low-income units. The project has been approved.
- 0 Vine Street (Housing Authority) includes 23 very low-income units of permanent supportive housing for veterans. The Vine Street development is a collaborative effort involving the Housing Authority, Self Help Federal Credit Union, and the City of Modesto. This project is currently under construction with an anticipated completion date of 2026.
- 225 and 231 E Orangeburg consists of 9 very-low income units of permanent supportive housing on underutilized church property. The units will be made available for persons transitioning out of homelessness. The housing must be transitional/supportive housing units per the conditions of the conditional use permit for the project. This project will serve very-low income households.
- Downtown 7th Street consists of 79 low-income units. The project has been approved.
- Morris Avenue consists of 45 units, including 30 very low-income units, 14 low-income units, and 1 moderate-income managers unit. This project is in development plan review.
- Traveler's consists of 54 very low-income units. The project has been through the Development Plan Review process and next steps are to obtain building permits.

Table 84: Entitled and Pending Projects

Pending Projects	Status	Very Low	Low	Moderate	Above Moderate	Total	Current Progress
0 Vine Street (Housing Authority)	Under Construction	23	-	11	-	34	Anticipated to be completed by end of 2023
1011 7th Street	Approved	-	-	-	8	8	Construction will begin soon. Finance received and building permits have been issued.
115 Oakdale Road	Pending	-	44	-	-	44	Regular meetings with development team regarding process and funding.
1612 Sisk Road (Housing Authority)	Approved	-	150	-	-	150	The City is working closely with the Housing Authority to complete this project and will apply for tax credits at the end of 2023. Tax credit received, will begin construction in Spring 2024
2150 Carpenter Road	Approved	-	-	-	354	354	Development Plan Review approved, inquiries regarding building permit process.
2531 Rumble Road	Proposed	-	-	50	-	50	Currently under construction. Partnering with Housing Authority to acquire for moderate housing.
3313 Coffee Mixed Use	Approved	-	-	-	15	15	The City is in active conversation with the new owners regarding development - meeting monthly regarding financing and options
3600 Dale	Under Construction	-	-	-	36		Under Construction
813 Chicago Ave	Approved	-	-	-	7	7	Approved

Pending Projects	Status	Very Low	Low	Moderate	Above Moderate	Total	Current Progress
Arcadia	Approved	-	-	-	141	141	The City is currently working with a developer and Engineer work out the details of the off-sites for construction
608 7th Street	Pending	-	26	-	-	26	Meetings with Development Review team to ensure that all city departments are aware of project, and next steps.
Calandev	Approved	-	-	-	76	76	Tentative map extension approved, map is now valid through June 21, 2025.
Church Properties	Under Construction	9	-	-	-	9	Units have been developed offsite, and building permits should be pulled soon. Will be completed by end of 2023
Coffee/Montana (NW)	Approved	-	-	-	36	36	Approved on February 2, 2022
Coffee/Montana (SW)	Approved	-	-	-	90	90	Approved
Downtown 7th Street	Approved	-	79	-	-	79	Funding was received from the State- anticipate construction in Spring 2024
Fairview	Approved	-	-	-	217	217	The City is having regular conversations with the developer regarding the CFD and offsite improvements
Grupe/Huber	Pending Approval	-	-	-	557	557	Working on a combination of single and multi-family units – City staff is meeting with developers on a monthly basis.
Hamptons	Approved	-	-	-	436	436	Currently under construction- should be completed soon

Pending Projects	Status	Very Low	Low	Moderate	Above Moderate	Total	Current Progress
JKB Apartments	Under Construction	-	-	-	114	114	Under Construction
Mable Avenue (Assyrian Church)	Approved	-	-	-	90	90	Approved on September 13, 2021
Miller Apartments	Approved	-	-	-	32	32	Approved (1st Reading) September 7, 2021. Because an Ordinance was involved, that had a 2nd reading on September 14th and became effective on October 14, 2021
Morris Ave	Development Plan Review	30	14	1	-	45	Funding applied for by the State- Construction will begin following the award
Greenlaw	Pending	-	-	-	191	191	Predevelopment meetings have taken place. Working on specifical plan amendment with DR. Horton
Olivewood	Pending Approval	-	-	-	87	87	Completing the development agreement and associated conditions. Scheduled for Planning Commission by Spring 2024.
Parque Rio – Robertson Road	Pending	-	92	-	-	92	TRRP JPA has sold land to the Housing Authority, who has secured a Federal allocation of $3M to support development.
Rumble/Conant	Approved	-	-	-	50	50	Approved
Scenic	Approved	-	-	-	41	41	Approved
Snow	Approved	-	-	-	213	213	Currently under contract with a developer- anticipate construction will start in Summer 2024
Tesoro	Approved	-	-	-	36	36	Approved – valid through June 21, 2025.

Pending Projects	Status	Very Low	Low	Moderate	Above Moderate	Total	Current Progress
Traveler's	Pending Approval	54	-	-	-	54	The project has been through the Development Plan Review process and next steps are to obtain building permits. Funding was received from the State- construction to begin December 2023
Village One SP	Approved	-	-	-	7	7	Approved
Village One Triangle	Pending Approval	-	-	-	550	550	This will go to Council by the end of the year for approval. Applicant has already asked to submit offsite improvements to get started on the building review process
Woodglen	Under Construction	-	-	-	175		Currently under construction- should be completed soon. Next phase is currently undergoing application.
Total		116	405	62	3,559	4,142	

Source: City of Modesto

Accessory Dwelling Units

While the City can meet its RHNA capacity without ADUs, ADUs will contribute to the 15 percent net loss buffer and provide a source of affordable housing and housing options across the City. The City of Modesto saw a significant increase in ADU building permits issued in 2022, and anticipates the trend to increase in 2023. As of June 2023, the City has issued 39 permits for ADUs. Table 85 illustrates the average of ADU building permits issues from 2018 to 2022.

Table 85: ADU Construction Per Year

Year	# of ADUs
2018	1
2019	5
2020	19
2021	11
2022	19
Average	11

Source: City of Modesto

There is not local or regionally available survey information regarding ADU affordability in Modesto or Stanislaus County. However, three large surveys have been conducted in recent years in California.[21]

These 2021 surveys and recommendations had similar findings to prior studies and analyses in the Pacific Northwest, a region that has had a longer period of encouraged ADU development. Previously conducted surveys in the Pacific Northwest found that 58 percent of ADUs rent for below market rate. All three 2021 California ADU surveys and the Pacific Northwest surveys show a consistent pattern that ADUs are usually built as and affordable to lower-income households. As noted in the ABAG study:

- A number of other studies have found that many ADUs are used as housing for friends or family for free or very low cost, consistent with the UC Berkeley Report. A selection of these are outlined below:

[21] Implementing the Backyard Revolution: Perspectives of California's ADU Owners. UC Berkeley Center for Community Innovation, April 2021, https://www.aducalifornia.org/wp-content/uploads/2021/04/Implementing-the-Backyard-Revolution.pdf; ADU Affordability Report. Association of Bay Area Governments, September 2021, http://21elements.com/documents-mainmenu-3/housing-elements/rhna-6-2022-2030/1327-draft-adu-affordability-report-sep-8-2021-1/file; SCAG Regional Accessory Dwelling Unit Affordability Analysis, Southern California Association of Governments, https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527.

- • A 2012 UC Berkeley publication entitled "Scaling up Secondary Unit Production in the East Bay" indicates that approximately half of all secondary dwelling units are available for no rent.
- • A 2018 report entitled "Jumpstarting the market for ADUs" surveyed ADUs in Portland, Seattle, and Vancouver and found that approximately 17% of ADUs were occupied by a friend or family member for free.
- • A 2014 analysis entitled "Accessory dwelling units in Portland, Oregon: evaluation and interpretation of a survey of ADU owners" found that "18% of Portland ADUs are occupied for free or extremely low cost."

As shown in Table 86, Modesto has assumed a distribution among the household income categories that is more conservative (lower in the lower-income categories) than documented in the surveys.

Table 86: ADU Affordability Distribution Recommendations in California

Study	Very Low	Low	Moderate	Above Moderate
SCAG	25%	43%	30%	2%
ABAG	30%	30%	30%	10%
Modesto (assumed)	25%	25%	25%	25%

Source: SCAG Regional Accessory Dwelling Unit Affordability Analysis. ABAG ADU Affordability Report. UC Berkely Implementing the Backyard Revolution: Perspectives of California's ADU Owners.

Additionally, there is increasing interest in the region for development of affordable ADUs. In Stanislaus County, STEP administers the Stanislaus Backyard Homes Project, which provides services and incentivizes homeowners to create affordable, rental ADUs. This project offers assistance with information, financing, design, permitting, and construction. The first ADU constructed by the project at is in Modesto at 511 Vine Street and is currently being rented to a low-income resident.

Table 87 illustrates the distribution of ADU affordability by income level assumed in the RHNA sites inventory. ADUs are projected evenly across all income categories, with 13 in each category. While the City anticipates an increase in ADU development beyond the current average of 11 ADUs per year, this is a very conservative projection based on existing ADU production trends. The City is including programs and public education to further increase ADU production above the recent trends including Program A - 10: ADU Incentives and Program F - 2: ADU, JADU, and SB 9 Education.

Table 87: ADU Affordability Assumptions

Income Category	Percent	# of ADUs
Very Low (including Extremely Low)	25%	13
Low	25%	13
Moderate	25%	13
Above Moderate	25%	13
Total	100%	52

Ability to Meet the RHNA

Table 88 displays the City's ability to meet the RHNA with pending projects, ADUs, and vacant and non-vacant sites. The City has identified sufficient capacity to meet the RHNA, in addition to at least a 15 percent buffer. California Government Code Section 65583.2(c) states that cities must have a program to facilitate by-right approval for projects that include at least 20 percent of the units for lower-income housing on rezoned low-income sites. The City of Modesto is not rezoning any sites to meet the RHNA. Thus, this provision is not applicable to the RHNA sites inventory for Modesto.

The City is in the process of creating two new Mixed-Use Zones, MU-P and MU-H, and amending P-D standards in select parcels to allow for higher density development on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard. The rezoning is anticipated to be completed in November, 2023. Should the rezoning be completed after December 31, 2023, Section 65583.2(c) would apply to RHNA sites in these areas.

The rezoning of parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modifying P-D parcels to allow for 45 du/ac creates a net new capacity for 21,014 units. **This is an added capacity of almost twice the RHNA of 11,248, and almost three times the remaining RHNA need after factoring in pending projects and ADUs.** The majority of these areas are being counted at only 17 percent of their maximum potential yield towards the RHNA, resulting in 6,051 units.

Table 88: RHNA Capacity and Buffer

	Capacity Category	Very Low	Low	Moderate	Above Moderate	Total
A	RHNA	2,807	1,943	1,981	4,517	11,248
B	Pending Projects	116	405	62	3,559	4,142
C	ADUs	13	13	13	13	52
D	Unmet RHNA *(A – B – C)*	2,678	1,525	1,906	945	7,054

	Capacity Category	Very Low	Low	Moderate	Above Moderate	Total
E	Opportunity Site Capacity	3,080	1,754	2,192	1,107	8,133
F	Vacant Opportunity Site Capacity	642	366	153	506	1,667
G	Non-Vacant Opportunity Site Capacity	2,438	1,388	2,039	601	6,466
H	Total Capacity *(B + C + E)*	3,209	2,172	2,267	4,679	12,327
J	Surplus of RHNA *(H – A)*	402	229	286	162	
K	% Buffer Above Unmet RHNA *(E – D)/D*	15%	15%	15%	17%	

Zoning for Moderate- and Above Moderate-Income Households

Pursuant to Government Code Section 65583.2(c)(4), at least 25 percent of the remaining moderate- and above moderate-income RHNA sites are zoned for at least four units of housing (e.g., fourplex or greater).

The remaining above moderate-income RHNA sites after pending projects (3,559) and ADUs (13) is 945. The Opportunity Sites Inventory identifies 1,107 above-moderate units. Of these, all sites (117% of remaining need) can accommodate at least four units of housing.

The remaining moderate-income RHNA after pending projects (62) and ADUs (13) is 1,906. The Opportunity Sites Inventory identifies 2,192 moderate-income RHNA opportunity site units. All of the moderate-income units except 14 are accommodated on sites that are zoned for at least four units of housing (114 percent of the remaining need).

The Opportunity Sites Inventory for above moderate- and moderate-income units identifies over 25 percent of the remaining need, 117 and 114 percent respectively, on sites that allow for at least four units of housing. Thus, the City is compliant with Government Code Section 65583.2(c)(4). The allocation of above moderate- and moderate-income units on a site-by-site basis is shown in APPENDIX B: Sites Inventory List.

Sites with Existing Residential Use

The RHNA site inventory identifies 8 parcels for lower-income units with existing residential uses, six of which will be rezoned to allow higher density residential development. The six parcels being rezoned to mixed-use are assuming a very low yield of 17 percent when projecting new units. The units includes 7 single-family units and 3 mixed-use or multi-family

units. These sites are not currently affordable to lower-income households. Additionally, the inventory assumes that existing residential uses will remain.

The City is including Program E - 4 to ensure that if any residential units affordable to low income households on a sites inventory property are demolished, they are replaced pursuant to Government Code section 65915(c)(3) and 65583.2(g).

Market Demand for Housing

The City has seen increased interest in development in recent months. This includes multiple requests and inquiries on the capacity for development on different properties. Recent inquiries for development in the City include the following:

- A multifamily development of 12 apartments was approved on 15th Street in 2019. The units have not yet been constructed.
- A multifamily development of 11 apartments was approved on 7th Street in 2019. The units have been partially constructed.
- Market-rate multi-family residential project on city-owned property on 11th Street.
- Nonprofit developer interest in building housing at 715 H Street, former site of a retail building that burned down.
- Owner interest in redevelopment of 500 9th Street for mixed-use project including retail and residential.
- A 100% affordable, 45 unit, 3 story supportive housing apartment complex with 45 on-site parking spaces was given planning approval in July, 2023 at the intersection of Morris and Foy.
- A 2-story apartment building with 8 units was given planning approval in July, 2023 at 1011 7th Street.
- An approved project for 8 tiny homes on 812 7th Street inquired about potential for more units on the property. The property is within ½ mile of the StanRTA route #21, a major transit route. Therefore, there is no required parking minimum per Government Code Section 65863.2, so the developer could remove parking and add additional units.
- A 0.16 acre project pending application for 26 low income units at 608 7th Street, APN 103-004-004.
- A 4 acre project pending application for 22 units for low-income seniors and 70 units for low income families at Parque Rio- Robertson Road (Stanislaus Regional Housing Authority) on the south side of Robertson Road west of Sutter Avenue, a portion of APN 037-023-002. This was previously a state owned property.
- A 1.3 acre low-income, permanent supportive housing Tiki Lodge Hotel Conversion (Project Homekey) at 936 McHenry Avenue, APN 112-045-052.

- A 3.6 acre project pending application for 44 low income units at 1115 Oakdale Road (GFF & R II), APN 032-015-047.
- Potential interest in a 0.95 acre project at the U-Haul property at rear of old Longs Drugs store at 1625 McHenry Ave, APN 119-005-017.
- Potential interest in a 0.57 acre project at 1601 McHenry Ave, APN 119-005-004.
- Potential interest in an above moderate income project pending application at the 26 acre Martino Property at the NE Corner of Claus Road and Garst Road, APN 014-037-060.
- Significant developer interest in development or subdivisions in the Woodglen, Tivoli, and Village One Triangle Specific Plans.

Facilitation of Development of Affordable Housing

Starting in 2017, City staff has met with developers, local non-profits, and other community agencies to increase the supply and increase local capacity for the success for affordable housing in Modesto. This include joint applications for funding with the City being the primary or joint applicant, concierge style technical assistance and application for funding process, and pre-permit and planning reviews to allow for a more streamlined and successful approach to entitlements and project designs. Table 89 below summarizes the support for recent affordable housing projects that will be completed between 2019 – 2025, which totals to 786 units. The City has supported 24 different affordable housing developments ranging from one to 150 units. The table displays each units actual or anticipated completion year, housing type, number of units, AMI, unit type, City funding contributed, amount of funding leveraged, and identifies any development partners. The table also notes if the project is capacity building, a new developer, utilized a joint application for state funding, utilized concierge development, and if it had a pre-development meeting. These efforts of pursuing joint funding, building new opportunity and relationship with affordable housing developers, and providing technical assistance through concierge development and pre-development meetings highlight the City's commitment to facilitating development in the City.

A summary of recent successes include:

- Building local capacity with 19 developers
- Introducing 8 new developers to Modesto
- Providing 24 developments with concierge development services, and 20 with pre-planning/pre-permit development review.
- Acting as the primary or co-applicant for 8 developments and achieving successful award of 7 of these applications, as of October 2023.

Total, the City has committed more than $27 million to develop housing and brought more than $180 million in leveraged funding to the Modesto community.

Table 89: Affordable Housing Development Funding and Efforts

Project	Completion Date (Actual or Anticipated)	Housing Type	Number of Units	AMI %	Unit Type	City Contribution	Funding Leveraged	Developing Partnerships	Capacity Building	New Developer	Joint Application for State Funding	Concierge Development	Pre-Planning /Permit Meeting
Youth Navigation Center	2019	Homeless	15	50%	Transitional	$500,000	$500,000	Center for Human Service	✓	✓		✓	✓
Glendale Veteran's Quarters	2019	Homeless	4	50%	Permanent Supportive	$300,000	$204,607.	Housing Authority	✓	✓		✓	✓
River Vista 2	2020	Standard Low-Income	1	80%	Ownership	$47,619	$200,000	Habitat for Humanity	✓			✓	
River Vista 2	2020	Standard Low-Income	1	80%	Ownership	$47,619	$200,000	Habitat for Humanity	✓			✓	
Kansas House	2020	Homeless	103	50%	Permanent Supportive	$2,500,000	$8,565,869	Housing Authority	✓			✓	✓
Granger	2020	Homeless	4	50%	Permanent Supportive	$760,557	$1,104,864	Stanislaus County Affordable Housing Corporation (STANCO)	✓			✓	
Edward Estates	2021	Standard Low-Income	2	80%	Ownership	$488,657	$100,000	Housing Authority	✓			✓	✓

Project	Completion Date (Actual or Anticipated)	Housing Type	Number of Units	AMI %	Unit Type	City Contribution	Funding Leveraged	Developing Partnerships	Capacity Building	New Developer	Joint Application for State Funding	Concierge Development	Pre-Planning /Permit Meeting
Archway Commons - Phase II	2022	Standard Low-Income	74	60%	Affordable Rental	$3,531,138	$34,000,000	EAH Housing Inc.	✓		✓x	✓	✓
James Street	2022	Homeless	7	30%	Permanent Supportive	$255,809.60	$1,789,967	Stanislaus Equity Partners	✓	✓	✓	✓	✓
Kestral Ridge	2023	Homeless	8	80%	Permanent Supportive	$800,000	$525,000	Housing Authority	✓			✓	✓
Youth Permanent Housing	2023	Homeless	14	30%	Permanent Supportive	$500,000	$4,716,268	Center for Human Service	✓			✓	✓
Laurel Ave	2023	Homeless	1	60%	Permanent Supportive	$398,563		Stanislaus County Affordable Housing Corporation (STANCO)	✓			✓	✓
River Vista 3	2023	Standard Low-Income	2	80%	Ownership	$92,238	$400,000	Habitat for Humanity	✓	✓		✓	✓
Edward Estates	2023	Standard Low-Income	33	80%	Ownership			Housing Authority				✓	✓

Project	Completion Date (Actual or Anticipated)	Housing Type	Number of Units	AMI %	Unit Type	City Contribution	Funding Leveraged	Developing Partnerships	Capacity Building	New Developer	Joint Application for State Funding	Concierge Development	Pre-Planning /Permit Meeting
Church Properties	2024	Homeless	9	80%	Permanent Supportive		$1,500,000	Stanislaus Equity Partners (STEP)	✓			✓	✓
California Ave	2025	Homeless	7	35%	Permanent Supportive	$450,000	$4,150,000	Stanislaus County Affordable Housing Corporation (STANCO)				✓	✓
Clarion	2026	Workforce Housing	150	120%	Affordable Rental		$20,500,000	Housing Authority	✓			✓	
Helen White Court	2025	Standard Low-Income	11	80%	Permanent Supportive	$3,226,603	$7,238,153	Housing Authority			✓	✓	✓
King Kennedy Cottages	2025	Standard Low-Income	23	80%	Permanent Supportive			Housing Authority			✓	✓	✓
7th Street Village	2027	Standard Low-Income	79	80%	Affordable Rental	$7,967,750	$48,945,520	Visionary Home Builders (VHB)	✓	✓	✓	✓	✓
Travelers	2025	Homeless	56	30%	Permanent Supportive	$2,274,923	$19,625,077	RH Community Builders	✓	✓	✓	✓	✓

Project	Completion Date (Actual or Anticipated)	Housing Type	Number of Units	AMI %	Unit Type	City Contribution	Funding Leveraged	Developing Partnerships	Capacity Building	New Developer	Joint Application for State Funding	Concierge Development	Pre-Planning /Permit Meeting
Bridge Housing	2024	Homeless	45	N/A	Shelter Beds		$2,250,000	Stanislaus County	✓	✓	✓	✓	✓
Morris Village	2025	Homeless	45	80%	Affordable Rental	$3,500,000	$19,596,055	Self-Help Enterprises	✓	✓	✓	✓	✓
Parque Rio	2027	Standard Low-Income	92	80%	Affordable Rental		$3,000,000	Housing Authority				✓	✓
		Total	**786**			**$27,641,476.60**	**$179,111,380**		**19**	**8**	**8**	**24**	**20**

Opportunity Site Details

Vacant Sites

A portion of the RHNA will be met on vacant land that is zoned for residential use. Per HCD's Housing Element Sites Inventory Guidebook, a vacant site is one "without any houses, offices, buildings, or other significant improvements [...] or structures on a property that are permanent and add significantly to the value of the property."[22] Table 90 displays the capacity of vacant sites by the zoning district. There is a total of 1,667 units included on vacant sites.

[22] HCD Housing Element Sites Inventory Guidebook. https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf

Table 90: Vacant Site Capacity by Zone

Zone	Opportunity Site Capacity	New MU-P Zone Capacity	New MU-H Zone Capacity	Amended P-D Sites Capacity	Total
MU-P	0	77	0	0	77
MU-H	0	0	482	0	482
P-D	183	0	0	97	280
P-O	141	0	0	0	141
R-1	0	0	0	0	0
R-2	50	0	0	0	50
R-3	58	0	0	0	58
CD	49	0	0	0	49
SP	506	0	0	0	506
TD	7	0	0	0	7
END	11	0	0	0	11
MSD	6	0	0	0	6
Total	**1,011**	**77**	**482**	**97**	**1,667**

Non- Vacant Sites

Government Code Section 65583.2(g)(2) states that housing elements relying on non-vacant sites for greater than 50 percent of its lower-income households need to demonstrate that the existing use does not constitute an impediment to additional residential development.

About 67 percent of the 4,750 lower-income RHNA units will be met by non-vacant RHNA opportunity sites. When considering all income-levels of opportunity sites, 48 percent of the RHNA is accommodated through non-vacant opportunity sites. Table 91 summarizes the 6,466 unit capacity of non-vacant sites included to meet the RHNA broken down by their zone district.

Table 91: Non-Vacant Site Capacity by Zone

Zone	Opportunity Site Capacity (existing zones)	New MU-P Zone Site Capacity	New MU-H Zone Site Capacity	Amended P-D Sites Capacity	Total
MU-P	0	917	0	0	917
MU-H	0	0	2,081	0	2,081
P-D	0	0	0	2,397	2,397
R-2	55	0	0	0	55
R-3	96	0	0	0	96
CD	56	0	0	0	56
SP	601	0	0	0	601
UGD	263	0	0	0	263
Total	**1,071**	**917**	**2,081**	**2,397**	**6,466**

Non-Vacant Development Trends

Recently developed sites, approved and pending projects, and sites with developer/property owner interest in residential development were analyzed in order to understand development trends and aid in the non-vacant site selection process. Table 92 displays the characteristics of these analyzed sites.

Characteristics identified by the review of these sites include:

- A building age over 40 years old.
- A varied land-improvement ratio (LIR). LIR compares the value of the land to the value of improvements (structures) on the land, using data from the county assessor's office. The trend sites had LIRs that varied greatly, from 0.37 to 16.75. Twelve of the thirteen trend sites had LIRs calculated. Of these twelve, seven are less than or equal to one, meaning that the value of the improvements is greater than the land. Three sites had LIRs greater than 10.
- A varied percent of building coverage. Building coverage shows the percent of the parcel that was occupied by the structure of the use before residential redevelopment. Nine of the Thirteen trend sites had building coverage calculated. Of these nine, 5 of the sites had a building coverage between 10 and 20 percent. 3 of the sites have building coverage over 20 percent, including one with a building coverage of 53 percent before redevelopment. One project had a slightly lower building coverage percent of 8 percent.

- A variety of non-vacant uses. Many of the trend sites included existing single-family residential structures, religious facilities, industrial, and commercial uses. Table 92

Table 92: Non- Vacant Development Trend Sites

ID	Project /Address	Project Type	LIR	Year Built	Building Coverage	Previous Non-Vacant Use
1	Church Properties (225 and 231 East Orangeburg Avenue)	Under Construction	0.37	Before 1957	17%	Religious facilities, church, parking lot, and excess vacant land
2	1208 9th Street	Completed	1	1982	-	Commercial facility, behavioral health drop-in center, parking lot
3	1612 Sisk Road	Under Construction	N/A	1982	24%	Motel conversion and parking lot
5	7th Street Village	Approved	2.1	Before 1957	15%	Warehouse, one single-family home, excess vacant land
6	Village One Triangle	Pending	11.1	1984	-	Agricultural, agricultural structures. single family residential
7	Olivewood/3725 Roselle	Pending	14.5	1984	-	Two single family homes; Majority excess vacant land
8	Assyrian Church/1457 Mabel Avenue	Approved	0.5	1993	8%	Religious facility
9	Traveler's/710 N. 9th Street	Pending	0.25	1967	22%	Motel Conversion
10	3313 Coffee Mixed Use	Approved	N/A	Buildings removed 2018	13%	Former charter school and educational buildings, Parking Lot
11	813 Chicago Avenue	Pending	0.53	Various; before 1957 to 1982	11%	Three single family homes/structures
12	500 9th Street	Owner interest	0.86	Before 1957	53%	Commercial strip with uses including auto repair, church,

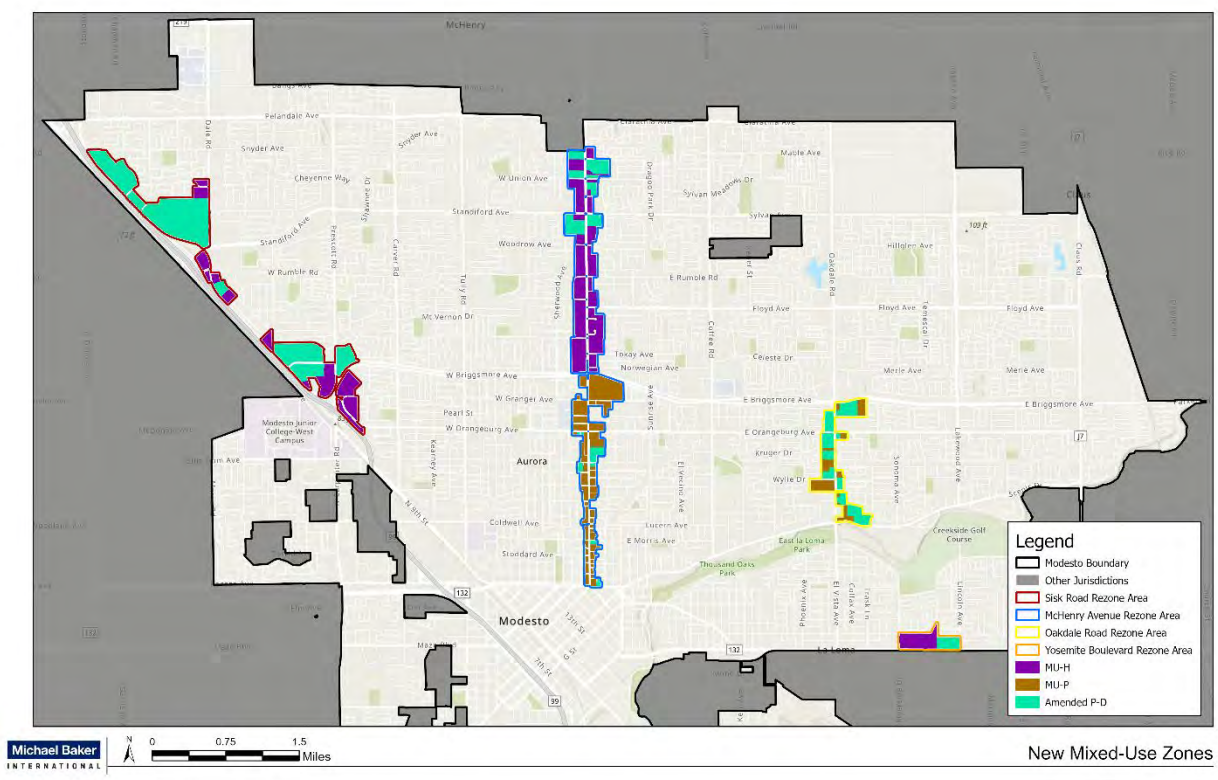
						restaurant, and paved parking lot
13	812 7th Street	Owner interest	0.92	Between 1957 - 1982	16%	Commercial/industrial building and associated parking

These projects demonstrate the viability and interest in redeveloping non-vacant sites in Modesto, including for both affordable and market-rate housing. These sites have similar zoning and characteristics to the proposed RHNA sites and therefore demonstrate the strong likelihood of meeting the projected construction of units within the next eight years.

New Mixed Use Zones (MU-P and MU-H)

The City is meeting approximately 86 percent of its remaining unmet RHNA with sites in the new Mixed-Use Zones, Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H), and related amendments to the P-D parcels in the same corridors to allow the same density standards as the new zones. These zoning amendments are anticipated to be completed in November, 2023. These rezone areas are shown in Figure 52.

Figure 52: New Mixed-Use Zone Areas



The sites in MU-P, MU-H, and related P-D parcel areas are largely non-vacant (5,395 units), though there are approximately 656 units on vacant sites. As discussed above, the City is in

the process of developing the new mixed-use zones MU-P and MU-H and related P-D amendments along Sisk Road, McHenry Avenue, Oakdale Road, and Yosemite Boulevard to be completed in 2023, prior to the adoption of the Housing Element. The new Mixed-Use Zones and related P-D amendments will apply to 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard. At a maximum density of 45 du/acre, the new Mixed-Use corridors provide a potential capacity for 21,014 net new units. **This is creating capacity for 187 percent of the RHNA requirement (11,248) and 298 percent of the remaining RHNA need (7,054) in the new Mixed Use areas alone.** MU-P and MU-H will allow 100 percent residential use projects in addition to the existing mix of commercial and office uses.

Table 93 displays the maximum capacity of the mixed-use zones and P-D zone increases as well as the assumption of these zones used to meet the RHNA. As noted, the projections used to meet the RHNA are conservative assuming only a fraction of the total development that is realistic during the planning period based on development trends and characteristics of the sites. The City is rezoning parcels on McHenry, Sisk, Oakdale, and Yosemite to new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and amending related P-D parcels to allow for 45 du/ac in order to **create a total capacity of 31,469 units, in the proposed rezone areas. This capacity is 280% of the allocated RHNA (11,248) and 446% of the unmet RHNA (7,054)**. Only 6,051 total units are being counted toward the RHNA. The appropriately zoned capacity for high density development far surpasses the RHNA allocation for the City.

Table 93: Mixed-Use and PD Capacity

Mixed-Use Zone	RHNA Assumption	Maximum Capacity
MU-H	2,563	10,889
MU-P	994	5,957
P-D	2,494	14,623
Total	6,051	31,469

For the purposes of establishing a realistic yield that is likely to be developed in the next eight-year planning period, a density of 45 du/acre is proposed as the maximum density for the MU-P and MU-H zones. The proposed development standards are based on the demonstrated feasibility in the 2022 Modesto Housing Plan.

It is assumed that approximately 6,051 units (about 19 percent of the total new MU-P and MU-H and related P-D amended parcel area capacity at 45 du/acre) will be constructed over the next eight years. The projected RHNA site capacity for the MU-P, MU-H, and related P-D parcel zones are shown in Table 94. The sites in the MU-P, MU-H, and related P-D parcel zones are largely non-vacant (5,395 units), though there are approximately 656 units on vacant sites.

Implementing the MU-P and MU-H zones, and related P-D parcel amendments ensures Modesto has a surplus of land zoned for higher density housing, thus allowing for residential development at a variety of densities and affordability for the current and future planning periods.

Table 94: MU-P and MU-H Zones, and Related P-D Amended Parcels – Assumed RHNA Units

Income Level	Number of Units
Very Low	2,608
Low	1,485
Moderate	1,958
Above Moderate	0
Total	6,051

The existing uses are not anticipated to preclude or constrain development. Because the City is using extremely conservative estimates by only counting 17 percent of the eligible sites' capacities at a density of 45 du/acre, it is likely that only 134 acres of the MU-P and MU-H zones, and amended P-D parcels would need to be redeveloped over the next eight years to meet the RHNA numbers allocated to the MU-P and MU-H zones, and amended P-D parcels.

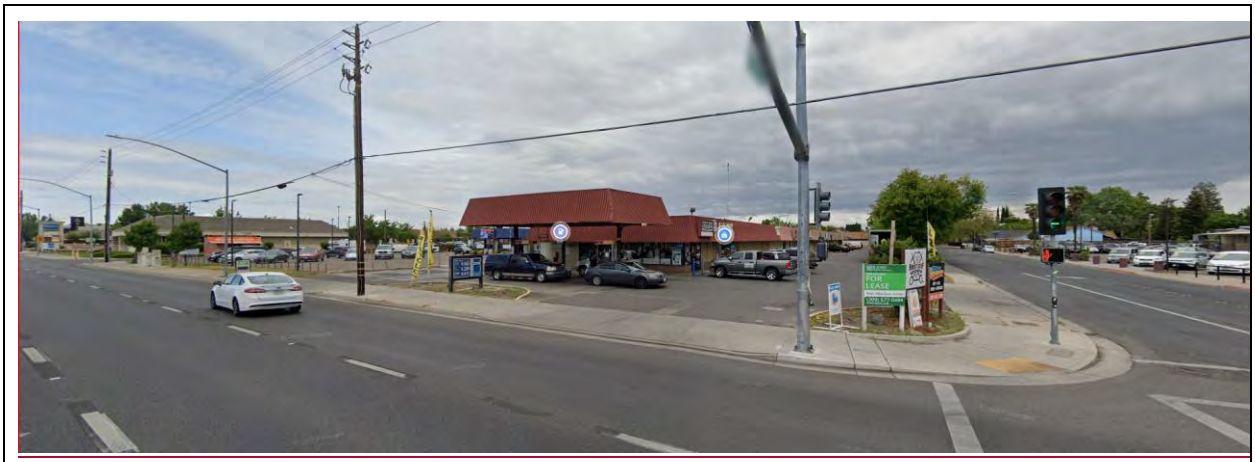
Characteristics of the Mixed-Use Zones

The majority of parcels included to meet the RHNA in the mixed-use zones are taken at a 17% yield of the maximum capacity. This conservative estimate accounts for the existing non-vacant nature of the sites and any other environmental or infrastructure constraints specific to each site. The non-vacant sites considered at a 17% yield show similar characteristics to the non-vacant development trend sites that are listed in Table 92. This includes similar uses, building age and intensity, and LIRs.

Typical existing uses in the Mixed-Use Zones include single-story strip commercial with large parking lots. The strip commercial consists largely of large and small commercial uses. That date back primarily to the 1960sand 1980s, with limited development in the 1990s. Use characteristics are shared across the commercial corridors. Uses range from small individual commercial pad sites, to shallow strip centers, to deep lot and big box commercial uses, and older shopping malls. All of these uses have consistent features including their age, excess and underutilized parking areas, frequent spaces for lease, and relatively high land-improvement ratios.

The follow set of images and descriptions are representative of some of the various types of commercial uses and development patterns throughout the rezoned areas. The rezone sites are all varying sizes of strip commercial uses. They show the significant availability of land with

the capacity for higher density and more intensive uses. Each image has a brief description of how it is representative of the uses in the rezone areas.

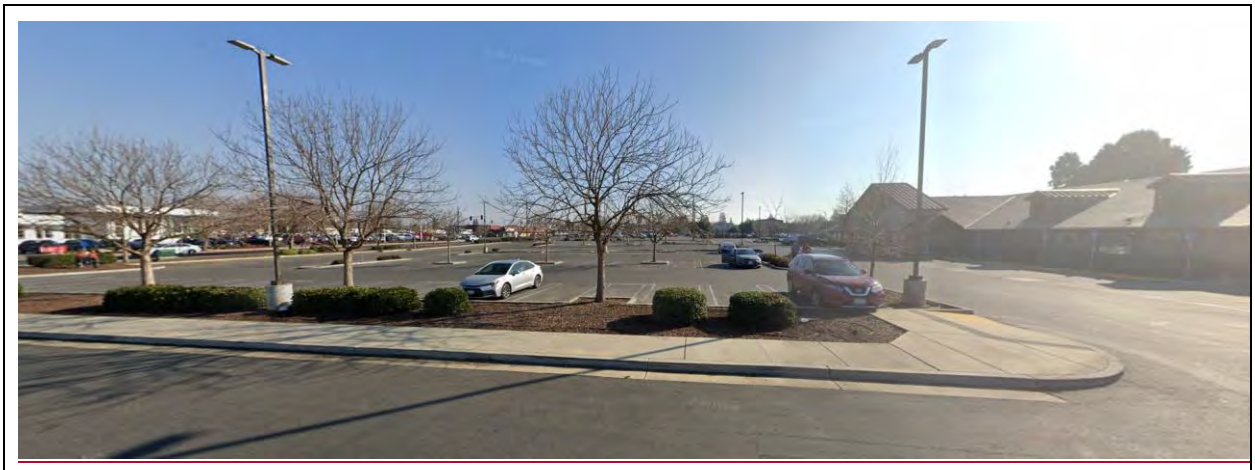


Vacant independent commercial pad site with for lease sign, underutilized parking.

Small, commercial lot with empty parking lot and vacant commercial use

Typical strip commercial with large parking lot directly adjacent to a vacant, undeveloped lot.

Large, big box store with parking on multiple sides of the building. Excessive, underutilized parking suitable for infill or redevelopment.



Single restaurant with an excessively large and underutilized parking lot.

Larger commercial building with parking on multiple sides. Large underutilized parking lot with few cars directly adjacent to a bus stop.

Paved lot with large frontage with one small building used for general storage.

Small, single-story strip commercial uses with excessive, underutilized parking lot.

Large, aging mall site that is 41 – 53 years old. There is significant, excessive amounts of underutilized parking surrounding the use. The site has potential for infill or redevelopment. The site is already divided into multiple parcels

Building Age

Most of the commercial buildings were constructed between the 1960s and 1980s. A review of historic, aerial imagery of the rezone areas was conducted to examine changes in the fabric of these corridors from 1952 to 2020. The large majority of the large commercial buildings were built between 1967 and 1982, making them over 40 years old. The aerial review estimated that approximately 85% of the buildings were over 40 years old. This aligns with the trends in the non-vacant redevelopment site, of which 12 of 13 were built before 1985. There has been very few buildings built along these commercial corridors since the mid-1990s. The low intensity and aging nature of the buildings indicate the existing uses and structures do not create impediments to residential development.

Land-Improvement Ratios (LIR)

The LIRs for the 462 parcels in the rezone areas vary greatly, similar to those in the non-vacant development trend sites. Over half of the parcels (252) have a LIR that is greater than 0.5, with 134 parcels (27%) having a LIR that is greater than 1. The rest of the parcels, 45%, (210) have a LIR that is less than 0.5. The trends in the non-vacant development sites have LIRs that widely vary. In the 13 trend sites, the three sites with the highest LIRs (all over 10) are a parking lot, a large agricultural use, and two small structures on a large parcel. Three of the twelve sites with LIRs have ratios that are 0.5 or less, and seven have LIRs that are less than one.

Modesto Housing Plan

The City recently completed the City of Modesto Housing Plan,[23] which serves to identify sites in Modesto where housing can be built, analyze the feasibility of different housing types that can be built, and recommend zoning and policies to deliver more housing. The Modesto Housing Plan tested different hypothetical buildouts and their financial feasibility to recommend zoning and policies that would remove regulatory barriers, streamline housing production, and enable housing at different scales and affordability levels.

Development of the Mixed-Use Zones was guided in part by the feedback from the public engagement process for and results of the analysis in the Housing Plan. The Housing Plan illustrates that the existing uses are not an impediment to redevelopment.

One of the key recommendations resulting from the Modesto Housing Plan is the development of mixed-use corridors in the City. These corridors will focus on underutilized medium- and large-sized lots to allow housing types such as townhomes, fourplexes, courtyard apartments, and multiplexes. The Housing Plan identified McHenry Avenue as a major corridor with bus transit and underutilized retail space with the potential to accommodate new housing. The Mixed-Use Zones MU-P and MU-H implement the recommendation from the Housing Plan to develop mixed-use corridors. This will increase the capacity for housing along McHenry Avenue, Sisk Road, Oakdale Road, and Yosemite Boulevard. These zoning amendments are anticipated to be completed in November, 2023.

Test fits can test typical building prototypes on sample lots to determine financial viability, physical form compatibility, neighborhood character compatibility, and viability within specified regulatory barriers of certain housing types. The test fits conducted in the Housing Plan consider financial feasibility evaluated through a static developer pro forma, compatible physical form with the surrounding context, and regulatory barriers to developing housing types. The financial pro forma included a consideration of market conditions and existing commercial uses of parcels to determine what residential building types are financially feasible in the housing market in Modesto. They identify financially feasible housing types for different contexts in the City. Residential types appropriate for the Sisk Road and McHenry Avenue

[23] City of Modesto Housing Plan. https://www.modestogov.com/DocumentCenter/View/19912/FINAL-DRAFT-HOUSING-PLAN-07-25-22

corridors are those categorized as "mixed-use corridor" in the Housing Plan. As noted in the Housing Plan, because the test fits use actual building types, site layout, and parking requirements, "the results are more precise than numeric calculations based only on density or FAR."[24] Using the results of the Housing Plan test fits helps to identify adequate sites for high-density housing and ensure that the existing uses are not an impediment to housing development in these corridors.

The test fits analyzed lots with typical sizes and dimensions including number of stories, building height, housing type, parking, density, and setbacks. The test fits compared the standards of an existing City zone to those needed for those typical of different building types to determine if the types are feasible to develop in Modesto.

Furthermore, it is noted that the housing types demonstrated to be feasible did not use or exceed the maximum building heights. The highest density test fit projects only assumed up to four stories. The increased densities of the proposed zoning amendments in Programs A - 2 and A - 3 will accommodate the densities of the tested buildings.

The results of the test fit process found that townhomes, multiplexes, and courtyard buildings were financially feasible for the mixed-use corridors in the City. A test fit from the Modesto Housing Plan appropriate for the regulatory barriers of the mixed-use corridor is the multiplex style building (e.g., stacked flat apartments, courtyard). One test fit compared a multiplex building type to existing R-3 zoning standards. The multiplex consists of 12 smaller units, with a building footprint similar to that of a medium to large single-family house at a density of 49.8 du/acre. The Housing Plan identified the maximum density of the R-3 zone (29 du/acre) as an impediment to housing development of this kind. The Mixed Use Zones will allow for high density residential uses.

The Housing Plan identifies three types of test fits that are applicable to the mixed-use corridors. To understand what type of development is feasible in the mixed-use corridors the parcels were compared to three test fit types. This was done using the lot sizes outlined in the Housing Plan. Note that not every mixed-use lot exactly fits the sizes outlined in the Housing Plan. The three types of lots examined are large lots, shallow lots, and narrow lots. Table 95 summarizes the lot fit type, example shown in the housing plan, the characteristics of the lot, the number of lots in the City that meet this category, and the approximate number of lots in the mixed-use areas that meet that lot type. In the rezone areas, there are roughly 176 large lots, 70 narrow lots, and 140 shallow lots.

By implementing the mixed-use zone, the City is creating significant opportunity for a variety of housing types, including net new capacity for 187% of the RHNA. The City is also implementing the recommendations from the Housing Plan, which analyzed financial feasibility, in this effort.

[24] Modesto Housing Plan. Page 36.

Table 95: Test Fit Lots and Rezone Lots

Lot Fit Type	Test Fit Type	Characteristics	Number of Lot Type in City	Number of Lot Type in Mixed-Use Corridor
Large Lots	McHenry Corridor	Deep and wide commercial lot, 400 ft by 400 ft	259	176
Narrow Lots	Oakdale Road	150–350 feet wide and at least 400 feet deep	72	70
Shallow Lots	Crow's Landing	Depths of 100–200 feet and widths of 75–200 feet	234	140

The Housing Plan goes beyond identifying test fits to conduct case studies of five specific opportunity sites that are representative of types of lots across the City as shown in the table above. Criteria for site selection includes potential capacity for new housing, development configuration, site conditions, and repeatability of findings. Three of these opportunity sites are in the mixed-use corridor context, which is applicable to the Sisk Road, McHenry Avenue, Oakdale Road, Yosemite Boulevard corridors. These three types of lots are described in detail below.

The opportunity sites in the Housing Plan serve as examples that can be repeated across multiple sites in Modesto. They are reflective of opportunities in the Sisk Road, McHenry Avenue, Oakdale Road, Yosemite Boulevard corridors.

One sample lot type is the large lots. This is illustrated with an example from McHenry Avenue. This site is included in the RHNA inventory. This site is an example of a deep and wide lot in a commercial corridor, of at least 400 feet wide and 400 feet deep. The example yield on the site is 359 units, including a mix of fourplexes, live/work units, townhomes, and courtyard buildings.

This example is applicable to 259 lots in the City, including approximately 179 lots in the Sisk Road, McHenry Avenue, Oakdale Road, Yosemite Boulevard corridors. These lots are generally large-format retail in aging buildings with underutilized parking lots. Many of these sites could be developed and maintain a portion or all of their existing uses. Sites could also be entirely redeveloped to include similar commercial uses with additional housing. Figure 53 shows a sample fit on the McHenry Avenue site that maintains the existing use while adding housing. This example can be extrapolated to other parcels along McHenry Avenue and Sisk Road that share these characteristics.

Figure 53: Sample Large Lot Development

Source: Modesto Housing Plan

The second test fit lot type included in the inventory is a narrow lot. The example in the Housing Plan of this type of lot is alone Oakdale Road. This site is one vacant and one non-vacant parcel. Figure 54 displays a sample development on the site that yields 68 units in the form of fourplexes, cottage courts, and duplexes.

This typology includes narrow but deep sites, and is a good example of an opportunity for development oriented perpendicular to a corridor. This typology applies to 72 lots in the City that are 150–350 feet wide and at least 400 feet deep, including 70 lots along Sisk Road, McHenry Avenue, Oakdale Road, and Yosemite Boulevard.

Figure 54: Sample Narrow Lot Development

Source: Modesto Housing Plan

The third opportunity site compatible with the Mixed Use Zone corridor context along Sisk Road, McHenry Avenue, Oakdale Road, Yosemite Boulevard is the shallow lot type, illustrated by the Crow's Landing site. This includes two vacant parcels in front of a large retail site. It serves as an example of building-by-building development on shallow lots. Figure 55 shows a sample development of the Crow's Landing site, which maintains the entirety of the existing commercial use while adding 14 housing units. The sample includes two L-shaped courtyard buildings that have tuck-under parking accessed from an alley located on the site. Significantly more housing could be developed if the entirety of the commercial shopping center was redeveloped.

This typology applies to 234 lots in the City, including 140 lots along Sisk Road, McHenry Avenue, Oakdale Road, Yosemite Boulevard. These lots are shallow, with depths of 100–200 feet and widths of 75–200 feet.

Figure 55: Sample Shallow Lot Development

Source: Modesto Housing Plan

Other Non-Vacant Site Details

The following section provides further detail on each of the non-vacant sites identified in the inventory that are taken at a higher yield than 17 percent as described above. Some parcels selected are within MU-P and MU-H zones, or amended P-D parcels but are taken at a higher yield, as the site has shown specifically higher likelihood of residential development, beyond just the added potential created by the new zone. Based on the trends of redevelopment of non-vacant sites in Modesto outlined above, a set of criteria was used for evaluating the redevelopment potential of sites and selecting opportunity sites from the larger rezone areas. These opportunity sites are included at a higher yield than 17 percent. The selection process utilized five factors. The determination of factors was based, in part, off of the characteristics of the non-vacant trend sites outlined in Table 92. Each of the sites has at least four of the five factors. The five factors include:

A. **Significantly Underdeveloped. (LIR > 1).** The comparison of assessed values for land and improvements (land-improvement ratios, LIR) is a reliable indicator of whether and to what extent sites are utilized. Typically, a newly improved site will have a ratio of well under 0.2, or where the improvements are valued at five times the value of the land. All sites in the inventory have a LIR greater than one, which indicates that the value of the improvements are worth less than the value of the land. The trend sites had LIRs that varied greatly, from 0.37 to 16.75. Twelve of the thirteen trend sites had LIRs calculated. Of these twelve, seven are less than or equal to one, meaning that the value of the improvements is greater than the land. A LIR of one means the land and the improvements are of equal value. Each non-vacant high-yield site has land that is of greater value than the improvement, or an LIR greater than 1, which is superior to the trends shown by the recent development.

B. **Building Age.** A building age greater than 40 years. Building age was also considered for each non-vacant site. An older building indicates potential for redevelopment. All of the buildings in the inventory were built prior to 1984, and are at least 40 years old. Many of the buildings were built in the late 1950s. This matches the trends set by the recently developed sites, as they were generally built over 40 years ago.

C. **Similar Types of Non-Vacant uses.** If the site had a similar non-vacant use to the non-vacant trend sites. Uses specified by the recently developed nonvacant sites include religious facilities, commercial facilities, motel conversions, parking, single-family homes, educational facilities, strip malls, and auto repair.

D. **High Infill Potential/Redevelopment Potential.** Another factor to quantify the underutilization of a site is the building coverage, which is the percentage of the site that has a building footprint. A low building coverage indicates ample land available for infill development. As the majority of the trend sites had building coverage under 20%, for this calculation, the threshold is 20%.

E. Adjacent to Services. Sites were reviewed for their location within one mile of services such as daycares, grocery stores, and schools.

Table 96: Non-Vacant Site Favorable Redevelopment Characteristics

OPPORTUNITY SITES	A	B	C	D	E
710 S Emerald Ave	✓	✓	✓	✓	✓[1]
821 California Ave	✓	✓	✓	✓	✓[1]
4123 Roselle Ave	✓	✓	✓	✓	✓[1]
2741 Yosemite Blvd	✓[2]	✓	✓	✓	✓[1]
1230 12th St	✓	✓	✓		✓
1120 11th St	✓	✓	✓	✓	✓
1430 10th St	✓	✓	✓		✓
1429 11th St	✓	✓	✓	✓	✓
1320 10th St	✓	✓	✓	✓	✓
1325 11th St	✓	✓	✓	✓	✓
1944 Evergreen Ave	✓[2]	✓	✓	✓	✓
914 Rouse Ave	✓	✓	✓	✓	✓[1]
531 Terminal Ave	✓[2]	✓	✓	✓	✓
Douglas St	✓	✓	✓	✓	✓
1422 Leonard Ave	✓	✓	✓	✓	✓

[1]Within a mile of a daycare, grocery store, or school, but not all three

[2]No actual Land Improvement Ratio was calculated by the County Assessor. However, it is clear that this was because it is a large, unutilized parcel with a very small structure, making this have an extremely high land improvement ratio

Residential

The sites described below are all in the Residential (R) General Plan land use designation, and are zoned to allow only residential use. While R-1, R-2, and R-3 zones allow residential use per the zoning code, permitted uses in the P-D and SP zones vary depending on what is in the development or specific plan for the parcel. Two non-vacant sites listed below, 710 S. Emerald Avenue and 821 California Avenue, are zoned for R-3. The parcel at 4123 Roselle Ave is zoned SP and is in the Tivoli Specific Plan.

Residential Sites	Description							
Address	710 S. Emerald Ave	821 California Ave	4123 Roselle Ave	1422 Leonard Ave	914 Rouse Ave	1944 Evergreen Ave	Douglas St	531 Terminal Ave
APNs	030-007-053	030-008-010	083-003-003	115-001-003	037-029-008	029-045-039	113-006-043	109-003-084
Size (Acres)	1.2	1.5	79.2	0.5	0.9	1.0	1.1	0.1
Existing Zoning	R-3	R-3	SP	R-3	R-2	R-2	R-2	R-2
Permitted Use	R-3	R-3	R-1	R-3	R-2	R-2	R-2	R-2
General Plan Designation	R	R	R	MU	R	R	R	R
Current Use	Abandoned Building, Parking	Church	Agriculture / Storage	Single-Family Residential	Single-Family Residential	Single-Family Residential	Parking	Storage
Land Improvement Ratio	1.9	1.5	14.5	1.4	2.8	-	10.1	-
Year Built Prior To	1967	1982	1957	1957	1957	1957	-	1957
Building Coverage	6.8%	5.5%	<1%	5.5%	3.6%	5.8%	-	5.6%
Income Category	Lower	Lower	Above Moderate	Lower	Moderate	Moderate	Moderate	Moderate
Total Units	35	46	601	15	15	17	21	2

Residential Sites	Description							
Non-Vacant Site Characteristics	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E
Within 1 mile of:								
Daycare	No	No	In Proposed TSP	Yes	No	Yes	Yes	Yes
Grocery	Yes	Yes	In Proposed TSP	Yes	Yes	Yes	Yes	Yes
School	Yes	Yes	In Proposed TSP	Yes	Yes	Yes	Yes	Yes

710 S. Emerald Avenue

The 1.2-acre site at 710 S. Emerald Avenue is currently occupied by a single-story building as well as a two-story structure that appears to be vacant and in significant need of repair. The single-story building was constructed between 1957 and 1967. The majority of the parcel is vacant land being used for parking or waste disposal. The site is in the center of an existing residential neighborhood, and is adjacent to a pending residential project, making it optimal for further residential development. The site is across the street from a school and near several restaurants and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 1.9. The realistic capacity for this site is 35 units. The site could be developed to retain the existing buildings or to be a new residential development.

821 California Avenue

The 1.5-acre site at 821 California Avenue is currently occupied by a single-story neighborhood church. The building was constructed between 1967 and 1982. The majority of the parcel is vacant or underutilized surface parking. The site is in the center of an existing residential neighborhood, and is adjacent to a pending residential project, making it optimal for further residential development. The site is near a school, several restaurants, and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 1.5. The realistic capacity for this site is 46 units. The site could be

developed to retain the existing use in either existing or new buildings as part of new residential development.

Western Half of Site

Eastern Half of Site

4123 Roselle Avenue

The 79.2-acre site at 4123 Roselle Ave is currently occupied by agriculture and several agricultural storage sheds. The majority of these structures were constructed in the 1950s or earlier. The majority of the parcel is vacant or utilized for agriculture. In the Tivoli Specific Plan, this parcel has been planned for a range of densities from very low to medium-high density residential development. The realistic capacity of 601 above moderate-income units was determined by assuming a low residential density. The specific plan includes parks, schools, and commercial development which will provide necessary resources to residents of this parcel and other parcels in the specific plan area. Some areas of the Tivoli Specific Plan are already pending projects. The Tivoli Specific Plan is estimated to be between 1,855 and 3,241 residential units in total. The site has a land-improvement ratio of 14.5.

Development in the Tivoli Specific Plan only requires a tentative map approved by the Planning Commission, and there no phasing requirements. There has already been developer interest

in developing the west side of the Tivoli Specific Plan for multi-family housing, indicating the interest and likelihood of residential development in this area.

1422 Leonard Avenue

The 0.5-acre site at 1422 Leonard Avenue is currently occupied by a single-story residential building with significant excess vacant land. The single-story structure was constructed before 1957 and is in visible need of repair. The majority of the parcel is underutilized vacant land. The site is across from an existing residential neighborhood and adjacent to an apartment complex, making it an optimal area for further residential development. The site is near several restaurants, a grocery store, schools, and day care facilities, which provide necessary resources for residents. The site has a land-improvement ratio of 1.4. The realistic capacity for this site is 15 lower-income units. The site could be developed to retain the existing buildings or to be a new residential development.

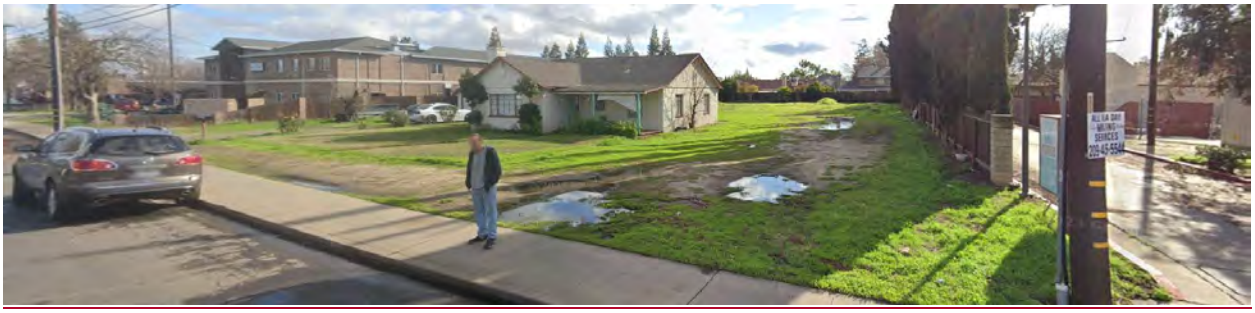
914 Rouse Avenue

The 0.9-acre site at 914 Rouse Avenue is currently occupied by two single-story residential structures with significant excess vacant land. The main structure was constructed before 1957 and is in visible need of repair. The majority of the parcel is underutilized vacant land. The site is in the center of an existing residential neighborhood with several transit stops, making it an optimal area for further residential development. The site is near several restaurants, a grocery store, and a school, which provide necessary resources for residents. The site has a land-improvement ratio of 2.8. The realistic capacity for this site is 15 moderate-income units. The site could be developed to retain the existing buildings or to be a new residential development.

1944 Evergreen Avenue

The one-acre site at 1944 Evergreen Avenue is currently occupied by a single-story residential with a detached garage and significant excess vacant land. The main structure was constructed before 1957 and is in visible need of repair. The majority of the parcel is underutilized vacant land that is currently partly being used for parking and waste disposal. The site adjacent to an existing residential neighborhood, as well as to the new mixed-use zone and ample new high density residential development opportunities, making it an optimal area for further residential development. The site is near several restaurants, a grocery store, a school, and a daycare which provide necessary resources for residents. The realistic capacity for this site is

17 moderate-income units. The site could be developed to retain the existing buildings or to be a new residential development.

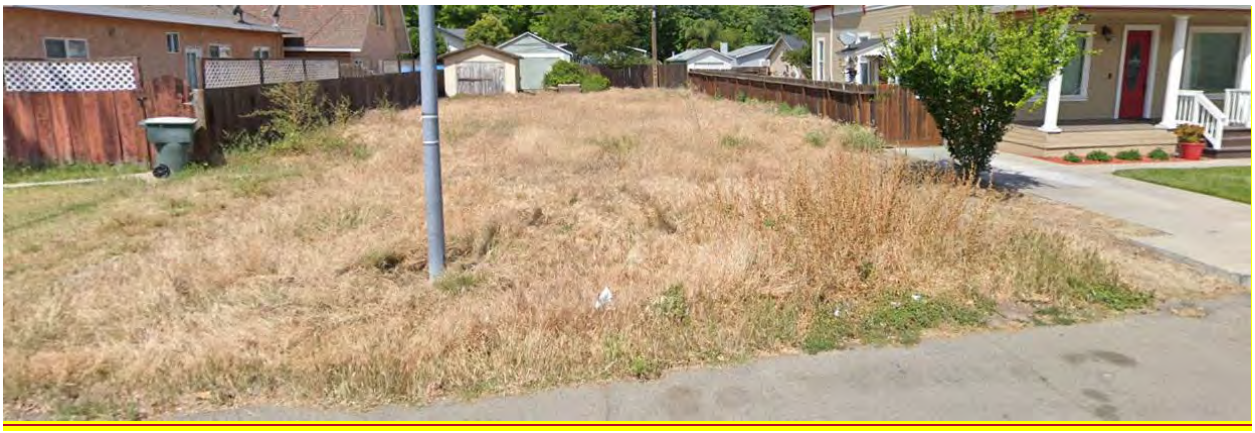


Douglas St

The 1.1-acre site at Douglas Street is currently occupied by an underutilized parking lot. The site is adjacent to an existing residential neighborhood, as well as to the new mixed-use zone and ample new high density residential development opportunities, making it an optimal area for further residential development. The site is near several restaurants, a grocery store, a daycare, and a school, which provide necessary resources for residents. The site has a land-improvement ratio of 10.1. The realistic capacity for this site is 21 moderate-income units. The site could be developed to retain the existing use or to be a new residential development.

531 Terminal Ave

The 0.1-acre site at 531 Terminal Ave is currently occupied by a small shed on an almost entirely vacant parcel. The site is in the center of an existing residential neighborhood, making it an optimal area for further residential development. The site is near several restaurants, a grocery store, a daycare, and a school, which provide necessary resources for residents. The realistic capacity for this site is 2 moderate-income units. The site could be developed to retain the existing use or to be a new residential development.



Commercial

While the majority of parcels in the MU-P and MU-H zones, or amended P-D parcels are taking a low yield estimate for the overall realistic capacity of the corridors, some opportunity sites have been selected from these rezone parcels to be calculated at a realistic capacity that matches trends for the zone. These rezoning will be completed in November, 2023. The site at 2741 Yosemite Boulevard is included in the rezone from C-3 to MU-H.

Residential Sites	Description
Address	2741 Yosemite Blvd
APNs	033-078-008
Size (Acres)	17.4
Existing Zoning	C-3
Proposed Zoning	MU-H
General Plan Designation	MU
Current Use	Vacant Land, Storage Shed

Residential Sites	Description
Year Built Prior To	1957
Building Coverage	0.45%
Income Category	Moderate
Total Units	547
Non-Vacant Site Characteristics	A, B, C, D, E
Within 1 mile of:	
Daycare	No
Grocery	Yes
School	Yes

2741 Yosemite Boulevard

The 17.4-acre site at 2741 Yosemite Boulevard is currently occupied by a small shed. This small area of the parcel has contained sheds or containers for storage since the 1950s. The majority of the parcel is vacant, underutilized land. The site is in the center of an existing residential neighborhood, making it optimal for further residential development. The site is near a school, several restaurants, and a grocery store, which provide necessary resources for residents. The realistic capacity for this site is 547 moderate-income units. The site could be developed to retain the existing storage shed or to maintain the use in a new residential development.

Downtown

The sites described below are all in the Downtown (D) General Plan land use designation, and are a part of the downtown form based code, which in some downtown zones is estimated to allow residential development densities up to 100 du/ac. Some sites described below are in the UGD zone, which Housing Plan test fits estimate can allow up to 100 du/ac, while sites in

the CD or END zones are estimated to allow up to 50 du/ac. The downtown area has access to transit and employment opportunities.

Downtown Sites	Description	
Address	1230 12th St	1120 11th St
APNs	105-020-004	105-028-014
Size (Acres)	0.6	0.8
Existing Zoning	UGD	CD
General Plan Designation	D	D
Current Use	Warehouse	Bank, Parking
Land Improvement Ratio	3.5	1.8
Year Built Prior To	1982	1984
Building Coverage	48.5%	19.2%
Income Category	Lower	Lower
Total Units	43	56
Non-Vacant Site Characteristics	A, B, C, E	A, B, C, D, E
Within 1 mile of:		
Daycare	Yes	Yes
Grocery	Yes	Yes
School	Yes	Yes

1230 12th Street

The 0.6-acre site at 1230 12th Street is currently occupied by a single-story, windowless warehouse. This building was constructed between 1967 and 1982. About one-third of the parcel is an underutilized surface lot. The site is a block away from an existing residential neighborhood, making it optimal for the expansion of residential development. The site is nearby a school, a daycare, and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 3.5. The realistic capacity for this site is 43 lower-income units. The site could be developed to retain the existing use in either existing or new buildings as part of new residential development.

1120 11th Street

The 0.8-acre site at 1120 11th Street is currently partially occupied by a bank. This building was constructed in 1984. The majority of the parcel is an underutilized surface lot. The site is near a school, a daycare, and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 1.8. The realistic capacity for this site is 56 lower-income units. The site could be developed to retain the existing use in either existing or new buildings as part of new residential development.

10th – 11th Street Cluster

Several of the 10th and 11th street parcels are included as test fits in the Modesto Housing Plan. The plan assumes capacity at or higher than the determined realistic capacity by this sites analysis, while assuming residential development far below what is allowed by the zone.

Downtown Sites	Description			
Address	1430 10th St	1429 11th St	1320 10th St	1325 11th St
APNs	105-033-016	105-033-018	105-034-017	105-034-018
Size (Acres)	0.6	0.7	0.6	1.1
Existing Zoning	UGD	UGD	UGD	UGD
General Plan Designation	D	D	D	D
Current Use	Auto Showroom	Parking	Parking	Office, Parking
Land Improvement Ratio	7.8	3.0	3.4	5.6
Year Built Prior To	1957	-	-	1967
Building Coverage	31.9%	-	-	3.4%
Income Category	Lower	Lower	Lower	Moderate
Total Units	45	51	45	79
Non-Vacant Site Characteristics	A, B, C, E	A, B, C, D, E	A, B, C, D, E	A, B, C, D, E
Within 1 mile of:				
Daycare	Yes	Yes	Yes	Yes
Grocery	Yes	Yes	Yes	Yes

Downtown Sites	Description			
School	Yes	Yes	Yes	Yes

1430 10th Street

The 0.6-acre site at 1430 10th Street is currently occupied by an auto showroom and a small secondary building. The main building was constructed before 1957. A large portion of the parcel is an underutilized surface lot. The site is adjacent to existing residential development, making it optimal for further residential development. The site is near a school, a daycare, and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 7.8. The realistic capacity for this site is 45 lower-income units. The site could be developed to retain the existing use in either existing or new buildings as part of new residential development.

1429 11th Street

The 0.7-acre site at 1429 11th Street is currently a surface parking lot. The site is adjacent to existing residential development, making it optimal for further residential development. The site is near a school, a daycare, and a grocery store, which provide necessary resources for

residents. The site has a land-improvement ratio of 3.0. The realistic capacity for this site is 51 lower-income units.

1320 10th Street

The 0.6-acre site at 1320 10th Street is currently a surface parking lot. The site is adjacent to existing residential development, making it optimal for further residential development. The site is near a school, a daycare, and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 3.4. The realistic capacity for this site is 45 lower-income units.

1325 11th Street

The 1.1-acre site at 1325 11th Street is currently occupied by a small office for a marathon organization. This building was constructed between 1957 and 1967. The majority of the parcel is an underutilized surface lot. The site is adjacent to existing residential development, making it optimal for further residential development. The site is near a school, a daycare, and a grocery store, which provide necessary resources for residents. The site has a land-improvement ratio of 5.6. The realistic capacity for this site is 79 moderate-income units. The

site could be developed to retain the existing use in either existing or new buildings as part of new residential development.

Financial Resources

Administrative Resources

The City of Modesto's Community and Economic Development Department consists of multiple divisions that support economic vitality, and ensure that new development achieves a balance between the economic, social, environmental and quality of life goals for the City of Modesto. Divisions include Building Safety and Neighborhood Preservation, Community Development, Economic Development. Land Development and Engineering, Planning, and Transportation Engineering and Design.

The Planning Division reviews land use entitlement applications and is responsible for the implementation of the General Plan, Zoning Ordinance, and adopted specific plans.

Countywide Programs

Stanislaus Community System of Care

The Stanislaus Community System of Care (CSoC) is the regional Continuum of Care (CoC). A CoC is an integrated system of care that guides and tracks homeless individuals and families through a comprehensive array of housing and services designed to prevent and end homelessness. The Stanislaus CSoC provides a variety of resources and support to persons experiencing homelessness and leads homelessness prevention efforts in Stanislaus County.

Coordinated Entry / Coordinated Assessment System

Coordinated entry (also known as a coordinated assessment system) is a consistent, communitywide process to match people experiencing homelessness or at-risk of homelessness to community resources. The goal of coordinated entry is to increase the efficiency of local crisis response systems and improve fairness and ease of access to all resources.

Stanislaus County Coordinated Entry, homeless individuals and families complete a standard triage assessment, which includes the use of a Standardized Assessment Tool that identifies the household's level of vulnerability as a numerical score, as well as a Homeless Management System Information (HMIS) Intake Form, an informal preliminary assessment of eligibility, and any applicable releases of information (ROIs), including release of personally identifiable information for collection in HMIS and Health Insurance Portability and Accountability Act of 1996 (HIPAA) releases, if applicable. Participant information, including vulnerability index score, is retained in HMIS and a community queue of households experiencing homelessness is generated and prioritized for available housing opportunities based on a household's level of vulnerability. Stakeholders will use the community queue to match the highest priority household with the housing opportunities for which the participant is eligible. Participating Housing Providers accept referrals from the system, reducing the need for people to traverse

the county seeking assistance at every provider separately, and Housing Navigators guide households through the housing acceptance and move-in process.

This process helps to ensure that people who need assistance the most can receive it in a timely manner. This process also provides information about service needs and gaps to help plan assistance and identify needed resources in the community.

Statewide Programs

There are a variety of statewide programs and resources available. The City receives regular notification regarding state and federal funding and grant opportunities. Additionally, the City pursues grants on a programmatic and project basis for active programs and projects. Most projects that the City supports are through partnerships with local organizations that can leverage significant amounts of resources. The following is a list of sources that, through such partnerships, the City has either directly or indirectly accessed in the past or seeks to access in the future.

Permanent Local Housing Allocation (PLHA)

The City received an approximate five-year allocation of $5,576,047 in PLHA funding. PLHA funding has limited eligible uses focused on the development, acquisition, rehabilitation, and preservation of affordable multifamily housing, including ADUs, down payment assistance, assisting persons experiencing or at risk of experiencing homelessness, and accessibility modifications in lower-income owner-occupied housing. Information on PLHA, including the draft PLHA Allocation Plan and PLHA Program Policy, is available on the City's website.

The No Place Like Home Program

The No Place Like Home program provides loans to eligible counties to acquire, design, construct, rehabilitate, and/or preserve permanent supportive housing for persons who are experiencing homelessness or chronic homelessness, or who are at risk of chronic homelessness, and who need mental health services.

Affordable Housing and Sustainable Communities Program

This program provides funding for greenhouse gas-reducing transit-oriented affordable housing development and transportation-related infrastructure.

Homekey

HCD administered funding that provides opportunities for state, regional, and local public entities to develop a broad range of housing types, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to permanent or interim housing for the target population.

Mental Health Services Act

This act administers state funds at the county level to serve low-income mental health services clients.

Homeless Emergency Aid Program (HEAP)

HEAP is a $500 million block grant program designed to provide direct assistance to cities and counties to address the homelessness crisis throughout California. HEAP funds are intended to provide funding to CoCs and large cities with populations over 330,000, so that they may provide immediate emergency assistance to people experiencing homelessness or those at imminent risk of homelessness.

California Emergency Solutions and Housing (CESH) Program

CESH provides funds for a variety of activities to assist persons experiencing or at risk of homelessness as authorized by SB 850.

Homeless Housing, Assistance, and Prevention Program (HHAP)

HHAP is a block grant program designed to provide jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges.

Federal Programs

Community Development Block Grant (CDBG)

The City of Modesto is an entitlement jurisdiction participating in HUD's CDBG program. A requirement of receiving CDBG funds is the City having a five-year Consolidated Plan, which identifies local community development needs and sets forth a strategy to address these needs over a five-year period. The City's current 5-Year Consolidated Plan spans from July 1, 2020, to June 30, 2025.

Developing an Annual Action Plan (AAP) for each fiscal year of the Consolidated Plan is also required. AAPs program the use of federal funding for their respective fiscal year by outlining which specific projects or programs will receive funding from the annual allocation. Funding available for housing assistance programs from the state and federal governments is extremely limited. The AAP, which gives a complete breakdown of public service descriptions and use of funds, is available on the City's website.

Per the 2023–2024 Annual Action Plan Draft, the City anticipates receiving $1,784,411 of CDBG funds for the 2023–2024 program year. Expected uses include program administration, public services, housing programs fair housing enforcement, public facility improvements, and homeless services.

Emergency Solutions Grant (ESG)

The ESG program focuses on assisting people in quickly regaining stability in permanent housing after experiencing a housing crisis and/or homelessness. The City anticipates receiving $161,451 of ESG funds for the 2023–2024 program year. The ESG expected uses include homeless services, homelessness prevention, and rapid rehousing.

HOME - American Rescue Plan (ARP)

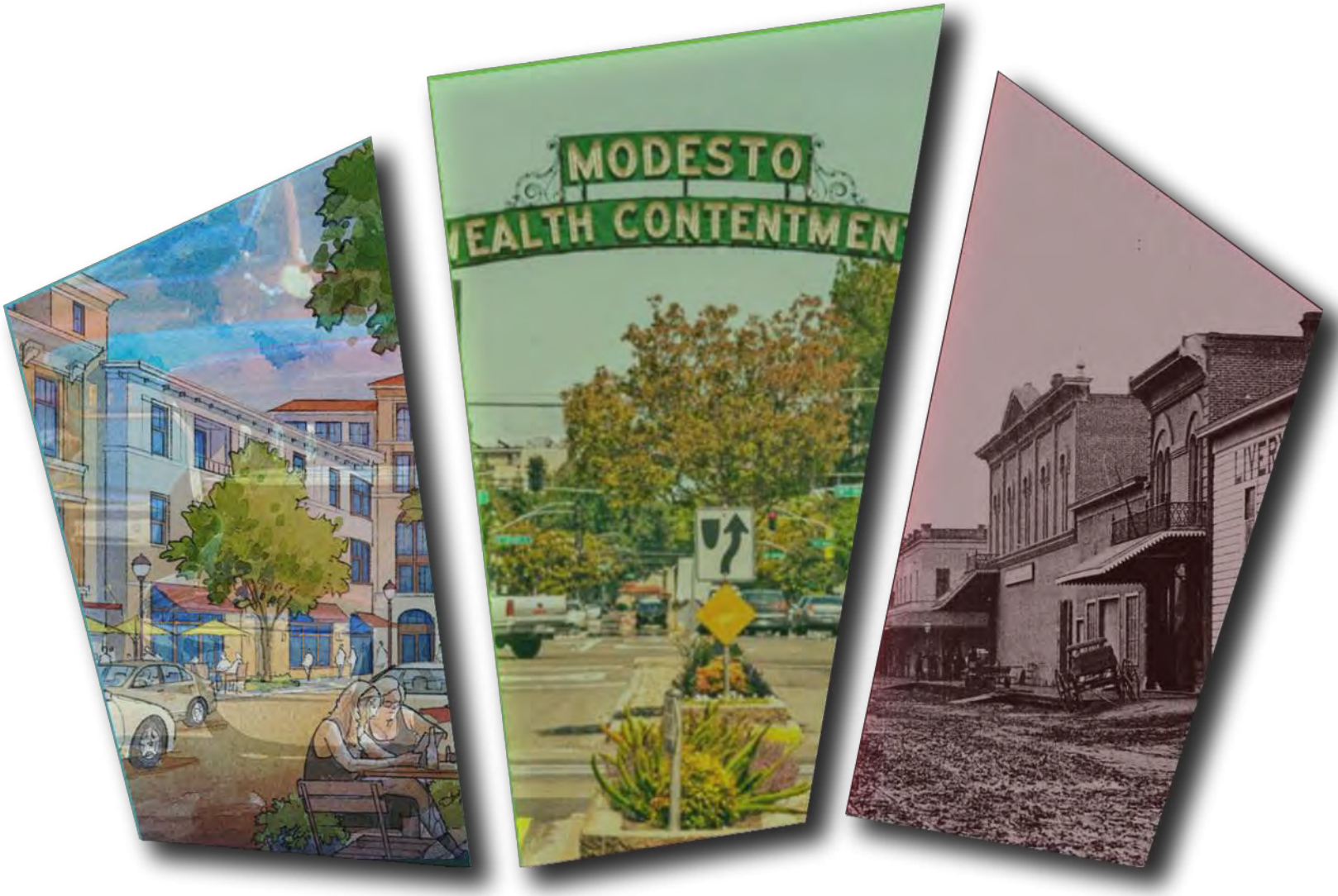
The HOME-ARP program is federally funded by HUD to assist individuals or households who are homeless or at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing. Eligible uses include the production and preservation of affordable housing, tenant-based rental assistance, and supportive services. The City anticipates receiving $3,409,774 of HOME-ARP funds for the 2023–2024 program year.

HOME - Investment Partnerships Program

The HOME program is federally funded by HUD to provide decent affordable housing to lower-income households. The City anticipates receiving $929,656 of HOME Investment Partnership program funds for the 2023–2024 program year. Expected uses include rental housing rehabilitation and rental housing construction.

Housing Choice Voucher (HCV) Program

The HCV program is a rental assistance program that helps very low-income families to live in market-rate housing units rather than public housing, and is administered by the Stanislaus Regional Housing Authority. Households are provided with vouchers that are paid to private market-rate landlords, who are then reimbursed by HUD.



Goals, Policies, and Programs

Administrative Draft – June 2, 2023

City of **MODESTO**

Housing Element 2023-2031

CITY OF MODESTO CALIFORNIA

Goals, Policies, and Programs

This section of the Housing Element outlines the City of Modesto's goals, policies, and implementation programs for the preservation, conservation, improvement, and production of housing for the 2023–2031 planning period. The goals, policies, programs, and quantified objectives are designed to help ensure housing opportunities for all existing and future residents of the community.

Housing Goals and Policies

Housing Production

Goal 1	*Provide adequate residential sites to accommodate projected housing needs and encourage the production of a variety of housing types.*

Policy 1.1. Encourage the provision of a variety of housing options for residents.

Policy 1.2. Strive to ensure adequate land is available at a range of densities to accommodate the existing and projected housing needs.

Policy 1.3. Facilitate the development of accessory dwelling units (ADUs) as an affordable housing alternative and an option for increased housing choice throughout the City.

Policy 1.4. Facilitate the development of entry-level housing as well as "step-up" housing and encourage a range of housing types to be constructed in subdivisions and large developments.

Housing to Meet the Needs of All Income Levels and Special Needs Groups

Goal 2	*Provide a broad range of housing opportunities to meet the needs of all income levels, with emphasis on providing housing that meets the special needs of the community.*

Policy 2.1. Establish and/or support programs to supply below market-rate housing for extremely low-, very low-, low-, and moderate-income households.

Policy 2.2. Provide financial incentives such as fee deferrals and exemptions for developments meeting affordable and special housing needs of the community.

Policy 2.3. Promote the development of affordable housing throughout the community and facilitate the development of housing for the unmet needs of lower-income special needs groups, including the disabled, elderly, homeless, and large families.

Policy 2.4. Encourage the development of workforce housing.

Removal of Governmental Constraints

Goal 3	*Reduce or remove governmental constraints to the development, improvement, and maintenance of housing where feasible and legally permissible.*

Policy 3.1. Establish and maintain development standards that support housing production and protect quality of life goals.

Policy 3.2. Ensure that land use regulations, including zoning, subdivision, and permitting processes, are consistent with and supportive of state and federal laws.

Policy 3.3. Review local regulations and fees periodically to ensure that they do not unduly constrain the production of housing.

Conserve, Preserve, and Improve the Housing Stock

Goal 4	*Maintain and conserve the existing housing stock in a sound, safe, and sanitary condition.*

Policy 4.1. Monitor and maintain the supply of safe and decent affordable housing in the City to ensure that it remains affordable, through the conservation and rehabilitation of the City's existing housing stock.

Policy 4.2. Focus the use of City resources for housing rehabilitation and assisted housing on those neighborhoods having the greatest need for housing assistance.

Policy 4.3. Encourage the development and rehabilitation of housing that is accessible to persons with disabilities.

Affirmatively Further Fair Housing

Goal 5	*Ensure the provision of adequate housing for all persons regardless of income, age, sex, race, or ethnic background, consistent with the Fair Housing Act.*

Policy 5.1. Promote equal opportunities for all residents to live in the housing of their choice by committing to fair housing practices.

Policy 5.2. Ensure fair housing for all City residents regardless of age, sex, religion, ancestry, marital status, family status, income or source of income, race, national origin, sexual orientation, or disabilities.

Policy 5.3. Increase accessibility of planning documents and meetings by including materials and presentations in multiple languages, and offering meetings at multiple times and in various areas of the City.

Community Engagement and Outreach

Goal 6	*Increase awareness, availability of information, and participation in housing programs.*

Policy 6.1. Consolidate and disseminate housing-related resources to provide better access to information on available housing programs and affordable housing units.

Policy 6.2. Encourage involvement of all neighborhoods in the public decision-making process and strive to outreach to all segments of the community.

Policy 6.3. Provide bilingual translations for meetings and materials, as needed.

Quantified Objectives

Housing Element law requires that quantified objectives be developed with regard to new construction, rehabilitation, conservation, and preservation activities that will occur during the eight-year Housing Element cycle. These objectives are shown in Table 97.

- The construction objective represents the City's RHNA 1,403 units for extremely low-income households, 1,404 units for very low-income households, 1,943 units for low-income households, 1,981 units for moderate-income households, and 4,517 units for above moderate-income households.
- The rehabilitation objective represents rehabilitation assistance to 80 households through the City's Homeowner Repair Assistance programs.
- The conservation/preservation objective (2,723) represents the conservation of existing affordable housing, 757 units, in the City during the planning period (2023-2031) as well as the 1,966 naturally occurring affordable mobile home park units through implementation of the City's Mobile Home Park Rent Control Ordinance.

Table 97: Quantified Objectives

Target	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
New Construction	1,403	1,404	1,943	1,981	4,517	11,248
Rehabilitation	20	20	20	20	-	80
Conservation/Preservation	2,723				-	2,723
Total						**14,051**

Housing Programs

Housing programs define the specific actions the City will undertake to achieve the stated goals and policies within the eight-year (2023-2031) planning period. The City's housing programs are described according to the City's housing goals.

Each program has an action, timeline to complete the action, funding source, implementing agency, and where applicable a quantified objective and/or geographic target for the program. The City of Modesto's Community Development Division (CDD) is largely the implementing agency for Housing Element Programs.

Table 65 in the AFFH Chapter provides details on the programs that are aimed at affirmatively furthering fair housing, with the actions separated by their identified fair housing issue. These AFFH themes are included for the various actions below along with geographic targeting, metrics. specific commitment, and timeline for each program

Table 98: 6th Cycle Housing Element Programs

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
A. Housing Production						
A - 1	No Net Loss	To ensure that the City monitors its compliance with SB 166 (No Net Loss), the City will develop a process to and will track the: ▪ Unit count and income/affordable assumed on parcels included in the sites inventory. ▪ Actual units constructed and their affordability levels as parcels are developed. ▪ Net change in capacity after development and summary of capacity in meeting the remaining RHNA. To ensure the City has adequate sites to accommodate any net loss of Regional Housing Needs Allocation (RHNA) capacity due to development of RHNA sites or accessory dwelling units (ADUs) below projections, the City shall create a No Net Loss Inventory of replacement sites within 18 months of Housing Element certification. The backup replacement sites in the No Net Loss Inventory will be separate and distinct from the identified RHNA sites inventory included in Appendix B. The City has begun development of this list and initial estimates include capacity for approximately 5,878 units. Should pending projects not be completed as anticipated and result in a net loss of capacity, the no net loss inventory will be updated, using sites from the No Net Loss Inventory first. **Quantified Objective:** No net loss of capacity below the unmet RHNA requirement during the planning period.	CDD	General Fund	By Q1, 2025. Review RHNA site status twice yearly and update No Net Loss Inventory as necessary to maintain adequate RHNA sites. Create No Net Loss Inventory by end of Q4 2025.	
A - 2	Rezoning Plan	The City will rezone to provide adequate sites to meet its housing need.	CDD	General Fund	Before December 31, 2023.	New Opportunities in

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		Rezoning efforts to be completed prior to December 31, 2023, include: ▪ Create two new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modify P-D parcels on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard. Rezoning will occur across all opportunity categories, with specific geographic targeting in the higher resource areas. About 45 percent of the rezone area (13,774 units) is in high or higher resource areas, creating substantial new opportunities for housing mobility and lower-income housing in eastern and northern neighborhoods. **Quantified Objective:** Create new Mixed-Use-Pedestrian (MU-P) and Mixed-Use-Highway (MU-H) zones, and modify P-D parcels on 283.1 acres along Sisk Road, 311.2 acres along McHenry Avenue, 83.3 acres along Oakdale Road, and 34.7 acres along Yosemite Boulevard.				High Resource Areas Housing Mobility
A - 3	General Plan and Zoning Densities	As a part of the General Plan update, the City will revise the densities so that the zoning and General Plan densities align. Specifically, the City will: ▪ Revise R-1 to increase the maximum from 7.5 to 10.9 du/acre. ▪ Revise R-2 to increase the maximum from 14.5 to 22 du/acre. ▪ Revise R-3 to increase the minimum from 21.8 to 22 and increase the maximum from 29 to 45 du/acre.	CDD	General Fund	By December 31, 2024, or as required by state law.	New Opportunities in High Resource Areas

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
A - 4	Project Monitoring and Mid-Cycle Review	The City will continue to facilitate development and monitor approvals of all pending projects that are used to meet the RHNA. Currently, City staff coordinates with applicants, supports and assists with funding applications, and expedites approvals of projects. The City will continue to provide technical assistance to ensure that projects counted towards the RHNA are built during the planning period. The City will monitor the status of these projects, including units and income levels. The City will conduct a mid-cycle review of units built and capacity to meet the RHNA in 2028. If the entitled projects are not anticipated to be completed during the 6th Cycle at this time, the City will identify additional sites from the backup inventory and/or programs, such as upzoning or rezoning of additional parcels, to adequately meet the RHNA. The City will identify sites or initiate any necessary programs within six months of the identified net loss per Program A - 1.	CDD	General Fund	Q 1, 2028	
A - 5	Publicize Residential Sites Inventory	The City shall make the residential sites inventory available to developers by publicizing it on the City website. The City is in the process of creating a citywide GIS inventory. The GIS inventory will be updated automatically with the implementation of new building permit software. The City shall update the list of sites annually, or as projects are approved on the sites. **Quantified Objective:** Maintain accurate and publicly available residential sites inventory throughout the planning period.	CDD	General Fund	Annually update list of sites. Citywide GIS inventory by Q4 2025.	
A - 6	Consolidated Plan	The City is an entitlement jurisdiction eligible to receive Community Planning and Development (CPD) funds from HUD. Annually, the City receives approximately $2.5 million in CDBG, HOME, and ESG funds from HUD. To receive these funds, the City	CDD	General Fund	Consolidated Plan prepared every 5	New Opportunities in

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		must develop a Consolidated Plan that outlines the City's strategy for addressing housing and community development needs. The City must: ▪ Prepare an action plan annually ▪ Prepare new Consolidated Plan for 2025-2030 and 2030-2035 As a part of the Consolidated Plan efforts, the City will support nonprofit corporations in their efforts to make housing more affordable to lower- and moderate-income households. Specifically, the City will work with City-designated Community Housing Development Corporations (CHDOs) to promote, assist, and/or sponsor housing developments in Modesto for lower-income households. The City will provide some financial support for preserving, rehabilitating, restoring, converting, and acquiring affordable units and provide logistical support for projects by expediting any necessary approvals. Goals and indicators for the 2020 – 2024 Consolidated Plan include: ▪ Improve Condition and Increase Supply of Affordable Housing (construct 167 rental units, rehab 20 units) ▪ Work Towards Addressing and Preventing Homelessness (assist 105 households/persons) ▪ Enhance Infrastructure and Public Facilities (assist 1,000 households) ▪ Access to Jobs, Education, and Other Economic Development Services (assist 513 households) The City does not require a preference be given to any one population for its use of HOME funds; however, it is recognized that there are scenarios such as layered funding that requires HOME units to be set-aside for a preferred population. Priority			years; action plans prepared annually.	High Resource Areas

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		populations currently identified in the Consolidated Plan include families or individuals that are below the 80% area median income including but not limited to farmworkers, large households, single family, and multi-family. Families or Individuals experiencing or at risk for homelessness includes chronically homeless, mentally ill, substance abuse, veterans, persons with HIV/AIDS, victims of domestic violence, and youth. **Quantified Objective:** Adopted Consolidated Plan and annual action plan. Meet numeric indicators identified in 2025 – 2030 Consolidated Plan (TBD).				
A - 7	Surplus Lands Act Compliance	The City will assess City-owned properties for their potential redevelopment or development for residential uses that include housing for extremely low-income households and those with special needs such as seniors and persons with disabilities. The City will comply with the surplus land determination process and implement the Surplus Lands Act to annually review City-owned parcels; provide notices of availability; engage in negotiation or disposal of sites declared to be surplus; provide affordable housing developers the first right of refusal for designated surplus lands; and comply with other applicable requirements regarding development of affordable housing on surplus properties and reporting requirements.	CDD	General Fund	Review of surplus lands annually.	
A - 8	Housing Trust Fund	The City is currently developing a Housing Trust Fund utilizing $500,000 of American Rescue Plan Act funds. The Housing Trust Fund policies and programs are in development with anticipated adoption in 2023. Anticipated uses for the Housing Trust Fund may include, but are not limited to, new construction, acquisition and/or rehabilitation, and subsidy, or other means to assist other governmental	CDD	American Rescue Plan Act Funding	Adoption by Q1, 2024.	New Opportunities in High Resource Areas

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		agencies, nonprofit groups and private organizations or individuals in creating or maintaining affordable housing.				
A - 9	ADU Ordinance Updates, Tracking, and Monitoring	The City will continuously track the number of building permits issued for ADUs. The City will also review geographic distributions of ADUs biennially. If the average ADU production is less than 6 units per year in 2024, 2025, and 2026, the City will identify additional ADU outreach and incentive strategies. If necessary, the City will identify additional RHNA sites. The City adopted an ADU ordinance effective May 11, 2023. The City will work in collaboration with the California Department of Housing and Community Development on its current ADU ordinance to ensure it is compliant with applicable state law. It was submitted to HCD on May 16th, 2023 and HCD confirmed receipt on May 24, 2023. No comments or revisions were provided. Should HCD determine that revisions are necessary to comply with state law, the City will revise its ADU ordinance within six months of receipt of comments. **Quantified Objective:** Increase the number of new ADUs permitted annually in the City from an average of approximately 6 to an average of approximately 15.	CDD	General Fund	Track ADU permits as they are submitted. Geographic review biennially. Review ADU strategies annually as part of the Annual Progress Report process. Identify additional programs or sites within six months of shortfall. Revision of ADU ordinance within six months of receiving comments from HCD.	
A - 10	ADU Incentives	Pursuant to California Government Code Section 65583(c)(7), the Housing Element must include programs to incentivize and specifically facilitate ADU construction for lower-income households. To comply with this and encourage the development of ADUs in Modesto, the City will: ▪ Adopt a new set of preapproved/prereviewed plans. As a part of this effort, the City will pursue a partnership with Stanislaus County to collaborate on providing a joint set of preapproved	CDD	General Fund	Preapproved plans by Q1, 2025.	New Opportunities in High Resource Areas Housing Mobility

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		plans. The City currently provides plan options from Stanislaus County on its website. ▪ Continue to exempt ADUs from Capital Facilities Fees. ▪ Educational promotion through Stanislaus Equity Partners (STEP). STEP administers the Stanislaus Backyard Homes Project, an innovative, housing solution in Stanislaus County that provides services to homeowners to create a new affordable rental unit on their property or backyard. The project offers homeowners a "one-stop-shop" for information, financing, design, permitting, and construction of new Accessory Dwelling Units (ADUs) in approved areas of Stanislaus County, including incorporated and unincorporated areas. **Quantified Objective:** Increase the number of new ADUs permitted annually in the City from an average of approximately 6 to an average of approximately 15.				
A - 11	Facilitate Missing Middle / Middle Income Housing	To increase the variety of housing choice and opportunity in single-family neighborhoods, the City will encourage development on duplexes on corner lots in the R-1 zone. The City currently allows duplexes on corner lots in the R-1 Zone by right. The City will, distribute, and promote an information bulletin to inform homeowners of their ability to develop a duplex on their property. **Quantified Objective:** Creation of 50 units throughout the planning period. **Geographic Targeting:** R-1 zone, single-family zones, and high resource areas of the City per the most recent TCAC maps.	CDD	General Fund	Develop pamphlet by Q4, 2024.	New Opportunities in High Resource Areas Housing Mobility

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
A - 12	Incentives Beyond Density Bonus State Law	The City will study and consider adopting an affordable housing incentives policy above and beyond the minimum requirements of density bonus state law. The City will specifically consider additional incentives for households with special housing needs, including large households, extremely low-income households, farmworkers, and senior households.	CDD	General Fund	Adopted incentives by Q3, 2025.	New Opportunities in High Resource Areas Displacement Prevention
A - 13	Technical Assistance and Developer Outreach	The City will encourage and facilitate development on RHNA sites or affordable or special needs housing projects by providing assistance with site identification and entitlement processing, marketing materials for residential opportunity sites, and technical assistance to interested developers. Technical assistance includes but is not limited to assistance to acquire necessary funding, offering fee waivers and deferrals for affordable housing projects, assistance with permit processing, and providing financial support when available. The City is in the process of hiring a business analyst to help applicants navigate the permitting process and proactively reach out to developers to provide technical assistance. The City will also organize special marketing events geared towards the development community, making a special effort to include developers of lower-income and special needs housing. **Quantified Objective:** Target 25% of contacted developers to be affordable housing developers.	CDD	General Fund	Outreach to developers annually.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
A - 14	Small Lot Consolidation and Development	The City will facilitate consolidation of small (<0.5-acre) parcels to enable more affordable housing construction with one or more methods such as fee waivers, streamlined or expedited approvals, and technical assistance. The City is in the process of hiring a business analyst to help applicants navigate the development of small-lot single-family residential developments and proactively reach out to developers to provide technical assistance. The City will facilitate the development of small-lot single-family detached houses (less than R-1 minimum lot size of 5,000 square feet) by providing guidance to applicants and staff for the design of small lot development, reducing review cycles, and reducing uncertainty in the entitlement process. The City will continue to utilize and advertise the existing Guidelines for Small-Lot Single-Family Residential Developments. **Geographic Targeting:** Small lots in the downtown area. **Quantified Objected:** Facilitate consolidation of 25 lots throughout the planning period.	CDD	General Fund	Ongoing throughout the planning period as needed.	
A - 15	SB 9 Ordinance, Processing/ Incentives	The City will amend the zoning code to comply with the provisions of California Government Code Section 65852.21. The City will pursue a number of incentives and develop guidance materials for homeowners to assist them in developing SB 9 units on their properties. Efforts include: ▪ An SB 9 webpage to highlight opportunities for SB 9 development in Modesto. The webpage will include a step-by-step guide and instructions.	CDD	General Fund	By Q1, 2025.	New Opportunities in High Resource Areas Housing Mobility

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Streamlined review. ▪ Advertising to homeowners. ▪ FAQs, similar to those provided for ADUs. **Quantified Objective:** Increase SB 9 unit production to 10 annually.				
A - 16	Energy Conservation Opportunities	The City will pursue and continue efforts to offer opportunities for energy conservation. The City provides a number of water rebates for water conservation and upgrading to higher efficiency models, including the following: ▪ Drip Irrigation Rebate Program ▪ High-Efficiency Clothes Washer Rebate ▪ High-Efficiency Toilet Rebate ▪ Turf Replacement Program ▪ Smart Irrigation Controller Rebate Program Modesto Irrigation District, provides multiple rebate for the installation of qualifying energy efficient products, including: ▪ Electric vehicle charger ▪ Home Cooling products including central air condition and heat pumps, ductless mini split air conditioner/heat	CDD, Utilities Department, Modesto Irrigation District	General Fund	Ongoing. Rezoning anticipated to be completed in November, 2023.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		pump, whole house fan, solar attic/gable fan, Smart Thermostats ▪ General Improvements including attic insulation and radiant barriers ▪ Appliances including washers, air conditioners, induction cooktops, and heat pump storage water heaters ▪ Window sun shading ▪ Pool filtration pumps Additionally, the City is allowing high density housing in mixed-use corridors by rezoning along Sisk and McHenry, both which promote infill and transit-oriented development (see Program A-2). **Quantified Objective:** Provide rebates to at least 100 households annually.				
A - 17	Review and Revision of Growth Control Policy	The Growth Control Policy does not pose a constraint to development. The required vote of the public was advisory only. This Growth Control Policy has not been utilized since completion of a series of comprehensive growth and infrastructure plans that made future expansions and Growth Control Policy votes moot in 2015. The City has no intention to utilize the policy moving forward. The City is currently undergoing revisions to the General Plan to be completed after the adoption of the housing element. As part of the General Plan update, the City will review the Growth Control Policy and will revise or remove the policy, if possible.	City Council	General Fund	Q 4 2026, concurrent with adoption of the General Plan Update	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
B. Constraint Removal						
B - 1	Senate Bill (SB) 35 Permit Processing and SB 330 Compliance	The City will establish and implement expedited permit processing for qualifying affordable housing projects, pursuant to SB 35 and SB 330, as well as create checklists and instructions for reviewing and approving SB 35 and SB 330 projects. The City will add information regarding the expedited permit process to its website.	CDD	General Fund	By Q1, 2025.	
B - 2	Public Fees, Standards, and Plans Online	Pursuant to Assembly Bill (AB) 1483, the City will compile all development standards, plans, fees, and nexus studies in an easily accessible online location. The City will continue to provide a high-quality, parcel-specific zoning map and General Plan map online.	CDD	General Fund	By Q1, 2025.	
B - 3	Objective Standards	The City will review and revise development standards, design guidelines, and findings to ensure they are objective and facilitate development of properties at their maximum densities.	CDD	General Fund	By Q3, 2025.	
B - 4	Permit Streamlining	The City will pursue permit streamlining and incentives for affordable housing projects through process modifications including: ▪ Capital Facilities Fee waivers (Program D - 7) ▪ Update the Zoning Code to allow for ministerial approval for affordable housing projects that are 100% affordable with a minimum of a 20 year affordability period.	CDD	General Fund	By Q1, 2025.	
B - 5	Zoning Code Amendments	The City will also monitor state laws and update the zoning code annually to ensure compliance with all state housing laws. Specifically, the Zoning Ordinance will be amended as follows:	CDD	General Fund	Review and zoning amendments annually. First set of amendments in	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ To both streamline and define agricultural worker housing. This includes ministerially approving of agricultural worker housing that meets the requirements of Health and Safety Code Section 17021.8. The updated definitions will identify that any agricultural worker housing made up of less than 36 beds in a group quarter or 12 units or spaces can be classified as agricultural land use and permitted in the same manner as agricultural uses consistent with Health and Safety Code Section 17021.6. ▪ To explicitly define and allow single room occupancy units (SROs) as a permitted use in identified multi-family and mixed-use zones. ▪ Remove the CUP requirement for residential care facilities serving 7 or more people and for 2 or more residential care facilities on one property. ▪ Additionally, the City is in the process of amending the Zoning Ordinance to comply with state regulations for Low Barrier Navigation Centers (LBNCs) and emergency shelters, including compliance with AB 101 and AB 2339. The amendments are scheduled to go to City Council on November 7th, 2023, and are anticipated to be completed prior to the adoption of the Housing. **Quantified Objective:** Adopted zoning amendments.			November 2023. Second set of amendments by Q4, 2025.	
B - 6	Parking Requirements	The City currently allows for shared parking for commercial projects, and will evaluate extending shared parking eligibility to mixed-use projects. This will allow mixed-use projects flexibility in meeting parking needs (e.g., shared parking with commercial uses, off-site parking, reduced parking due to potential reduced trips).	CDD	General Fund	As development applications are received.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		The City will offer reduced parking requirements for senior, special needs, and affordable housing developments. To expedite parking reductions, the City recently amended the zoning code so that reduced parking is approved at a staff level. **Geographic Targeting:** Mixed-use zones, Downtown form based code area.				
B - 7	Housing for Persons with Disabilities/ Reasonable Accommodations Procedure	The City is in the process of creating a reasonable accommodations procedure. The procedure will provide clarity and certainty to any request for reasonable accommodations. The City will continue to promote awareness of accessibility requirements through the City website and available brochures. The ADA coordinator will provide support to persons with disabilities and assist in navigating the reasonable accommodations procedure.	CDD	General Fund	Create reasonable accommodations procedure by Q1, 2026.	
C. Housing Conservation and Preservation						
C - 1	Preservation and Monitoring of Units At Risk of Converting to Market Rate	The City will continue to provide regular monitoring of deed-restricted units that have the potential of converting to market rate. The City will implement strategies to preserve projects identified as being at risk of converting to market-rate housing. Strategies include: ▪ Monitoring affordable housing term expiration status annually.	CDD	General Fund, Other funding sources as identified	Annually review affordable housing term expirations. Noticing as needed with expiration of covenants.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Notifying property owners annually about compliance with the extended noticing requirement (three-year, one-year, and six-month Notice of Intent) under state law. ▪ Including preservation as an eligible use in Notices of Funding Availability. ▪ Biennial contact with property owners of affordable units. ▪ Identification of funding opportunities to purchase and preserve affordable units. ▪ Noticing of tenants and technical assistance with applications for funds. The City will take appropriate steps to preserve affordable units. This includes ensuring that units with affordability covenants that are close to expiration are conserved or replaced and remain affordable to moderate and low income households. For below market rate units that are at-risk of conversion during this planning cycle, the City will: ▪ Contact the property owners to assess their interest in extending the affordability covenant for the at-risk units. ▪ Work with owners, tenants, and nonprofit organizations to assist in the nonprofit acquisition of at-risk projects to ensure long-term affordability of the development. ▪ Work with property owners to notify tenants of potential conversion to market rate, pursuant to state law. ▪ Contact affordable housing developers/providers to solicit their interest and financial capacity to acquire the at-risk units. ▪ Work with qualified operators, the California Department of Housing and Community Development, and the property				

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		owners to preserve the housing for lower-income households. **Quantified Objective:** Preservation of 100% of below market-rate units (757 total assisted units).				
C - 2	Mobile Home Rent Stabilization Ordinance	The City's rent control ordinance governs the maximum annual rent increases in the City's mobile home parks to ensure that the City's mobile homes continue to be some of the most affordable homeownership options in the City. Provide information on the City's rent control ordinance and Homeowner Repair Program (Program C - 3) to mobile home owners. **Quantified Objective:** Preservation of 1,966 existing mobile homes. **Geographic Targeting:** Mobile home parks throughout the City.	CDD	General Fund	Monitor rent increase annually.	Displacement Prevention
C - 3	Homeowner Repair Assistance Program	The City will continue the Homeowner Repair Assistance Program, which provides qualifying households a forgivable grant up to $20,000 to repair or eliminate critical health and safety hazard conditions in their homes, as well as making homes more accessible for persons with a disability. The program is available for single family homes and mobile homes. The City will promote the availability of the various housing rehabilitation and improvement programs through neighborhood and community organizations and by using the most effective media, including brochures, newsletter, City website, and referrals. The City will target promotion to special needs groups	CDD	General Fund	Ongoing throughout the planning period. Outreach to organizations at least once annually.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		who have higher rates of substandard housing, specifically farmworkers. The City will outreach to community organizations to promote these programs at least once annually. **Quantified Objective:** Assist 10 households annually for a total of 80 throughout the planning period, including one farmworker household.				
D. Special Housing Needs						
D - 1	Community System of Care	The City will continue to partner with Stanislaus Community System of Care's (CSOC) effort to move all population types from homelessness towards permanent housing and independent living opportunities through a network of affordable housing options linked to wraparound supportive services. As a part of the partnership, the City will: ▪ Continue to work with the CoC in the implementation of the continuum-wide Coordinated Entry System (CES) to assess individual needs of homeless individuals and match the right services to the households given their individual circumstance; this includes taking into consideration special needs in both housing and supportive services. Coordinated entry provides assessments used to support collaborative decision making across agencies to provide the appropriate assistance required to support individuals experiencing homelessness or at risk of homelessness with an end goal of minimizing bottlenecks in the service delivery system. ▪ Coordinate with the CoC, who will provide continued training for participating service providers and continue developing any necessary tools to effectively manage the system.	CDD, Stanislaus Community System of Care	General Fund, CARES Act Funding, Project Homekey	Completion of the California Avenue project by Q4 2026.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Continue to update the Community System of Care and City of Modesto website as needed to ensure it is up to date. ▪ Participate on the board as a voting member to address homelessness at the regional level. ▪ Support the Project Homekey developments in the City. The most recent Project Homekey development received $1.7 million of funding, voucher priority, and coordinated entry priority. ▪ Support and invest in the California Avenue project, which includes 8 units of permanent supportive housing. **Quantified Objective:** Development of 8 units of permanent supportive housing in the California Avenue project and 150 through the Project Homekey developments.				
D - 2	Camp2Home Program and Homelessness Funding	The City will continue to partner with the following organizations and programs, or those that provide similar services which conduct street and assessment of the needs of homeless individuals within the community. This includes: • **Camp2Home:** Through the Camp2Home initiative, Modesto created a unique set of partnerships and funding that creates a continues streamlined process that will bring individuals out of the cycle of homelessness. The City coordinates and manages the Camp2Home Program in partnership with the Modesto Police Department. The Camp2Home Program consists of five different initiatives to provide a path to self-sufficiency for people trying to rebuild their lives out of homelessness. This program provides a path to self-sufficiency for people trying to rebuild their lives out of homelessness through five different initiatives street outreach, job training, employment, and permanent housing.	CDD, Modesto Police Department	General Fund	Ongoing provision of services throughout the planning period.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		• **Community Health and Assistance Team (CHAT)**: A partnership program with the Modesto Police Department designed to use trained Outreach Specialists to respond to qualifying 911 calls, received through the 911 communications center, for mental health crises and similar non-criminal, non-violent incidents. The Team currently consists of full-time staff who work in close collaboration with Stanislaus County social services, non-profit organizations, and Modesto Police Department's (MPD) HEART team. C.H.A.T. provides alternatives to traditional police responses and continues to evolve in order to meet the needs of the community. • **The Downtown Streets Team (DST)** and a partnership with the local ACES and Berberian Shelters is a key component of the Camp2Home program in helping individuals to attain permanent housing is assisting them in obtaining job training and job placement. In this effort, the City of Modesto has partnered with the DST, a non-profit organization that creates a safe and engaging space to train homeless individuals. DST also administers a rental subsidy. The results of the program are tracked on the City's Camp2Home Outreach Dashboard. The program tracks outreach, demographics, barriers, and services provided. From 2021 to present, the program has provided 5,438 opportunities for outreach and 4,700 accepted services. Services include health services, assistance with vital documents, case management, and basic needs. Additionally, the City is actively pursuing $7.5 million in funding encampment resolution funding to fill in any gaps of service. The				

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		funding would be directed to outreach, creating permanent units, and funding low barrier shelter operations for three years. **Quantified Objective:** Provide 10,000 accepted services throughout the planning period.				
D - 3	Permanent Local Housing Allocation (PLHA) Fund	The City shall continue to utilize the PLHA Fund for all eligible activities, including new construction, acquisition, rehabilitation, homebuyer assistance, homeless assistance, public services related to housing, and preservation of affordable housing. The City received an approximate five-year allocation of $5,576,047 in PLHA funding. PLHA funding has limited eligible uses focused on the development, acquisition, rehabilitation, and preservation of affordable multifamily housing, including ADUs, down payment assistance, assisting persons experiencing or at risk of experiencing homelessness, and accessibility modifications in lower-income owner-occupied housing.	CDD	General Fund	PLHA Plan every 5 years	
D - 4	Priority Water and Sewer Service for Affordable Housing Developments and Cost Share Program	Pursuant to Government Code 65589.7, the Planning Department will continue to coordinate with the Utilities Department (water and sewer provider) to ensure prioritization of services to housing developments serving lower-income households. The City will continue its Private Sewer Lateral Cost Share Program, which offers home owners financial assistance if repairs or maintenance are required for the sewer line located in the public right-of-way including street, sidewalk, or alley. The program reimburses 50% of the lowest of three licensed and approved plumber bid estimates for the final cost of the sewer line repair. The Housing Element will be provided to water and sewer service providers upon adoption.	CDD	General Fund	Provide a copy of the Housing Element upon adoption. Private Lateral Cost Share Program Ongoing.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		Quantified Objective: Assist 5 households annually with the Private Sewer Lateral Cost Share Program.				
D - 5	Affordable Housing Resources	Starting in 2017, City staff has met with developers, local non-profits, and other community agencies to increase the supply and increase local capacity for the success for affordable housing in Modesto. This include joint applications for funding with the City being the primary or joint applicant, concierge style technical assistance and application for funding process, and pre-permit and planning reviews to allow for a more streamlined and successful approach to entitlements and project designs. Between the dates of 2019-2025 the City will support the development of 786 affordable units of housing efforts by: ▪ Building local capacity with 19 developers ▪ Introducing 8 new developers to Modesto, ▪ Providing 24 developments with concierge development services, and 20 pre-planning/pre-permit development review. ▪ Acting as the primary or co-applicant for 8 developments and was successfully awarded 7 of these applications, as of October 2023. The City has committed more than $27 million to develop housing and brought more than $180 million in leveraged funding to the Modesto community. The City, in coordination with Stanislaus County, affordable housing developers, and others, will continue to pursue affordable housing resources at the national, state, and local levels. The City will focus on pursuing those resources determined to be most cost-efficient, given the possibility of successful funding applications.	CDD	General Fund. PLHA, Cal-Home, Homekey, AHDC, REAP, ESG	Application for funding annually.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		Funding sources include PLHA, Cal-Home program income, Encampment Resolution funding, Homekey, AHSC, and REAP. **Quantified Objective:** Commit $20 million of funding to affordable housing efforts over the planning period.				
D - 6	Housing Choice Voucher Program	The Housing Choice Voucher Program for very low-income households is administered by the Stanislaus County Housing Authority. The City of Modesto collaborates with the Housing Authority for the development of both rental and homebuyer housing developments. The City will support the Housing Choice Voucher Program by promoting the program to eligible households through City website, brochures, newsletters, and referrals. **Quantified Objective:** Promote the HCV program to 50 households annually.	CDD; Stanislaus County Housing Authority	General Fund	Annually.	Fair Housing Outreach and Enforcement Housing Mobility
D - 7	Fee Deferrals	The City offers a number of fee deferral and fee waiver programs for development. Programs include the following: ▪ **Traditional Multi-Family Fee Deferral Program:** The Revolving Loan Fund (RLF) Program assists in reducing the immediate cost of new development or expansion of commercial or industrial development in the City of Modesto. The RLF is designed to provide a fee waiver of thirty-five percent (35%) (up to $90,000) of Capital Facilities, Water Connection, and/or Wastewater Capacity Fees and with an option to defer remaining balance of Capital Facilities, Water Connection, and/or Wastewater Capacity Fees. ▪ **ARPA Fee Deferral Program:** The Revolving Loan Fund (RLF) Program assists in reducing the immediate cost of new development or expansion of commercial or industrial	CDD; Stanislaus County Housing Authority	General Fund	Ongoing throughout the planning period.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		development in the City of Modesto. The RLF is designed to provide a fee waiver of thirty-five percent (35%) (up to $90,000) of Capital Facilities, Water Connection, and/or Wastewater Capacity Fees and with an option to defer remaining balance of Capital Facilities, Water Connection, and/or Wastewater Capacity Fees. ▪ **Capital Facility Fee Waiver:** The Stanislaus County Housing Authority, and low, very low, and special needs housing developments are exempt from the City's Capital Facilities Fees (developer fees). **Quantified Objective:** 30 units per year/240 throughout the planning period.				
D - 8	Housing for Extremely Low, Very Low, and Low Income Households	The City will facilitate and support a variety of affordable housing types such as SROs, multi-family housing, and supportive and transitional housing by meeting with potential affordable housing developers and homeless service providers to identify development opportunities, provide site information, assist in the entitlement processes, and consider on a case-by-case basis other incentives, including but not limited to fee deferrals and modification of standards. The City will build upon existing efforts of collaborating with developers, providing technical assistance, and leveraging over $180 million in funding to develop affordable housing (see Program D - 5 for further details on funding). To encourage and facilitate the development of housing for extremely low-, very low-, and low-income households, the City will: ▪ Provide a Capital Facilities Fees waiver for low-income projects (Program D - 7).	CDD	General Fund	Outreach to affordable housing developers at least biennially (4 times over the planning period) when PLHA funds become available.	

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Annually contact developers to assist in development where feasible by assisting and supporting new applications, providing priority processing, evaluating fee deferrals, and facilitating site acquisition. ▪ Formalize the process of expedited and priority review for affordable housing projects. ▪ Provide additional parking reduction opportunities for affordable and special needs households (Program B - 6) Provide information on the City's regulations regarding housing development, opportunities and sites available for development, and the City's development incentives to developers at least once per year, through methods such as the existing developer roundtable.				
D - 9	Housing for Farmworkers	To provide for the needs of farmworkers, the City is pursuing a number of efforts to encourage and develop special needs housing, as follows: ▪ Include farmworkers as a special needs group eligible for density bonuses beyond state law (A – 12) ▪ Compile a list of interested and qualified developers of farmworker housing and include them outreach efforts, which include advertising development opportunities, funding opportunities, and other educational and engagement efforts in the City (F – 1). ▪ Provide additional parking reduction opportunities for special needs housing projects (Program B - 6) ▪ Expand the Capital Facilities Fees waiver (Program D - 7) to apply to farmworker housing projects.	CDD	General fund, other funding sources as identified and available.	Creation of developer interest list by end of Q4, 2025. Adopted density bonus incentives by Q3, 2025. Fee waiver implemented by Q3, 2025. Pursue partnerships with organizations and funding opportunities on an annual basis.	Housing Mobility

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Targeted promotion of the Homeowner Repair Assistance Program (C - 3) to farmworker households to increase participation in the program. ▪ Continue to apply for funding for farmworker housing as opportunities are available. The City has previously applied for funding for farmworker housing and will continue to do so on an annual basis. Funding sources that can support farmworker housing include CDBG, HOME, CFF exemptions, and the Homeowner Rehabilitation Program. ▪ Continue to pursue active relationships to support and develop farmworker housing, including partnerships with organizations, who have significant experience in USDA grants, such as Visionary Home Builders, and the State Joe Serna, Jr. Farmworker Housing Grant Program (FWHG). **Quantified Objective**: Increase available farmworker housing in the City by 50 units. Increase participation of farmworkers in the Homeowner Repair Assistance Program to 10% (one household annually).				
E. Affirmatively Furthering Fair Housing						
E - 1	Place-Based Improvements: Downtown Modesto	The City develops and implements multiple programs and strategies and makes investments in infrastructure and services in known areas of concentrated segregation and poverty, all of which contribute to community revitalization and improved quality of life in downtown Modesto. Specifically, the City is pursuing the following: ▪ Currently developing plans to identify necessary improvements in southwest Modesto and downtown through the Urban Planning and Project Management	CDD	General Fund, AHSC grant	Based on Capital Improvements schedule. Fee waiver ongoing. Courthouse to be completed in 2024. Altamont Corridor Express, anticipated to begin operations in 2026.	New Opportunities in High Resource Areas Place-Based Improvements

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		Support Program, which aims to develop housing downtown and on the municipal golf course. ▪ Provide a Capital Facilities Fees waiver for low-income projects. ▪ Street improvement projects to transform 10th Street into a pedestrian-oriented corridor. ▪ A full pedestrian redevelopment of 9th Street, including Class I bike lines. This is in conjunction with Archway Commons Phase II, a 79-unit housing development on 7th Street. ▪ A redevelopment of the downtown bus station to transform it into a transit hub. This includes preparations for the Altamont Corridor Express, anticipated to begin operations in 2026. ▪ A new courthouse to be opened in 2024, with redevelopment of the former courthouse and county jail as a mixed-use project. The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access downtown including: ▪ Replacement of the 7th Street Bridge at Tuolumne River ($1,401,911) ▪ Replace the existing sewer main on F Street, from 6th to Burney Street and improvements to sewer mains connecting to D and F street. ($200,000) ▪ 7th Street Bridge water main, in conjunction with the bridge replacement ($1.3 million)				

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Tuolumne Boulevard intersection improvements at 7th and B Street, in coordination with the bridge replacement ($300,000) ▪ 9th St Corridor Improvements AHSC Grant: Install 2.2 miles of Class 1 bike path from Carpenter Road overpass to L Street. Additional improvements include installation of a roundabout at the 9th St/Carver intersection and potentially at the 9th/Tully and 9th/Kansas. ($6,000,000) Cesar E. Chavez Park Renovation Project: The Cesar E. Chavez Park Renovation Project will provide a complete renovation of Cesar E. Chavez Park, including the construction of an aquatics facility, skate plaza, building expansion, basketball court, soccer field, restroom, picnic area, landscaping, lighting, security cameras, walking paths and other general park amenities. ($8,500,000)**Geographic Targeting:** Downtown Modesto. **Quantified Objective**: Completion of four infrastructure projects in the downtown area, including one bike/pedestrian projects, one park renovation, one water/sewer project and one bridge replacement project.				
E - 2	Place-Based Improvements: Disadvantaged Neighborhoods including County Islands and Southwest Modesto	The City, in partnership with Stanislaus County, implements programs and pursues place-based improvements in the unincorporated County Islands. Many of these investments are focused on upgrading infrastructure in the County Islands to eliminate existing inequality. Specifically, efforts are listed below: ▪ Investing $10 million to upgrade infrastructure in the County Islands such as curb gutters, sidewalks, streetlighting, sewer, water, and storm drains. Stanislaus County has allocated $55.8 million of ARPA fundings to Community Infrastructure for Urban Pockets/County Communities, including the County Islands in Modesto.	CDD; Stanislaus County	General Fund, ARPA	Based on Capital Improvements schedule. Partnership with County underway.	New Opportunities in High Resource Areas Place-Based Improvements

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		The funding is a portion of $107 million in ARPA funding allocated to Stanislaus County and was approved for use in the County Islands on May 18, 2021. ▪ Collaborating with Stanislaus County to address any property tax issues as money becomes available to annex "island" properties to Modesto. ▪ Through the Capital Improvement Plan, working with the County to fund sewer connections. ▪ Developing the Southwest Modesto Plan, which will serve as a blueprint for future development, with guidance on land use, economic development, transportation, infrastructure, and other issues for the Southwest Modesto Plan Area. The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer improvements, and multi-modal access in the County Islands and surrounding Southwest Modesto areas. These efforts are working to invest in and improve areas with historically lower quality infrastructure, including: ▪ River Trunk Realignment, planned completion in 2027 ($23 million) ▪ Paradise Water Main: replacement of antiquated water mains to provide residential services and additional fire hydrants. Planned completion in 2026 ($2.7 million) ▪ Crows Landing pavement rehabilitation ($3 million) ▪ Paradise Road Pedestrian and Bicycle Safety Improvements: including installation of sidewalks to fill gaps, Class II bike lanes, pedestrian crossing, and traffic calming measures ($8 million)				

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Neece Drive improvements including development of a non-motorized boat launch, concrete pathways, security lighting, and landscaping ($1 million) ▪ Colorado Avenue water main replacement ($2.2 million) ▪ Replace aged existing water mains along Sutter Avenue ($2.9 million) ▪ Pavement rehabilitation along Tuolumne Boulevard from Paradise Road to Neece Drive ($3.8 million) ▪ Bystrom Water Main: The project will rehabilitate the water mains off of Bystrom Rd. ($3,200,000) ▪ Riverdale Park Water System: The project will seek grant funds for the Riverdale Park Tract Community to improve the water system. ($170,000) ▪ Chicago-Paradise S&R: The project will rehabilitate over 30,000 LF of water mains in an area bounded by Carpenter Rd, Chicago Ave and Paradise Rd. ($575,000) ▪ Sutter Avenue Strengthen & Replace Water Mains: This project will provide funding to replace approximately 3,747 LF of aged existing water mains within Stanislaus County generally bounded by Sunset Avenue on the East, Rouse Ave to the North, Sutter Ave on the West, and Pelton Avenue on the South. ($2,935,500) ▪ Dr MLK Jr Park Renovation: This project will provide a complete renovation to the Dr. Martin Luther King Jr Park (Formerly Mellis Park) through grant funding and HUD contributions. ($8,500,000) The City is pursuing a number of projects included in its Capital Improvement Plan to improve pedestrian infrastructure, sewer				

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		improvements, and multi-modal access in other lower resource areas or neighborhoods across the City, including: ▪ Roosevelt Park storm drain cross connection removal, providing storm drain improvements ($4.6 million) ▪ Pike Park Neighborhood replace existing water mains, estimated completion in 2025 ($6.4 million) ▪ La Loma Neighborhood sewer replacement ($1 million) ▪ La Loma Neighborhood replacement of aged water mains, multiple phases including Phase 3A ($5.7 million) and 2C ($2 million) ▪ River Trunk Section repair of 5,200 feet of damaged and temporary fixed river trunk and soil remediation along the Tuolumne River ($1.3 million) ▪ Improvement of pedestrian safety and traffic flow around Orville Wright Elementary School ($586,702) ▪ Colorado Avenue Strengthen & Replace Water Main: This project will provide funding to replace the existing water main along Colorado Avenue generally bounded by Pelton Avenue to the South, South Avenue to the North, Roselawn Avenue to the East and Sutter Avenue to the West.($ 2,201,447) ▪ Sunrise Water Mains: The project will rehabilitate the water main on Sunrise Ave from Fairmont Ave to E Orangeburg Ave. ($2,610,000) ▪ Orangeburg Avenue Pavement Rehabilitation Phase 2 (McHenry Avenue to Coffee Road) Pavement rehabilitation on Orangeburg Avenue from McHenry Avenue to Coffee Road. ($1,736,500)				

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		▪ Neighborhood ADA Improvement Program II: This program will provide ADA improvements to residential neighborhoods. ($75,000) ▪ Carpenter/Maze/Prescott Fiber Drop: This project is for the installation of fiber optic cable and network switches along Carpenter Road, Prescott Road, and Maze Boulevard to connect traffic signals. ($40,000) ▪ JM Pike Park Stormwater to Sanitary Cross Connection Removal ($18,823,224) ▪ Orangeburg Avenue Pavement Rehabilitation Phase 1 (Coffee Rd to Oakdale Ave):Pavement rehabilitation on Orangeburg Avenue from Coffee Road to Oakdale Avenue, approximately 1.0 centerline mile or 421,200 square feet of pavement. Anticipated project improvements include roadway resurfacing and/or reconstruction, new signage and striping, ADA upgrades, and minor storm drain system improvements.($ 3,121,267) ▪ Granger Neighborhood Pavement Rehabilitation: West Granger Avenue from Tully to McHenry, Gayle Ave, Augusta Ct, Lelah Ave, June Dr, Judith Ln, Timothy Ave, Sherwood Dr, Pearl Street and Carlton Avenue near Roosevelt Park, more than 645,000 sq. ft. of pavement. ($360,000) **Geographic Targeting:** County Islands and surrounding areas. Disadvantaged neighborhoods or areas with lower resources. **Quantified Objective:** Completion of thirteen CIP projects in the southwest and downtown area, including eight infrastructure improvements, two pavement rehabilitation projects, two pedestrian/bike infrastructure projects, and one park				

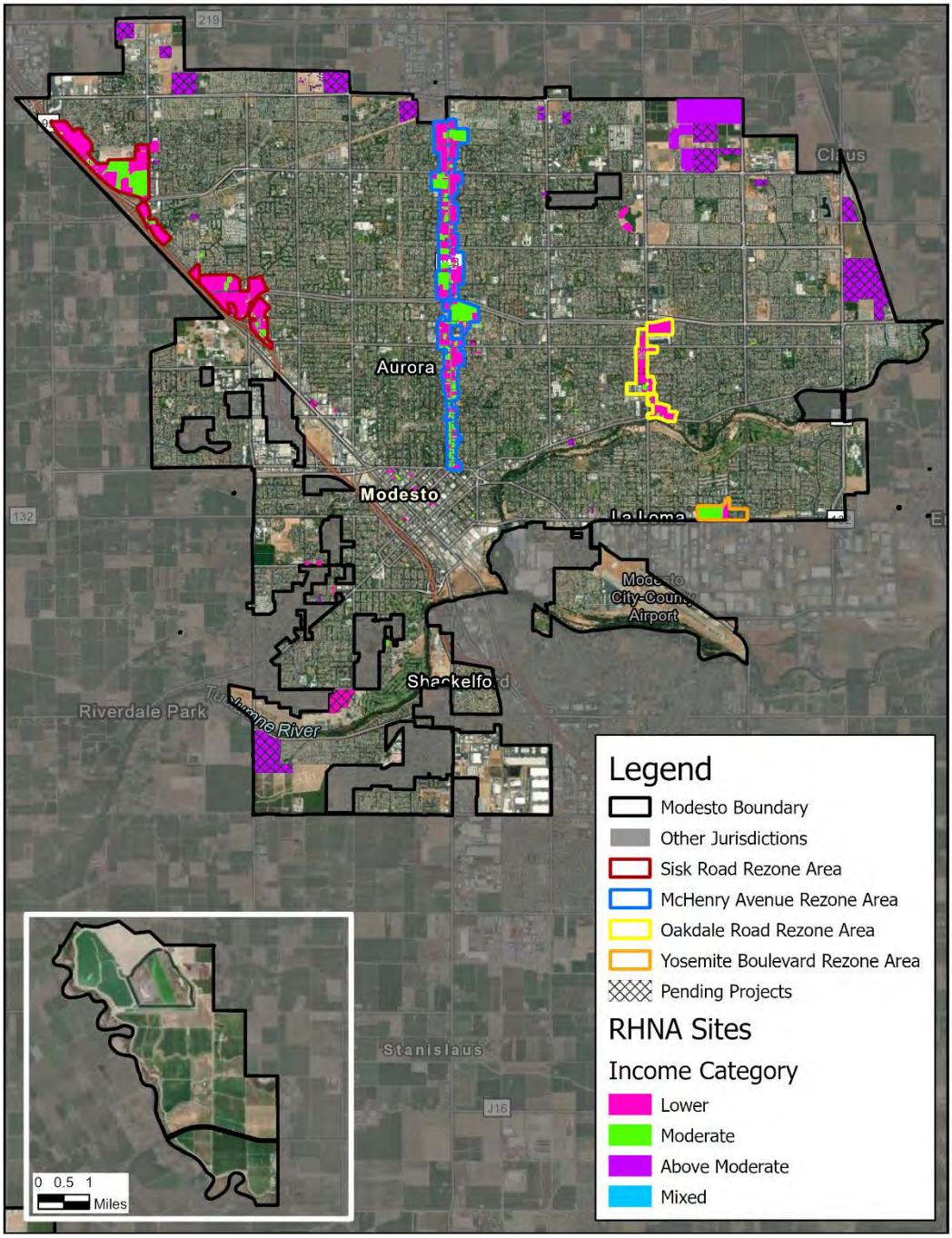
Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		improvement project. Completion of fourteen CIP projects in other disadvantaged neighborhoods including ten infrastructure improvement projects (water, sewer, fiber optic cables), one pedestrian improvement project, two pavement rehabilitation projects, and one ADA improvement program.				
E - 3	Fair Housing Counseling	The City shall continue to provide funds to and contract with Project Sentinel, or an agency that provides similar services, to provide fair housing assistance including landlord/tenant counseling. The City shall disseminate information about fair housing assistance through pamphlets in City-owned buildings and other public locations (e.g., City Hall, library, post office, other community facilities) and by posting information on the City website. Pamphlets will be made available in English and Spanish. **Quantified Objective:** Provide information to 30 households annually	CDD; Project Sentinel	General Fund	Ongoing.	Fair Housing Outreach and Enforcement
E - 4	Displacement Prevention	The City will develop a displacement prevention program that adheres to federal Uniform Relocation Assistance and Real Property Acquisition Act guidelines. The program will ensure that all households that are displaced are provided housing at equal affordability levels as the demolished housing. The City will also amend the Zoning Ordinance to require that any demolished residential units located on a Sites Inventory property be replaced pursuant to Government Code Sections 65915(c)(3) and 65583.2(g).	CDD	General Fund	By Q3, 2025	Displacement Prevention
F. Community Outreach and Engagement						

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
F - 1	Collaboration with Development Community	The City shall continue to cultivate new and existing relationships, throughout the planning period, with for-profit and nonprofit development companies working in the area of affordable housing, facilitating collaborative approaches to affordable housing development. The City will conduct outreach with affordable housing developers and developers of housing for special needs households, including large households, senior households, farmworkers, extremely-low income households, and opportunities for SROs. The City will create a list of housing developers, including developers of affordable and special needs housing. The list will be used for the annual developer meeting, and to advertise development opportunities, funding opportunities, and other educational and engagement efforts in the City. The City will outreach with developers after the Mixed Use Zone is developed to offer assistance with navigating the new zone. **Quantified Objective:** Host an annual developer roundtable (or equivalent) meeting. Participation of at least four developers of affordable and special needs housing in the annual meeting.	CDD	General Fund	Creation of developer interest list by end of Q4, 2025. Outreach two years after Mixed-use Zoning is adopted.	
F - 2	ADU, JADU, and SB 9 Education	The City will develop and implement a comprehensive marketing program to advertise the benefits of ADUs, JADUs, and SB 9 units and the process for constructing such units. The City will provide educational pamphlets on the City website and at City Hall with detailed information on the ADU and JADU process as well as basic responsibilities and legal requirements of	CDD	General Fund	Develop marketing plan within one year of Housing Element adoption; implement marketing program within two years of Housing Element adoption. Biennial	Housing Mobility

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		being a landlord. The pamphlets will be provided in both English and Spanish. The City will create an instructional handout and template form for deed restrictions for JADUs, meeting requirements of Government Code 65852.22. The City will focus outreach and education in the higher opportunity areas of the City to expand housing mobility and choice. Upon biennial review of geographic ADU distribution, the City will review and adjust promotion and outreach strategies to ensure ADUs and JADUs are being marketed in high resource areas that are seeing less ADU construction. **Quantified Objective:** Increase the number of new ADUs permitted annually in the City from an average of approximately 6 to an average of approximately 15. Increase the number of SB 9 applications to 10 annually.			review of ADU geographic distribution.	
F - 3	Bilingual Materials	The City will continue its efforts to provide presentations, materials, and communications in both English and Spanish. In a continued effort to maximize inclusivity, productivity and engagement, the City of Modesto utilizes Wordly, a language interpretation tool. Wordly provides real-time interpretation services so that each City Council meeting participant can choose from several interpretation languages. Instructions on how to use Wordly are available on the City's website. The full housing element update document will be translated into Spanish and will be posted along with the English version of the housing element.	CDD	General Fund	Review demographics every five years.	Fair Housing Outreach and Enforcement Place-Based Improvements

Number	Title	Action	Responsible Party	Funding Source	Timeline	AFFH Themes
		The City will review its demographics every five years to determine if translations in other languages are appropriate.				
F - 4	Housing Outreach and Information	The City shall provide information about housing assistance, fair housing, housing resources, and housing programs through a wide variety of outreach methods such as: ▪ Conducting workshops and webinars by partnering with community-based organizations to inform residents of housing resources, assistance programs, and funding opportunities, on a monthly basis on average. ▪ Disseminating information about fair housing in City-owned buildings and other public locations (e.g., City Hall, Library, post office, other community facilities) and by posting information on the City website. Pamphlets will be made available in English and Spanish. ▪ Advertising housing assistance information on the City website, through the compilation of resources for rental assistance, down payment assistance, and other means of retaining existing housing or acquiring a new home. ▪ Coordinating with the City's Fair Housing Service Provider to provide resources and information at a housing resources event in the downtown area. **Quantified Objective:** Outreach to 250 households annually.	CDD	General Fund	Update the City website with housing information as new resources become available.	Fair Housing Outreach and Enforcement

APPENDIX A: SITES INVENTORY MAP



Michael Baker INTERNATIONAL

Source:

0 0.5 1 Miles

Modesto Pending Projects and Opportunity Sites

APPENDIX B: SITES INVENTORY LIST

Note: The Sites inventory is not utilizing consolidation to meet size requirements. No parcels are being considered as consolidated. All parcels utilized for lower-income sites are greater than 0.5 acres and less than 10 acres. Additionally, there are no nonvacant sites designated for lower-income that were included in the prior housing element, and no vacant sites designated for lower-income that were included in the prior two housing elements.

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
5037020	2836 Sisk Rd	95350	1.4	C-3	MU-H	C	45	0	0	0	11	0	11	Yes	No	No	No	Stores & Shops (All Sizes)
5037024	2828 Sisk Rd	95350	1.3	C-3	MU-H	C	45	0	6	4	0	0	10	Yes	No	No	No	Stores & Shops (All Sizes)
5037025	2800 Sisk Rd	95350	5.3	P-D		C	45	0	26	15	0	0	41	Yes	No	No	No	Stores & Shops (All Sizes)
5037026	2700 Sisk Rd	95356	4.2	C-3	MU-H	C	45	0	20	12	0	0	32	Yes	No	No	No	Vacant Commercial
5046006	2100 Sisk Rd	95350	4.1	C-3	MU-H	C	45	0	20	11	0	0	31	Yes	No	No	No	Auto Sales - Auto Service Centers
5053009	1600 Sisk Rd	95350	0.3	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Gas Stations - Auto Repair Shops
5053011	1606 Sisk Rd	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Gas Stations - Auto Repair Shops
5053016	1773 Prescott Rd	95354	1.9	C-3	MU-H	C	45	0	10	5	0	0	15	Yes	No	No	No	Restaurant & Bars

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
5053026	1616 Sisk Rd	95350	0.7	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Restaurant & Bars
5053027	1616 Sisk Rd	95350	1.2	C-3	MU-H	C	45	0	6	3	0	0	9	Yes	No	No	No	Fast Food Outlets
5053028	1604 Sisk Rd	95350	3.2	C-3	MU-H	C	45	0	15	9	0	0	24	Yes	No	No	No	Grocery Stores (All Sizes/Types)
5053029	2045 W Briggsmore Ave	95350	7.0	C-3	MU-H	C	45	0	34	20	0	0	54	Yes	No	No	No	Shopping Centers (Large & Small)
5053030	2200 Plaza Parkway #A	95350	9.8	P-D		C	45	0	48	27	0	0	75	Yes	No	No	No	Stores & Shops (All Sizes)
5053031	2200 Plaza Parkway #B	95350	0.5	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
5053032	2200 Plaza Parkway #C&D	95350	1.2	P-D		C	45	0	6	3	0	0	9	Yes	No	No	No	Restaurant & Bars
5053033	2200 Plaza Parkway #E	95350	2.0	P-D		C	45	0	10	5	0	0	15	Yes	No	No	No	Restaurant & Bars
5053034	1720 Sisk Rd	95350	3.8	P-D		C	45	0	19	10	0	0	29	Yes	No	No	No	Hotels & Motels
5053035	1707 Prescott Rd	95350	3.4	C-3	MU-H	C	45	0	17	9	0	0	26	Yes	No	No	No	Shopping Centers (Large & Small)
5053036	1701 Prescott Rd	95350	0.3	C-3	MU-H	C	45	0	0	0	2	0	2	Yes	No	No	No	Fast Food Outlets

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
5065068	2414 CONANT AVE	95350	0.8	R-2		R	22	0	0	0	16	0	16	Yes	No	Yes	No	Vacant - R-2
5082014	2225 Plaza Pkwy	95350	0.4	P-D		C	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
5082015	2225 Plaza Parkway #A	95350	0.7	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
5082021	2225 Plaza Parkway #G	95350	6.9	P-D		C	45	0	34	19	0	0	53	Yes	No	No	No	Restaurant & Bars
5082022	2225 Plaza Parkway H & I	95350	3.7	P-D		C	45	0	0	0	28	0	28	Yes	No	No	No	Shopping Centers (Large & Small)
5082023	2225 Plaza Parkway #J	95350	1.2	P-D		C	45	0	6	3	0	0	9	Yes	No	No	No	Shopping Centers (Large & Small)
5082024	2225 Plaza Parkway #K	95350	0.5	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
5082025	2225 Plaza Parkway #L	95350	9.4	P-D		C	45	0	46	26	0	0	72	Yes	No	No	No	Shopping Centers (Large & Small)
5082026	2225 Plaza Parkway #C	95350	2.4	P-D		C	45	0	11	7	0	0	18	Yes	No	No	No	Shopping Centers (Large & Small)
5082027	2225 Plaza Parkway #M	95350	1.8	P-D		C	45	0	9	5	0	0	14	Yes	No	No	No	Shopping Centers (Large & Small)
5082028	2225 Plaza Parkway #N	95350	5.8	P-D		C	45	0	28	16	0	0	44	Yes	No	No	No	Fast Food Outlets

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
5082029	2225 Plaza Parkway #P	95350	0.5	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
5082030	2225 Plaza Parkway #O	95350	1.1	P-D		C	45	0	5	3	0	0	8	Yes	No	No	No	Shopping Centers (Large & Small)
13005017	3300 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Gas Stations - Auto Repair Shops
13005034	3320 Mc Henry Ave	95350	2.0	C-3	MU-H	C	45	0	10	5	0	0	15	Yes	No	No	No	Shopping Centers (Large & Small)
13005038	3416 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Banks & Savings And Loans
13005039	East Side Of Mc Henry Ave Between Robin Hood Dr And Sylvan Ave	95356	1.6	C-3	MU-H	C	45	0	8	4	0	0	12	Yes	No	No	No	Banks & Savings And Loans
13005040	3400 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Fast Food Outlets
13005042	3456 Mc Henry Ave	95356	1.5	P-D		C	45	0	8	4	0	0	12	Yes	No	No	No	Banks & Savings And Loans
13005043	3440 Mc Henry Ave	95350	5.0	P-D		C	45	0	25	14	0	0	39	Yes	No	No	No	Shopping Centers (Large & Small)
13006028	3128 Mc Henry Ave	95350	0.2	C-3	MU-H	C	45	0	0	0	1	0	1	Yes	No	No	No	Restaurant & Bars

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
13006031	3224 Mc Henry Ave	95350	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Stores & Shops (All Sizes)
13010072	2924 Mc Henry Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Gas Stations - Auto Repair Shops
13010074	2800 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Stores & Shops (All Sizes)
13010077	2808 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
13010078	2816 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
13014002	3120 Mc Henry Ave	95350	2.1	C-3	MU-H	C	45	0	10	6	0	0	16	Yes	No	No	No	Auto Sales - Auto Service Centers
13014003	3100 Mc Henry Ave	95350	1.7	C-3	MU-H	C	45	0	8	5	0	0	13	Yes	No	No	No	Stores & Shops (All Sizes)
13014005	3000 Mc Henry Ave	95355	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
13014080	3012 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Shopping Centers (Large & Small)
13014081	3008 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Restaurant & Bars
13014082	201 E Rumble Rd	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Office Buildings Large & Small

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
13014083	3124 Mc Henry Ave	95356	1.2	C-3	MU-H	C	45	0	6	3	0	0	9	Yes	No	No	No	Stores & Shops (All Sizes)
13026002	2700 Mc Henry Ave	95350	3.0	C-3	MU-H	C	45	0	15	8	0	0	23	Yes	No	No	No	Recreational Prop (Tennis, Driving Range,)
13026003	2720 Mc Henry Ave	95356	2.3	C-3	MU-H	C	45	0	11	7	0	0	18	Yes	No	No	No	Shopping Centers (Large & Small)
29002031	2075 W Orangeburg	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Restaurant & Bars
29002032	2099 Orangeburg Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Gas Stations - Auto Repair Shops
29002033	2083 W Orangeburg Ave	95355	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
29002034	2098 W Orangeburg Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Restaurant & Bars
29002035	2056 Orangeburg Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
29002037	2025 W Orangeburg Ave	95350	2.2	C-3	MU-H	C	45	0	0	0	17	0	17	Yes	No	No	No	Hotels & Motels
29002038	2067 W Orangeburg Ave	95350	1.2	C-3	MU-H	C	45	0	6	4	0	0	10	Yes	Yes	No	No	Cities - Non-Assessable
29002039	2030 Evergreen Ave	95350	1.5	C-1	MU-H	R	45	0	7	4	0	0	11	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
29002043	West Of The Intersection Of Evergreen Ave And Randazzo Ave	95350	1.4	C-1	MU-H	R	45	0	6	4	0	0	10	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)
29005025	West Of The Intersection Of Orangeburg Ave And Martin Ave	95350	0.2	C-3	MU-H	C	45	0	0	0	2	0	2	Yes	No	No	No	Office Buildings Large & Small
29005037	1932 W Orangeburg Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Office Buildings Large & Small
29005038	2000 Orangeburg Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)
29005044	1944 W Orangeburg Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
29036003	2028 W Orangeburg Ave	95355	0.2	C-3	MU-H	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
29036012	2052 W Orangeburg Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Restaurant & Bars
29036013	2024 W Orangeburg Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
29036017	2044 W Orangeburg Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
29045039	1944 EVERGREEN AVE	95350	1.0	R-2		R	22	1	0	0	17	0	17	Yes	No	Yes	No	Transitional Comm H&B Use W/Res

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
30007053	710 S Emerald Ave	95351	1.2	R-3		R	45	2	22	13	0	0	35	Yes	No	Yes	No	Non-Uniform/Mixed Income Units
30008010	821 California Ave	95351	1.5	R-3		R	45	0	29	17	0	0	46	Yes	No	Yes	No	Churches, Fraternal Org (Welfare Types)
30056004	614 Briggs Ave	95351	1.0	R-3		R	45	0	20	12	0	0	32	Yes	No	Yes	No	Vacant R-3
31001001	1560 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
31001004	120 E Granger Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
31001006	132 E Granger Ave	95350	0.2	C-1	MU-P	C	45	0	0	0	5	0	5	Yes	No	No	No	Vacant C-1
31001007	136 E Granger Ave	95350	0.2	C-1	MU-P	C	45	0	0	0	5	0	5	Yes	No	No	No	Vacant C-1
31001008	140 E Granger Ave	95350	0.7	C-1	MU-P	C	45	0	14	8	0	0	22	Yes	No	No	No	Vacant C-1
31001010	168 E Granger Ave	95350	0.5	R-3	MU-P	MU	45	0	0	0	3	0	3	Yes	No	No	No	Apartments
31001011	200 E Granger Ave	95350	0.9	P-O	MU-P	MU	45	0	4	3	0	0	7	Yes	No	Yes	No	Medical-Dental Offices (Includes Clinics/Medical)
31001015	236 E GRANGER AVE	95350	0.2	R-3		MU	45	0	0	0	7	0	7	Yes	No	Yes	No	Vacant R-3

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
31001037	South of E Granger Avenue	95350	0.4	R-3		MU	45	0	0	0	13	0	13	Yes	No	Yes	No	Vacant R-3
31001041	110 E Granger Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
31001044	East Of Intersection Of E Granger Ave And McHenry Ave	95350	0.4	P-O	MU-P	MU	45	0	0	0	3	0	3	Yes	No	No	No	Vacant Pd Office, Ap,Po,Pa
31001045	157 E Coolidge Ave	95350	1.5	P-O	MU-P	MU	45	0	8	4	0	0	12	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
31002003	326 E GRANGER AVE	95350	0.5	R-2		MU	22	0	0	0	9	0	9	Yes	No	Yes	No	Vacant - R-2
31003038	129 E Orangeburg Ave	95350	0.5	C-2	MU-P	C	45	0	0	0	4	0	4	Yes	No	No	No	Stores & Shops (All Sizes)
31003039	141 E Orangeburg Ave	95350	1.2	C-2	MU-P	C	45	0	6	3	0	0	9	Yes	No	No	No	Auto Sales - Auto Service Centers
31003040	East Of Intersection Of E Orangeburg Ave And McHenry Ave	95355	0.7	C-2	MU-P	C	45	0	4	2	0	0	6	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)
31003078	1400 Mc Henry Ave	95350	0.6	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Gas Stations - Auto Repair Shops

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
31003079	1420 Mc Henry Ave	95350	0.8	C-2	MU-P	C	45	0	4	2	0	0	6	Yes	No	No	No	Fast Food Outlets
31003080	121 E Orangeburg Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
31006050	405 E ORANGEBURG AVE	95350	0.1	R-2		MU	22	0	0	0	2	0	2	Yes	No	No	No	Vacant Higher Use Or Zoning Potential
31011020	1220 Mc Henry Ave	95350	0.3	P-D		C	45	1	0	0	2	0	2	Yes	No	No	No	Gas Stations - Auto Repair Shops W/Res
31011024	1220 Mc Henry Ave	95350	0.7	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Auto Sales - Auto Service Centers
31011028	1340 Mc Henry Ave	95355	2.0	C-2	MU-P	C	45	0	10	6	0	0	16	Yes	No	No	No	Auto Sales - Auto Service Centers
31011038	1212 Mc Henry Ave	95350	0.5	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Misc Mixed Commercial
31011041	1204 Mc Henry Ave	95350	0.4	P-D		C	45	0	0	0	3	0	3	Yes	No	No	No	Auto Sales - Auto Service Centers
31011050	1234 Mc Henry Ave #Bldg B	95350	1.7	P-D		C	45	0	8	5	0	0	13	Yes	No	No	No	Mini-Warehouses (Complex & Indiv Owned)
31011051	1234 Mc Henry Ave #Bldg D	95356	0.6	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
31011052	1234 Mc Henry Ave #Bldg A	95356	0.6	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
31011053	1234 Mc Henry Ave #Bldg C	95350	1.6	P-D		C	45	0	8	4	0	0	12	Yes	No	No	No	Stores & Shops (All Sizes)
31011054	1312 Mc Henry Ave	95350	3.2	C-2	MU-P	C	45	0	16	9	0	0	25	Yes	No	No	No	Hotels & Motels
31011055	1320 Mc Henry Ave	95350	0.6	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Vacant C-2
31011056	1300 Mc Henry Ave	95350	0.7	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Restaurant & Bars
31013020	1325 Nelson Ave	95350	0.6	P-D		MU	29	0	8	5	0	0	13	Yes	No	Yes	No	Vacant R-1
32013001	1501 LOCKE RD	95355	0.2	R-2		R	22	0	0	0	4	0	4	Yes	No	Yes	No	Vacant - R-2
32013015	SE Corner of Locke Road and Brighton Avenue	95351	0.2	R-2		R	22	0	0	0	4	0	4	Yes	No	Yes	No	Vacant - R-2
32015030	1109 Oakdale Rd	95355	2.4	P-D		MU	45	0	12	7	0	0	19	Yes	No	No	No	Car Wash
32015031	2125 Wylie Dr	95355	1.1	P-D		MU	45	0	5	3	0	0	8	Yes	No	No	No	Office Buildings Large & Small
32015038	1237 Oakdale Rd	95355	1.2	P-O	MU-P	MU	45	0	24	14	0	0	38	Yes	No	No	No	Vacant C-1
32015039	1233 Oakdale Rd	95355	0.9	P-D		MU	45	0	4	3	0	0	7	Yes	No	No	No	Fast Food Outlets

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32015040	South Of Intersection Of Oakdale Rd And Nystrom Ave	95355	0.7	P-D		MU	45	0	13	8	0	0	21	Yes	No	No	No	Vacant Pd Commercial
32015042	1117 Oakdale Rd	95355	0.8	P-D		MU	45	0	4	2	0	0	6	Yes	No	No	No	Misc Mixed Commercial
32015045	1121 Oakdale Rd	95355	1.3	P-D	MU-P	MU	45	0	6	4	0	0	10	Yes	No	No	No	Office Buildings Large & Small
32015046	1225 Oakdale Rd	95354	2.7	P-D		MU	45	0	13	8	0	0	21	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
32032023	2132 Wylie Dr	95355	0.1	C-1	MU-P	MU	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
32032024	1045 Oakdale Rd	95355	0.3	C-1	MU-P	MU	45	0	0	0	2	0	2	Yes	No	No	No	Mini-Marts
32032026	1029 Oakdale Rd	95355	0.4	C-1	MU-P	MU	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
32032028	1041 Oakdale Rd	95355	0.2	C-1	MU-P	MU	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
32032029	1037 Oakdale Rd	95355	0.3	C-1	MU-P	MU	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
32032032	1021 Oakdale Rd	95355	0.7	C-1	MU-P	MU	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
32059004	1317 Oakdale Rd	95355	0.1	P-D		MU	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
32059006	1317 Oakdale Rd	95355	0.1	P-D		MU	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
32059007	1317 Oakdale Rd	95355	0.1	P-D		MU	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
32059012	1317 Oakdale Rd #910	95355	0.1	P-D		MU	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
32059014	2116 E Orangeburg Ave	95355	0.8	P-D		MU	45	0	4	2	0	0	6	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
32059023	1317 Oakdale Rd	95355	0.1	P-D		MU	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
32059030	1317 Oakdale Rd	95355	0.1	P-D		MU	45	0	0	0	1	0	1	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
32059038	1317 Oakdale Rd	95355	3.7	P-D		MU	45	0	18	10	0	0	28	Yes	No	No	No	Vacant Miscellaneous
32061001	1513 Oakdale Rd	95355	0.7	P-D		MU	45	0	3	2	0	0	5	Yes	No	No	No	Vacant Pd Office, Ap,Po,Pa
32061002	1501 Oakdale Rd	95355	0.7	P-D		MU	45	0	3	2	0	0	5	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
32061004	1421 Oakdale Rd	95355	2.0	P-D		MU	45	0	10	5	0	0	15	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)

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32061005	1401 Oakdale Rd	95355	1.5	P-D		MU	45	0	7	4	0	0	11	Yes	No	No	No	Banks & Savings And Loans
32061006	Intersection Of Santa Paula Dr And E Orangeburg Ave	95350	1.0	P-D		MU	45	0	5	3	0	0	8	Yes	No	No	No	Vacant Pd Office, Ap,Po,Pa
33078001	150 N Riverside Ave	95351	0.3	C-3	MU-H	MU	45	0	0	0	3	0	3	Yes	No	No	No	Gas Stations - Auto Repair Shops
33078003	North Of The Intersection Of Beard Ave And Yosemite Blvd	95350	0.5	R-3	MU-H	MU	45	0	0	0	15	0	15	Yes	Yes	Yes	No	Cities - Non-Assessable
33078008	2741 Yosemite Blvd	95357	17.4	C-3	MU-H	MU	45	0	0	0	547	0	547	Yes	No	No	No	Vacant H-1
33078010	West Of The Intersection Of Japonica Way And Chinquapin Dr	95357	5.2	R-3	MU-H	MU	45	0	105	59	0	0	164	Yes	No	No	No	Vacant R-3
37029008	914 ROUSE AVE	95351	0.9	R-2		R	22	2	0	0	15	0	15	Yes	No	Yes	No	Single Family W/Extra Land
52012005	3544 Mc Henry Ave	95356	0.9	C-3	MU-H	C	45	0	4	3	0	0	7	Yes	No	No	No	Stores & Shops (All Sizes)
52012006	3536 Mc Henry Ave	95354	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Auto Sales - Auto Service Centers
52012007	3524 Mc Henry Ave	95355	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Vacant H-1

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52012008	3520 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Car Wash
52012009	3508 Mc Henry Ave	95356	1.1	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Banks & Savings And Loans
52012017	3600 Mc Henry Ave	95356	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Banks & Savings And Loans
52012019	3700 Mc Henry Ave	95356	3.8	P-D		C	45	0	19	10	0	0	29	Yes	No	No	No	Recreational Prop (Tennis, Driving Range, Etc)
52027010	3766 Mc Henry Ave	95356	1.3	C-3	MU-H	C	45	0	6	4	0	0	10	Yes	No	No	No	Auto Sales - Auto Service Centers
52027011	3800 Mc Henry Ave	95356	1.5	P-D		C	45	0	7	4	0	0	11	Yes	No	No	No	Shopping Centers (Large & Small)
52060001	3900 Mc Henry Ave	95356	3.2	C-3	MU-H	C	45	0	15	9	0	0	24	Yes	No	No	No	Auto Sales - Auto Service Centers
52060010	3824 Mc Henry Ave	95356	1.7	P-D	MU-H	C	45	0	8	5	0	0	13	Yes	No	No	No	Auto Sales - Auto Service Centers
52060011	3848 Mc Henry Ave	95356	12.2	P-D		C	45	0	0	0	93	0	93	Yes	No	No	No	Shopping Centers (Large & Small)
55023032	124 Woodrow Ave	95350	0.3	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
55023033	3225 Mc Henry Ave	95350	0.3	C-3	MU-H	C	45	0	0	0	2	0	2	Yes	No	No	No	Mini-Marts

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55023038	3113 Mc Henry Ave	95350	0.3	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
55023042	144 Woodrow Ave	95350	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Stores & Shops (All Sizes)
55023043	3219 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	0	0	4	0	4	Yes	No	No	No	Office Buildings Large & Small
55023045	3133 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Office Buildings Large & Small
55023046	3125 Mc Henry Ave	95350	1.5	C-3	MU-H	C	45	0	7	4	0	0	11	Yes	No	No	No	Shopping Centers (Large & Small)
55023047	3121 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
55023048	3117 Mc Henry Ave	95350	0.3	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
55025007	3105 Mc Henry Ave	95350	1.2	C-3	MU-H	C	45	0	6	3	0	0	9	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
55025008	3001 Mc Henry Ave	95350	1.4	C-3	MU-H	C	45	0	0	0	11	0	11	Yes	No	No	No	Banks & Savings And Loans
55025010	3101 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Office Buildings Large & Small
55025011	North Of Intersection Of W Rumble Rd And Mc Henry Ave	95356	0.3	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)

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55025012	3013 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Banks & Savings And Loans
55025013	3025 Mc Henry Ave	95350	2.4	C-3	MU-H	C	45	0	11	7	0	0	18	Yes	No	No	No	Shopping Centers (Large & Small)
55030003	200 Standiford Ave	95350	1.7	C-3	MU-H	C	45	0	0	0	13	0	13	Yes	No	No	No	Stores & Shops (All Sizes)
55030004	3459 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Gas Stations - Auto Repair Shops
55030005	3457 Mc Henry Ave	95350	0.3	C-3	MU-H	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
55030007	3421 Mc Henry Ave	95350	0.6	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
55030008	220 Standiford Ave	95350	1.9	P-D		C	45	0	9	5	0	0	14	Yes	No	No	No	Office Buildings Large & Small
55030018	3405 Mc Henry Ave	95350	10.6	P-D		C	45	0	0	0	81	0	81	Yes	No	No	No	Stores & Shops (All Sizes)
55031003	3333 Mc Henry Ave	95350	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Auto Sales - Auto Service Centers
55031004	3321 Mc Henry Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Stores & Shops (All Sizes)
55031091	145 Woodrow Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Office Buildings Large & Small

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55031092	3313 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Restaurant & Bars
55031093	3301 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
55038019	3737 Mc Henry Ave	95356	5.2	C-3	MU-H	C	45	0	26	14	0	0	40	Yes	No	No	No	Restaurant & Bars
55046001	3969 Mc Henry Ave	95350	5.0	P-D		C	45	0	24	14	0	0	38	Yes	No	No	No	Recreational Prop (Tennis, Driving Range, Etc)
55046002	3941 Mc Henry Ave	95350	5.7	C-3	MU-H	C	45	0	28	16	0	0	44	Yes	No	No	No	Mini-Warehouses (Complex & Indiv Owned)
55046003	3927 Mc Henry Ave	95356	0.5	C-3	MU-H	C	45	0	0	0	4	0	4	Yes	No	No	No	Mini-Warehouses (Complex & Indiv Owned)
55046004	3901 Mc Henry Ave	95356	0.5	C-3	MU-H	C	45	0	0	0	4	0	4	Yes	No	No	No	Auto Sales - Auto Service Centers
55046005	3833 Mc Henry Ave	95356	0.5	C-3	MU-H	C	45	0	0	0	4	0	4	Yes	No	No	No	Auto Sales - Auto Service Centers
55046006	3807 Mc Henry Ave	95356	4.6	P-D		C	45	0	22	13	0	0	35	Yes	No	No	No	Auto Sales - Auto Service Centers
55048001	3501 Mc Henry Ave	95350	9.0	C-3	MU-H	C	45	0	44	25	0	0	69	Yes	No	No	No	Shopping Centers (Large & Small)

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59003007	2929 Mc Henry Ave	95350	0.9	C-3	MU-H	C	45	0	4	3	0	0	7	Yes	No	No	No	Banks & Savings And Loans
59003009	2711 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Office Buildings Large & Small
59003011	2801 Mc Henry Ave	95350	6.0	C-3	MU-H	C	45	0	29	17	0	0	46	Yes	No	No	No	Shopping Centers (Large & Small)
59003012	2801 Mc Henry Ave	95350	2.3	C-3	MU-H	C	45	0	0	0	18	0	18	Yes	No	No	No	Shopping Centers (Large & Small)
59004005	2205 Mc Henry Ave	95350	1.8	C-3	MU-H	C	45	0	0	0	14	0	14	Yes	No	No	No	Stores & Shops (All Sizes)
59004006	2201 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Gas Stations - Auto Repair Shops
59004007	2205 Mc Henry Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Grocery Stores (All Sizes/Types)
59004010	2221 Mc Henry Ave	95350	1.7	C-3	MU-H	C	45	0	0	0	13	0	13	Yes	No	No	No	Shopping Centers (Large & Small)
59004011	2425 Mc Henry Ave	95350	1.7	C-3	MU-H	C	45	0	0	0	13	0	13	Yes	No	No	No	Stores & Shops (All Sizes)
59004013	2501 Mc Henry Ave	95355	1.3	C-3	MU-H	C	45	0	0	0	10	0	10	Yes	No	No	No	Shopping Centers (Large & Small)
59004014	2509 Mc Henry Ave	95350	0.3	C-3	MU-H	C	45	0	0	0	2	0	2	Yes	No	No	No	Banks & Savings And Loans

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59004015	180 Leveland Ln	95350	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Shopping Centers (Large & Small)
59004016	2609 Mc Henry Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Banks & Savings And Loans
59004017	180 Leveland Ln	95350	1.6	C-3	MU-H	C	45	0	8	4	0	0	12	Yes	No	No	No	Shopping Centers (Large & Small)
59004018	2525 Mc Henry Ave	95350	0.9	C-3	MU-H	C	45	0	4	3	0	0	7	Yes	No	No	No	Stores & Shops (All Sizes)
59004019	2401 Mc Henry Ave	95350	3.6	C-3	MU-H	C	45	0	17	10	0	0	27	Yes	No	No	No	Stores & Shops (All Sizes)
59014002	1901 Mc Henry Ave	95350	0.5	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Vacant C-2
59014003	1809 Mc Henry Ave	95350	1.2	C-3	MU-H	C	45	0	6	3	0	0	9	Yes	No	No	No	Shopping Centers (Large & Small)
59014004	1801 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Shopping Centers (Large & Small)
59014006	2001 Mc Henry Ave	95350	11.4	C-3	MU-H	C	45	0	0	0	87	0	87	Yes	No	No	No	Shopping Centers (Large & Small)
59014007	2001 Mc Henry Ave	95350	5.4	C-3	MU-H	C	45	0	26	15	0	0	41	Yes	No	No	No	Shopping Centers (Large & Small)
60022009	1800 Prescott Rd	95350	0.6	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Shopping Centers (Large & Small)

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60022010	1800 Prescott Rd	95350	5.0	P-D		C	45	0	25	14	0	0	39	Yes	No	No	No	Shopping Centers (Large & Small)
60022012	1800 Prescott Rd	95356	0.9	P-D		C	45	0	4	3	0	0	7	Yes	No	No	No	Fast Food Outlets
60022013	1800 Prescott Rd	95350	8.1	P-D		C	45	0	40	22	0	0	62	Yes	No	No	No	Shopping Centers (Large & Small)
60022014	North Of Intersection Of Prescott Rd And W Briggsmore Ave	95350	0.7	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
60036004	2053 Evergreen Ave	95350	0.4	C-1	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
60036005	2080 W Briggsmore Ave	95350	0.4	C-1	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Vacant C-1
60036012	2021 Evergreen Ave	95350	1.5	C-1	MU-H	C	45	0	7	4	0	0	11	Yes	No	No	No	Stores & Shops (All Sizes)
60036019	2020 W Briggsmore Ave	95350	1.5	C-1	MU-H	C	45	0	7	4	0	0	11	Yes	No	No	No	Grocery Stores (All Sizes/Types)
60036021	2020 W Briggsmore Ave	95350	0.8	C-1	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Shopping Centers (Large & Small)
60036025	Intersection Of W Orangeburg Ave And Evergreen Ave	95350	8.6	C-1	MU-H	C	45	0	42	24	0	0	66	Yes	No	No	No	Shopping Centers (Large & Small)

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60036026	2020 W Briggsmore Ave	95350	0.2	C-1	MU-H	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
65021009	Intersection Of Hashem Dr And Lakeshore Dr	95350	4.4	P-D		MU	29	0	57	33	0	0	90	Yes	No	Yes	No	Vacant Potential Subd
65024013	Intersection Of Hashem Dr And Marina Dr	95350	3.9	P-D		MU	29	0	51	29	0	0	80	Yes	No	Yes	No	Vacant Potential Subd
67006069	1032 Oakdale Rd	95355	0.9	P-D		MU	45	0	4	3	0	0	7	Yes	No	No	No	Stores & Shops (All Sizes)
67006070	1052 Oakdale Rd	95355	1.7	P-D		MU	45	0	8	5	0	0	13	Yes	No	No	No	Stores & Shops (All Sizes)
67025001	800 Oakdale Rd	95355	0.2	C-1	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Fast Food Outlets
67025002	2207 Scenic Dr	95355	0.6	C-1	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Shopping Centers (Large & Small)
67025004	2225 Scenic Dr	95350	1.2	R-1	MU-P	MU	45	1	5	3	0	0	8	Yes	No	No	No	Transitional Comm H&B Use W/Res
67025005	2229 Scenic Dr	95355	1.1	R-1	MU-P	MU	45	1	4	3	0	0	7	Yes	No	No	No	Transitional Comm H&B Use W/Res
67026058	920 Oakdale Rd	95355	0.4	C-1	MU-P	MU	45	0	0	0	3	0	3	Yes	No	No	No	Gas Stations - Auto Repair Shops
67026060	910 Oakdale Rd	95355	0.2	C-1	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
67026062	Intersection Of Surrey Ave And Oakdale Rd	95355	2.9	P-D		MU	45	0	15	8	0	0	23	Yes	No	No	No	Shopping Centers (Large & Small)
67026063	950 Oakdale Rd	95355	0.4	P-D		MU	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
67027021	1108 Oakdale Rd	95355	1.5	P-O	MU-P	MU	45	0	7	4	0	0	11	Yes	No	Yes	No	Medical-Dental Offices (Includes Clinics/Medical)
67029057	2222 E Orangeburg Ave	95350	1.5	P-O	MU-P	MU	45	0	7	4	0	0	11	Yes	No	Yes	No	Medical-Dental Offices (Includes Clinics/Medical)
67029058	1340 Oakdale Rd	95350	1.0	P-D		MU	45	0	4	3	0	0	7	Yes	No	No	No	Banks & Savings And Loans
67033017	1528 Oakdale Rd	95355	3.8	P-D		MU	45	0	19	10	0	0	29	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
67033018	Intersection Of Oakdale Road And E Briggsmore Ave	95357	2.2	P-D		MU	45	0	45	25	0	0	70	Yes	No	Yes	No	Vacant Pd Commercial
67033019	1540 Oakdale Rd	95355	1.0	P-O	MU-P	MU	45	0	5	3	0	0	8	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
67033022	2339 St Pauls Way	95355	3.0	P-O	MU-P	MU	45	0	15	8	0	0	23	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)

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67033023	2325 St Pauls Way	95355	2.4	P-O	MU-P	MU	45	0	12	7	0	0	19	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)
67033024	2300 E Briggsmore Ave	95355	3.9	P-D		MU	45	0	19	11	0	0	30	Yes	No	No	No	All Public Schools - Non-Assessable
67033025	2301 St Pauls Way	95355	0.5	P-D		MU	45	0	3	1	0	0	4	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
67033026	2241 St Pauls Way	95355	0.5	P-D		MU	45	0	3	1	0	0	4	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
67035054	2313 Scenic Dr	95355	0.6	P-O	MU-P	MU	45	2	1	1	0	0	2	Yes	No	No	No	Single Family Higher Use Potential
67035055	2237 Scenic Dr	95355	0.4	P-O	MU-P	MU	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
67035057	2245 Scenic Dr	95355	0.4	P-O	MU-P	MU	45	1	0	0	2	0	2	Yes	No	No	No	Single Family Higher Use Potential
67035061	2325 Scenic Dr	95350	1.5	P-D		MU	45	0	7	4	0	0	11	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)
67035063	2345 Scenic Dr	95355	2.4	P-D		MU	45	0	11	7	0	0	18	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)

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67035064	2345 Scenic Dr	95355	2.6	P-D		MU	45	0	13	7	0	0	20	Yes	No	No	No	Hospitals & Convalescent (Incs Rest & Guest Homes)
67037016	2361 Scenic Dr	95355	4.7	P-D		MU	45	0	23	13	0	0	36	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
67037017	West Of Intersection Of McGuire Dr And Scenic Dr	95355	0.3	P-D		MU	45	0	0	0	3	0	3	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
68001067	3016 LAKE PARK CT	95355	0.1	R-2		R	22	0	0	0	3	0	3	Yes	No	Yes	No	Vacant - R-2
68001069	3024 LAKE PARK CT	95355	0.2	R-2		R	22	0	0	0	3	0	3	Yes	No	Yes	No	Vacant - R-2
68001080	3020 LAKE PARK CT	95355	0.1	R-2		R	22	0	0	0	3	0	3	Yes	No	No	No	Vacant - R-2
76028036	3701 Dale Rd	95350	2.7	C-2	MU-H	MU	45	0	54	31	0	0	85	Yes	No	No	No	Vacant C-2
76028037	3625 Dale Rd	95350	6.5	C-2	MU-H	MU	45	0	130	73	0	0	203	Yes	No	No	No	Vacant Potential Subd
76031006	3401 Dale Rd	95356	2.4	P-D		RC	45	0	11	7	0	0	18	Yes	No	No	No	Shopping Centers (Large & Small)
76031014	3037 Sisk Rd	95350	6.0	C-3	MU-H	C	45	0	29	17	0	0	46	Yes	No	No	No	Shopping Centers (Large & Small)

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76031019	3401 Dale Rd	95356	0.1	P-D		RC	45	0	0	0	1	0	1	Yes	No	No	No	Shopping Centers (Large & Small)
76031021	3401 Dale Rd	95356	1.1	P-D		RC	45	0	6	3	0	0	9	Yes	No	No	No	Shopping Centers (Large & Small)
76031022	3401 Dale Rd #100	95356	10.8	P-D		RC	45	0	0	0	83	0	83	Yes	No	No	No	Shopping Centers (Large & Small)
76031023	3401 Dale Rd	95356	1.2	P-D		RC	45	0	6	3	0	0	9	Yes	No	No	No	Shopping Centers (Large & Small)
76031024	South Of Historic Ct	95350	14.0	P-D		RC	45	0	0	0	107	0	107	Yes	No	No	No	Shopping Centers (Large & Small)
76031025	3401 Dale Rd	95356	8.7	P-D		RC	45	0	43	24	0	0	67	Yes	No	No	No	Shopping Centers (Large & Small)
76031026	3401 Dale Rd	95356	2.7	P-D		RC	45	0	13	8	0	0	21	Yes	No	No	No	Shopping Centers (Large & Small)
76031029	3200 Sisk Rd	95356	0.5	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
76031031	3200 Sisk Ave	95350	0.9	P-D		C	45	0	4	3	0	0	7	Yes	No	No	No	Shopping Centers (Large & Small)
76031033	3401 Dale Rd	95356	8.7	P-D		RC	45	0	43	24	0	0	67	Yes	No	No	No	Shopping Centers (Large & Small)

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76031034	3401 Dale Rd	95356	9.3	P-D		RC	45	0	45	26	0	0	71	Yes	No	No	No	Shopping Centers (Large & Small)
76031035	3401 Dale Rd	95356	25.3	P-D		RC	45	0	0	0	193	0	193	Yes	No	No	No	Shopping Centers (Large & Small)
76034007	3724 Dale Rd	95356	3.7	P-O		MU	45	0	52	30	0	0	82	Yes	No	Yes	No	Vacant Pd Office, Ap,Po,Pa
76034009	North Of Intersection Of Dale Rd And Vintage Dr	95356	2.6	P-O		MU	45	0	38	21	0	0	59	Yes	No	No	No	Vacant Pd Office, Ap,Po,Pa
76048004	3500 Sisk Rd	95350	0.6	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Stores & Shops (All Sizes)
76048007	3500 Sisk Rd	95350	0.2	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Shopping Centers (Large & Small)
76048008	3500 Sisk Rd	95350	0.5	P-D		C	45	0	0	0	3	0	3	Yes	No	No	No	Shopping Centers (Large & Small)
76048009	3500 Sisk Rd	95350	0.7	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Shopping Centers (Large & Small)
76048011	3500 Sisk Rd	95350	0.9	P-D		C	45	0	4	3	0	0	7	Yes	No	No	No	Shopping Centers (Large & Small)
76048012	3500 Sisk Rd	95350	2.3	P-D		C	45	0	11	7	0	0	18	Yes	No	No	No	Shopping Centers (Large & Small)

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76048013	South Of Intersection Of Sullivan Ct And Sisk Rd	95350	1.5	P-D		C	45	0	7	4	0	0	11	Yes	No	No	No	Shopping Centers (Large & Small)
76048014	3500 Sisk Rd	95350	0.6	P-D		C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
76068001	3900 Sisk Rd #A	95350	1.4	P-D		RC	45	0	7	4	0	0	11	Yes	No	No	No	Shopping Centers (Large & Small)
76068002	3900 Sisk Rd	95350	2.9	P-D		RC	45	0	14	8	0	0	22	Yes	No	No	No	Shopping Centers (Large & Small)
76068003	3900 Sisk Rd #B	95350	1.6	P-D		RC	45	0	8	4	0	0	12	Yes	No	No	No	Shopping Centers (Large & Small)
76068004	3900 Sisk Rd #A	95350	2.0	P-D		RC	45	0	10	5	0	0	15	Yes	No	No	No	Shopping Centers (Large & Small)
76068005	North Of Intersection Of Vintage Dr And Sisk Rd	95350	0.5	P-D		RC	45	0	0	0	3	0	3	Yes	No	No	No	Shopping Centers (Large & Small)
76068006	3900 Sisk Rd	95350	4.1	P-D		RC	45	0	20	12	0	0	32	Yes	No	No	No	Shopping Centers (Large & Small)
76068007	3900 Sisk Rd	95350	0.9	P-D		RC	45	0	4	3	0	0	7	Yes	No	No	No	Shopping Centers (Large & Small)
76068008	3900 Sisk Rd	95350	9.6	P-D		RC	45	0	47	27	0	0	74	Yes	No	No	No	Shopping Centers (Large & Small)

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76068009	3900 Sisk Rd	95350	0.6	P-D		RC	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)
76068010	3900 Sisk Rd	95350	0.9	P-D		RC	45	0	4	3	0	0	7	Yes	No	No	No	Stores & Shops (All Sizes)
76068011	3900 Sisk Rd	95350	4.0	P-D		RC	45	0	19	11	0	0	30	Yes	No	No	No	Shopping Centers (Large & Small)
76068012	3900 Sisk Rd	95350	2.6	P-D		RC	45	0	13	7	0	0	20	Yes	No	No	No	Shopping Centers (Large & Small)
76068013	3900 Sisk Rd	95350	4.5	P-D		RC	45	0	22	12	0	0	34	Yes	No	No	No	Shopping Centers (Large & Small)
76068014	Intersection Of Sisk Rd And Vintage Dr	95350	1.6	P-D		RC	45	0	8	4	0	0	12	Yes	No	No	No	Restaurant & Bars
76079001	3600 Sisk Rd #6	95356	0.6	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)
76079002	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
76079003	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
76079004	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office
76079005	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Condominium Office

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76079006	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	2	0	2	Yes	No	No	No	Condominium Office
76079007	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	2	0	2	Yes	No	No	No	Condominium Office
76079008	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	2	0	2	Yes	No	No	No	Condominium Office
76079009	3600 Sisk Rd	95356	0.2	P-D		C	45	0	0	0	2	0	2	Yes	No	No	No	Condominium Office
76079010	3600 Sisk Rd	95356	4.0	P-D		C	45	0	20	11	0	0	31	Yes	No	No	No	Vacant Pd Commercial
83003003	4123 Roselle Ave	95357	79.2	SP		R	11	4	0	0	0	601	601	Yes	No	Yes	No	Potential Subd W/Res
83003017	2421 Mable Ave	95357	26.1	SP		R	11	0	0	0	0	199	199	Yes	No	No	No	Vacant Potential Subd
83004048	2519 Sylvan Ave	95355	17.6	SP		R	11	0	0	0	0	134	134	Yes	No	Yes	No	Potential Subd
83004088	East Of Intersection Of Oakdale Rd And Mable Ave	95355	22.7	SP		R	11	0	0	0	0	173	173	Yes	No	No	No	Vacant Potential Subd
102001007	SW Corner of Madison Street and California Street	95351	0.2	R-2		R	22	0	0	0	3	0	3	Yes	No	Yes	No	Vacant - R-2
102003070	SE Corner of Tuolumne Boulevard and Leon Avenue	95354	0.2	R-2		R	22	0	0	0	3	0	3	Yes	No	Yes	No	Vacant - R-2

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104016002	923 7TH ST	95354	0.2	TD		D	50	0	0	0	7	0	7	Yes	No	No	No	Vacant M-1, M-2 Or C-M
104024009	806 3RD ST	95350	0.2	MSD		D	50	0	0	0	6	0	6	Yes	No	No	No	Vacant C-1
105020004	1230 12th St	95350	0.6	UGD		D	100	0	27	16	0	0	43	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
105025002	1100 I St	95354	0.7	CD		D	100	0	31	18	0	0	49	Yes	Yes	No	No	Stanislaus County - Non-Assessable
105028014	1120 11th St	95350	0.8	CD		D	100	0	36	20	0	0	56	Yes	No	No	No	Banks & Savings And Loans
105033016	1430 10th St	95354	0.6	UGD		D	100	0	29	16	0	0	45	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
105033018	1429 11th St	95354	0.7	UGD		D	100	0	33	18	0	0	51	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
105034017	1320 10th St	95354	0.6	UGD		D	100	0	29	16	0	0	45	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
105034018	1325 11th St	95354	1.1	UGD		D	100	0	0	0	79	0	79	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
106011018	421 15TH ST	95354	0.3	END		D	50	0	0	0	11	0	11	Yes	No	No	No	Vacant C-1
109003084	531 TERMINAL AVE	95350	0.1	R-2		R	22	0	0	0	2	0	2	Yes	No	No	No	Vacant - R-2

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109003088	NW Corner of College Avenue and North Drive	95350	0.2	R-3		R	45	0	0	0	6	0	6	Yes	No	Yes	No	Vacant R-1
110002013	529 Mc Henry Ave	95354	0.5	C-2	MU-P	C	45	0	0	0	4	0	4	Yes	No	No	No	Auto Sales - Auto Service Centers
110002014	521 Mc Henry Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
110002017	509 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110002018	505 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Mini-Marts
110002079	519 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
110002082	531 Mc Henry Ave	95354	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
110003055	425 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Office Buildings Large & Small
110003056	421 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Restaurant & Bars
110003079	417 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
110003080	405 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Misc Mixed Commercial
110003081	433 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)

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110003082	429 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110007060	319 Mc Henry Ave	95354	0.5	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Stores & Shops (All Sizes)
110007061	301 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110007062	111 Wright St	95354	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
110007063	229 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
110007065	221 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110007066	219 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110007067	215 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
110007068	211 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110007069	207 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
110007070	201 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
110008038	125 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small

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110008040	115 Mc Henry Ave	95351	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
110008041	111 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Restaurant & Bars
110008042	107 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Restaurant & Bars
110008045	103 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Office Buildings Large & Small
111001001	538 Mc Henry Ave	95354	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
111001078	532 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
111001079	528 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
111001080	520 Mc Henry Ave	95354	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
111001081	516 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
111001082	502 Mc Henry Ave	95354	0.5	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Shopping Centers (Large & Small)
111001083	115 E Morris Ave	95350	0.2	R-2	MU-P	R	45	0	0	0	1	0	1	Yes	No	No	No	Apartments
111005002	426 Mc Henry Ave	95354	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
111005027	418 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
111005029	338 Mc Henry Ave	95356	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Auto Sales - Auto Service Centers
111005050	330 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
111005067	318 Mc Henry Ave	95354	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
111005068	448 Mc Henry Ave	95354	0.9	P-D		C	45	0	4	3	0	0	7	Yes	No	No	No	Car Wash
111005069	113 Modesto Ave	95354	0.4	R-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
111005071	310 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
111005072	422 Mc Henry Ave	95354	0.8	R-3	MU-P	R	45	0	4	2	0	0	6	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
111006001	226 Mc Henry Ave	95354	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
111006002	222 Mc Henry Ave	95354	0.3	R-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Restaurant & Bars

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111006022	214 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
111006023	204 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
111006045	140 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
111006046	118 Mc Henry Ave	95354	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
111006061	115 Downey Ave	95350	0.7	C-2	MU-P	MU	45	1	3	1	0	0	4	Yes	No	No	No	Hotels & Motels W/Res
111006062	100 Mc Henry Ave	95354	0.5	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Restaurant & Bars
111006066	121 Downey Ave	95350	0.9	P-D		MU	45	0	4	3	0	0	7	Yes	No	No	No	Office Buildings Large & Small
111006067	120 Mc Henry Ave #A	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Auto Sales - Auto Service Centers
112001002	120 E Roseburg Ave	95350	0.2	P-D		C	45	0	0	0	6	0	6	Yes	No	No	No	Vacant C-1
112001031	1120 Mc Henry Ave	95350	0.6	P-D		C	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)
112001040	1100 Mc Henry Ave	95350	0.6	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Restaurant & Bars

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112001041	113 Palm Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Office Buildings Large & Small
112003001	730 Mc Henry Ave	95350	1.1	C-2	MU-P	C	45	0	5	3	0	0	8	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
112003020	700 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
112003021	602 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	0	0	0	4	0	4	Yes	No	No	No	Hotels & Motels
112003022	608 Mc Henry Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Auto Sales - Auto Service Centers
112004019	1038 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
112004020	1050 Mc Henry Ave	95350	1.1	C-2	MU-P	C	45	1	4	3	0	0	7	Yes	No	No	No	Misc Mixed Commercial W/Res
112013003	912 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	1	0	0	3	0	3	Yes	No	No	No	Hotels & Motels W/Res
112013012	920 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
112013013	916 Mc Henry Ave	95356	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
112045001	1026 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	0	0	0	4	0	4	Yes	No	No	No	Shopping Centers (Large & Small)

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112045014	1014 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
112045015	1010 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
112045016	1004 Mc Henry Ave	95355	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
112045026	946 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small
112045027	112 E Fairmont Ave	95351	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Office Buildings Large & Small
112045077	932 Mc Henry Ave	95350	0.7	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Misc Mixed Commercial
112045078	936 Mc Henry Ave	95350	0.6	C-2	MU-P	C	45	1	3	1	0	0	4	Yes	No	No	No	Hotels & Motels W/Res
113001002	701 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Auto Sales - Auto Service Centers
113001005	709 Mc Henry Ave	95354	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Auto Sales - Auto Service Centers
113001009	611 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
113001012	727 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Auto Sales - Auto Service Centers

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113001013	801 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Auto Sales - Auto Service Centers
113001014	811 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Auto Sales - Auto Service Centers
113001052	725 Mc Henry Ave	95350	0.7	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Auto Sales - Auto Service Centers
113001055	601 Mc Henry Ave	95350	0.7	R-3	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Office Buildings Large & Small
113004014	1139 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Vacant C-2
113004029	1101 Mc Henry Ave	95350	1.3	C-2	MU-P	C	45	0	6	4	0	0	10	Yes	No	No	No	Stores & Shops (All Sizes)
113004037	200 B W Roseburg Ave	95350	0.9	P-D		C	45	0	4	3	0	0	7	Yes	No	No	No	Office Buildings Large & Small
113004038	200 W Roseburg Ave	95350	0.9	P-D		C	45	0	4	3	0	0	7	Yes	No	No	No	Office Buildings Large & Small
113005033	1029 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
113005036	1033 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Fast Food Outlets
113005037	1031 Mc Henry Ave	95350	0.9	C-2	MU-P	C	45	0	4	3	0	0	7	Yes	No	No	No	Office Buildings Large & Small

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113005038	1021 Mc Henry Ave	95350	1.6	C-2	MU-P	C	45	0	8	4	0	0	12	Yes	No	No	No	Stores & Shops (All Sizes)
113006035	945 Mc Henry Ave	95350	1.1	C-2	MU-P	C	45	0	5	3	0	0	8	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
113006043	SE Corner of W Fairmont Avenue and Douglas Avenue	95350	1.1	R-2		R	22	0	0	0	21	0	21	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
113006057	931 Mc Henry Ave	95350	0.9	C-2	MU-P	C	45	0	4	3	0	0	7	Yes	No	No	No	Auto Sales - Auto Service Centers
113006058	919 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Auto Sales - Auto Service Centers
115001003	1422 LEONARD AVE	95350	0.5	R-3		MU	45	1	10	5	0	0	15	Yes	No	Yes	No	Res Higher Use Potential W/Res
119005018	205 W Granger Ave	95350	0.5	P-O	MU-P	C	45	0	0	0	4	0	4	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119005021	1707 McHenry Ave	95350	2.5	C-M	MU-P	C	45	0	12	7	0	0	19	Yes	No	No	No	Stores & Shops (All Sizes)
119006009	204 W Granger Ave	95350	0.6	P-O	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006011	1549 Mc Henry Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Office Buildings Large & Small

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119006017	1540 Florida Ave #100	95350	1.4	P-D	MU-P	C	45	0	7	4	0	0	11	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006018	1501 Mc Henry Ave	95350	1.0	C-2	MU-P	C	45	0	5	3	0	0	8	Yes	No	No	No	Fast Food Outlets
119006021	1500 Florida Ave	95350	0.6	P-O	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006026	West Of Intersection Of McHenry Ave And Coolidge Ave	95350	0.4	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Vacant C-2
119006027	1445 Mc Henry Ave	95350	0.7	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Restaurant & Bars
119006028	1431 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006029	115 Claradell Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Vacant C-2
119006034	1400 Florida Ave	95350	2.6	P-O	MU-P	C	45	0	13	7	0	0	20	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006035	1419 Mc Henry Ave	95356	1.0	C-2	MU-P	C	45	0	5	3	0	0	8	Yes	No	No	No	Misc Mixed Commercial
119006036	1448 Florida Ave	95350	0.8	P-O	MU-P	C	45	0	4	2	0	0	6	Yes	No	No	No	Medical-Dental Offices

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																		(Includes Clinics/Medical)
119006037	1510 Florida Ave	95350	0.9	P-O	MU-P	C	45	0	4	3	0	0	7	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006038	118 Granger Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Office Buildings Large & Small
119006039	1539 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Office Buildings Large & Small
119006040	1444 Florida Ave	95350	0.8	P-O	MU-P	C	45	0	4	2	0	0	6	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006041	208 W Coolidge Ave	95350	0.4	P-O	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119006042	1525 Mc Henry Ave #Ste A	95350	1.6	C-2	MU-P	C	45	0	8	4	0	0	12	Yes	No	No	No	Hotels & Motels
119006043	1525 Mc Henry Ave #Ste B	95350	0.6	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Restaurant & Bars
119006044	South Of Intersection Of Granger Ave And Florida Ave	95350	0.3	P-O	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Vacant C-1

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119014005	204 W Orangeburg Ave	95350	0.3	P-D		R	45	0	0	0	3	0	3	Yes	No	No	No	Vacant Pd Office, Ap,Po,Pa
119014032	220 W Orangeburg Ave	95354	0.4	P-O	MU-P	R	45	0	0	0	3	0	3	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
119018001	116 W Orangeburg Ave	95350	0.2	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
119018002	112 W Orangeburg Ave	95350	0.1	P-D		C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
119018003	1343 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Misc Mixed Commercial
119018004	1335 Mc Henry Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
119018005	1325 Mc Henry Ave	95350	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Restaurant & Bars
119018006	1321 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	0	3	1	0	0	4	Yes	No	No	No	Stores & Shops (All Sizes)
119018007	1313 Mc Henry Ave	95350	0.5	C-2	MU-P	C	45	0	0	0	4	0	4	Yes	No	No	No	Stores & Shops (All Sizes)
119018009	1235 Mc Henry Ave	95350	0.8	C-2	MU-P	C	45	0	4	2	0	0	6	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)

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119018011	Intersection Of Alma Ave And Audrey Ave	95350	0.6	R-1	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Vacant C-2
119018013	South Of Intersection Of Marian Ave And Alma Ave	95350	0.2	R-1	MU-P	C	45	0	0	0	7	0	7	Yes	No	No	No	Vacant R-1
119018017	1209 Mc Henry Ave	95350	1.0	C-2	MU-P	C	45	0	5	3	0	0	8	Yes	No	No	No	Stores & Shops (All Sizes)
119018018	1201 Mc Henry Ave	95350	0.7	C-2	MU-P	C	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)
119018021	1245 Mc Henry Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Office Buildings Large & Small
119018022	1241 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Stores & Shops (All Sizes)
119018023	North Of Intersection Of Lois Ave And Alma Ave	95350	0.2	R-1	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Vacant C-1
119018024	Intersection Of Lois Ave And Alma Ave	95350	0.2	R-1	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Vacant C-2
120032001	1927 Toyon Ave	95350	3.7	R-1	MU-H	R	45	0	18	10	0	0	28	Yes	No	No	No	Churches, Fraternal Org (Welfare Types)
120033002	Intersection Of E. Briggsmore Ave And Mc Henry Ave	95356	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	Yes	No	No	Cities - Non-Assessable

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120033003	1700 Mc Henry Ave	95350	0.2	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Banks & Savings And Loans
120033004	39 Mc Henry Village Way	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
120033005	1700 Mc Henry Village Way	95350	0.2	C-2	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Shopping Centers (Large & Small)
120033007	1600 Mc Henry Ave	95350	0.3	C-2	MU-P	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
120033008	119 E Granger Ave	95350	0.1	C-2	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
120033018	225 E Granger Ave	95350	0.2	C-1	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
120033019	1601 Mc Henry Vlg Bldg D Way	95350	0.1	C-1	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
120033020	1601 Mc Henry Vlg Bldg C Way	95350	0.1	C-1	MU-P	C	45	0	0	0	1	0	1	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
120033021	1601 Mc Henry Vlg Bld A&B Way	95350	0.2	C-1	MU-P	C	45	0	0	0	2	0	2	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
120033022	1700 Mc Henry Vlg Way	95350	2.1	C-1	MU-P	C	45	0	10	6	0	0	16	Yes	No	No	No	Office Buildings Large & Small

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120033023	305 E Granger Ave	95350	0.8	C-1	MU-P	C	45	0	4	2	0	0	6	Yes	No	No	No	Medical-Dental Offices (Includes Clinics/Medical)
120033025	1700 MC HENRY AVE	95350	23.5	C-2	MU-P	C	45	0	0	0	179	0	179	Yes	No	No	No	Shopping Centers (Large & Small)
120033026	1700 MC HENRY AVE	95350	1.3	C-2	MU-P	C	45	0	6	4	0	0	10	Yes	No	No	No	Shopping Centers (Large & Small)
120046051	2000 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	auto Sales - Auto Service Centers
120046059	2012 Mc Henry Ave	95350	2.6	C-3	MU-H	C	45	0	13	7	0	0	20	Yes	No	No	No	Recreational Prop (Tennis, Driving Range, Etc)
120046060	2100 Mc Henry Ave	95356	2.3	C-3	MU-H	C	45	0	11	7	0	0	18	Yes	No	No	No	Shopping Centers (Large & Small)
120046061	2112 Mc Henry Ave	95350	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Office Buildings Large & Small
120046064	2118 Mc Henry Ave	95355	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Fast Food Outlets
120046065	2008 Mc Henry Ave	95350	1.4	C-3	MU-H	C	45	0	6	4	0	0	10	Yes	No	No	No	Banks & Savings And Loans

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
120049023	1800 Mc Henry Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Fast Food Outlets
120049024	124 Norwegian Ave	95355	0.5	C-3	MU-H	C	45	0	0	0	15	0	15	Yes	No	No	No	Vacant Pd Commercial
120052009	2320 Mc Henry Ave	95350	0.7	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Fast Food Outlets
120052011	2304 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Misc Mixed Commercial
120052024	2412 Mc Henry Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Stores & Shops (All Sizes)
120052025	2500 Mc Henry Ave	95350	1.2	C-3	MU-H	C	45	0	6	3	0	0	9	Yes	No	No	No	Stores & Shops (All Sizes)
120052026	2424 Mc Henry Ave	95350	0.6	C-3	MU-H	C	45	0	3	2	0	0	5	Yes	No	No	No	Stores & Shops (All Sizes)
120052028	140 Mark Randy Pl	95350	1.4	C-3	MU-H	C	45	0	7	4	0	0	11	Yes	No	No	No	Hotels & Motels
120052034	2402 Mc Henry Ave	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Fast Food Outlets
120052037	115 Mark Randy Pl	95350	0.8	C-3	MU-H	C	45	0	4	2	0	0	6	Yes	No	No	No	Stores & Shops (All Sizes)
120052038	2248 Mc Henry Ave	95350	0.4	C-3	MU-H	C	45	0	0	0	3	0	3	Yes	No	No	No	Stores & Shops (All Sizes)
120052040	2312 Mc Henry Ave	95350	0.6	C-3	MU-H	C	45	0	3	1	0	0	4	Yes	No	No	No	Restaurant & Bars

APN	Address	Zip Code	Acreage	Zoning (Current)	Zoning (Proposed)	Existing GP	Max Density (Proposed)	Existing Units	Very Low	Low	Moderate	Above Moderate	Total Units	Infrastructure	Publicly Owned	4th Cycle	5th Cycle	Existing Use
120052041	2308 Mc Henry Ave	95350	0.1	C-3	MU-H	C	45	0	0	0	1	0	1	Yes	No	No	No	Stores & Shops (All Sizes)
120052042	2200 Mc Henry Ave	95350	0.9	C-3	MU-H	C	45	0	4	3	0	0	7	Yes	No	No	No	Office Buildings Large & Small
120052043	2204 Mc Henry Ave	95350	1.0	C-3	MU-H	C	45	0	5	3	0	0	8	Yes	No	No	No	Restaurant & Bars

APPENDIX C: OUTREACH

C.1 Social Media Engagement

Facebook

- July 5, 2023: 1,326 impressions – 18 link clicks
- July 11, 2023: 731 impressions – 3 link clicks

Post details
ID: 638463358319410

Post overview
This view of your post may not represent exactly how it appears on Facebook's News Feed.

City of Modesto - City Hall
Published by D Ruiz-Del Re · June 6 at 10:00 AM ·

The City of Modesto is updating the Housing Element for the 2023-2031 Planning Period (6th Cycle). The Housing Element is one of the required elements of the City's General Plan that provides policies, programs, and actions to support and encourage housing growth at all income levels. State law requires jurisdictions to update their Housing Elements every 8 years to demonstrate how they will meet State housing allocations and housing policy requirements. Our City must show it... See more

Post performance
There may be delays in stats reporting. To see the most up-to-date stats please go to your live post.

1,023
Accounts Center accounts reached
0% from boosted posts

1,023 organic	0 paid

56
Post engagements

5 reactions	**1 comment**
5 on post	1 on post
0 on shares	0 on shares
1 share	**49 clicks**
1 on post	10 photo clicks
0 on shares	11 link clicks
	0 clicks to play
	28 other clicks

Post details
ID: 648389990660080

Post overview
This view of your post may not represent exactly how it appears on Facebook's News Feed.

City of Modesto - City Hall
Published by D Ruiz-Del Re · 1d ·

City of Modesto will be hosting a zoom workshop to provide an update to the Housing Element.

Modesto Housing Element Update Workshop #1

⏰When: July 6, 2023, 06:00 PM Pacific Time (US and Canada)... See more

Post performance
There may be delays in stats reporting. To see the most up-to-date stats please go to your live post.

805
Accounts Center accounts reached
0% from boosted posts

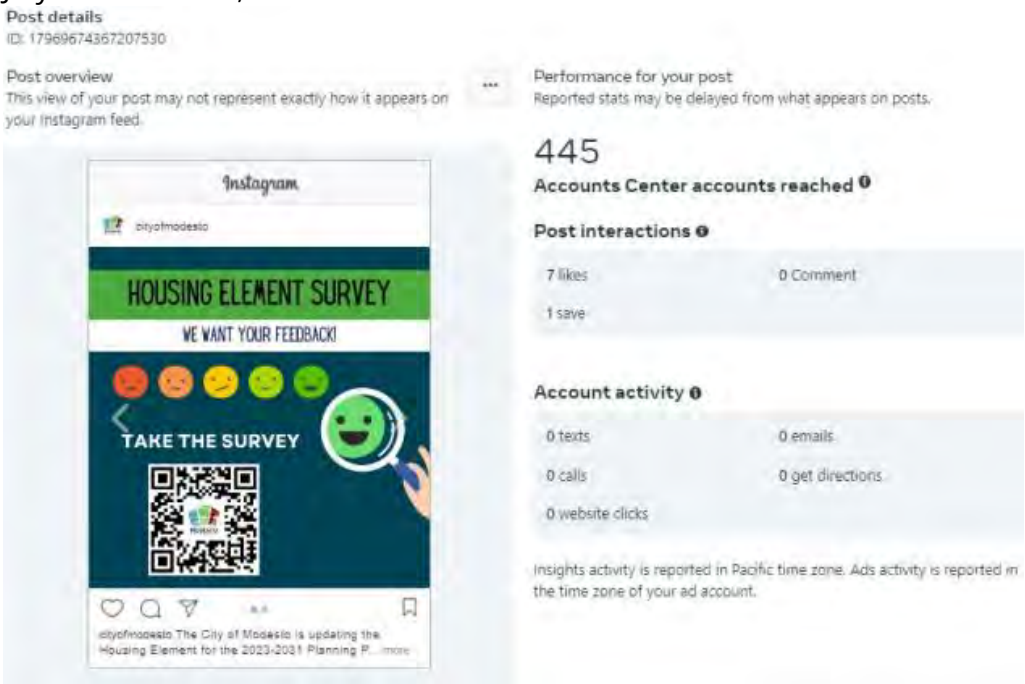
805 organic	0 paid

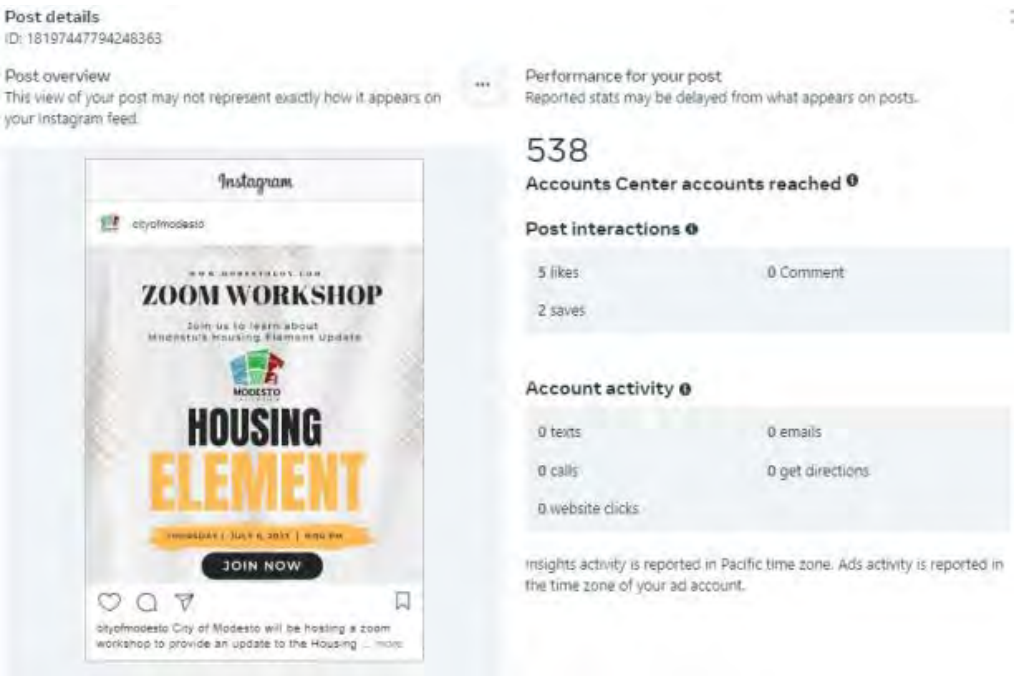
16
Post engagements

1 reaction	**0 Comment**
1 on post	0 on post
0 on shares	0 on shares
1 share	**14 clicks**
1 on post	0 photo clicks
0 on shares	11 link clicks
	0 clicks to play
	3 other clicks

Instagram

- May 24, 2023- Instagram stories: 453 accounts reached
- June 22, 2023- Instagram stories: 516 accounts reached
- July 5, 2023 – Instagram story – 490 impressions
- July 5, 2023 – Instagram post – 896 impressions
- July 11, 2023 – 597 impressions





Nextdoor

- Sent to 53,179 members
- July 5, 2023 – 503 impressions

City of Modesto
Communications & Media Relations Officer Diana Ruiz-Del Re • 23 May

The City of Modesto is updating the Housing Element for the 2023-2031 Planning Period (6th Cycle). The Housing Element is one of the required elements of the City's
See more...

Posted to **Subscribers of City of Modesto**

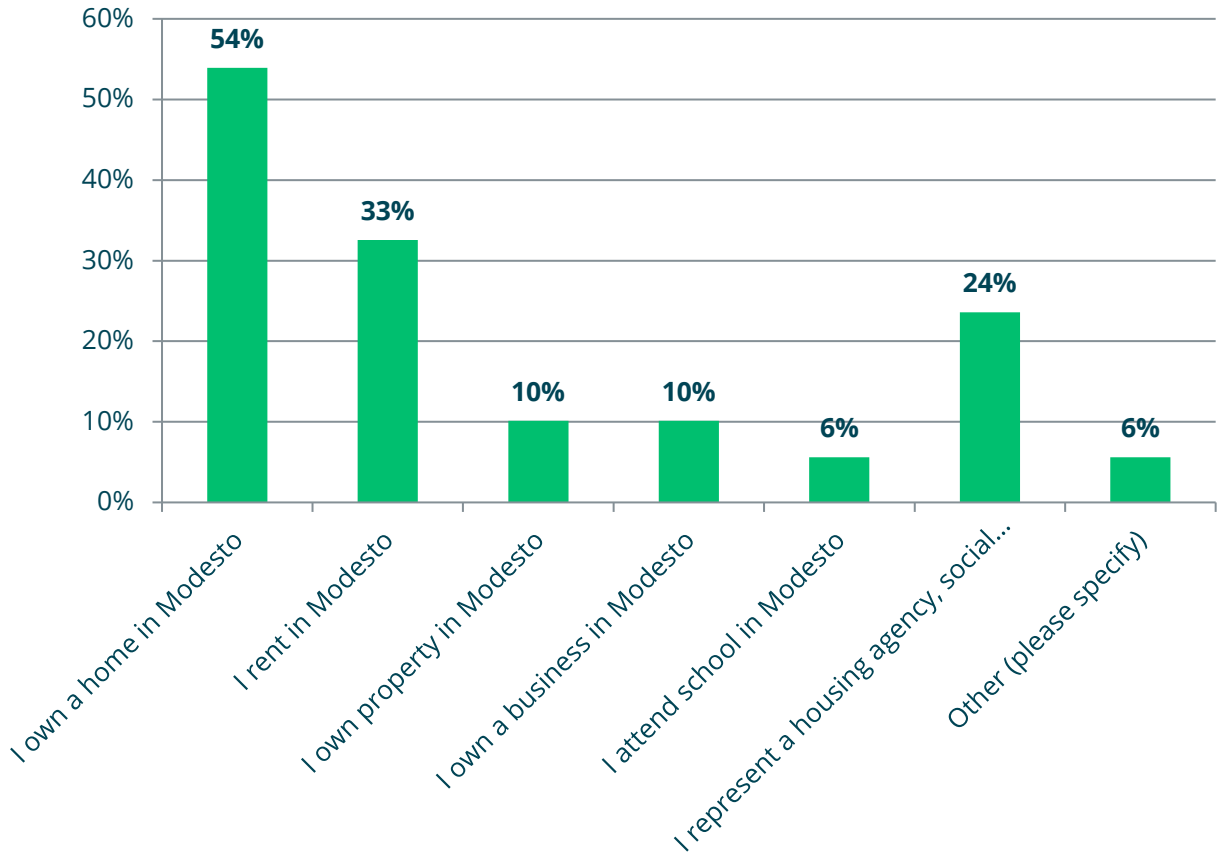
720 Impressions

Like Comment Share

C.2 Online Survey Results (as of July 18, 2023)

English: 89 Responses

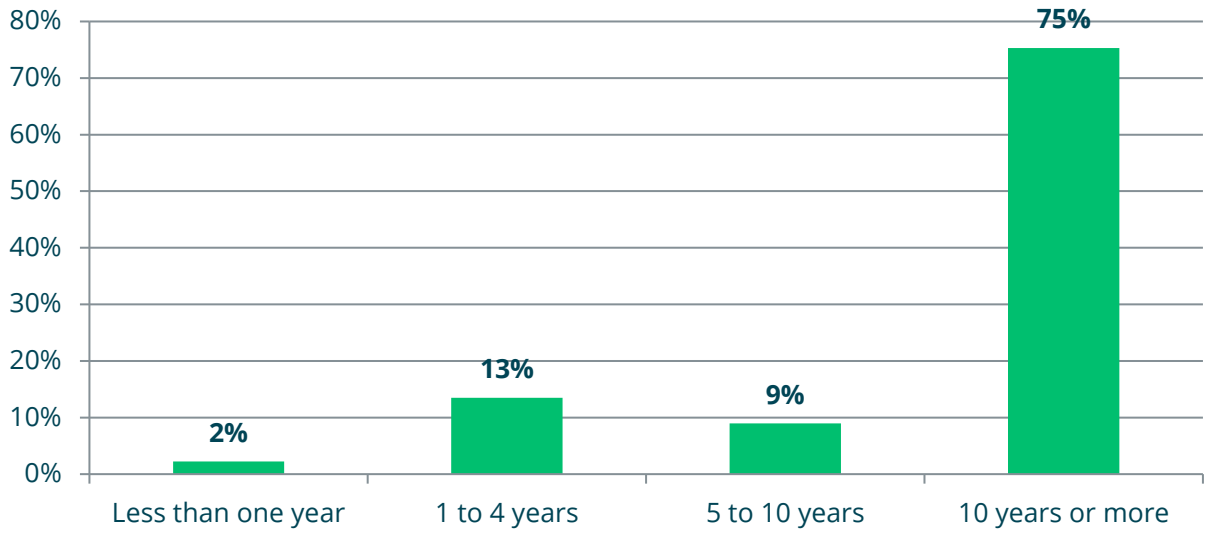
Q1. What is your connection to the City of Modesto? (Choose all that may apply)



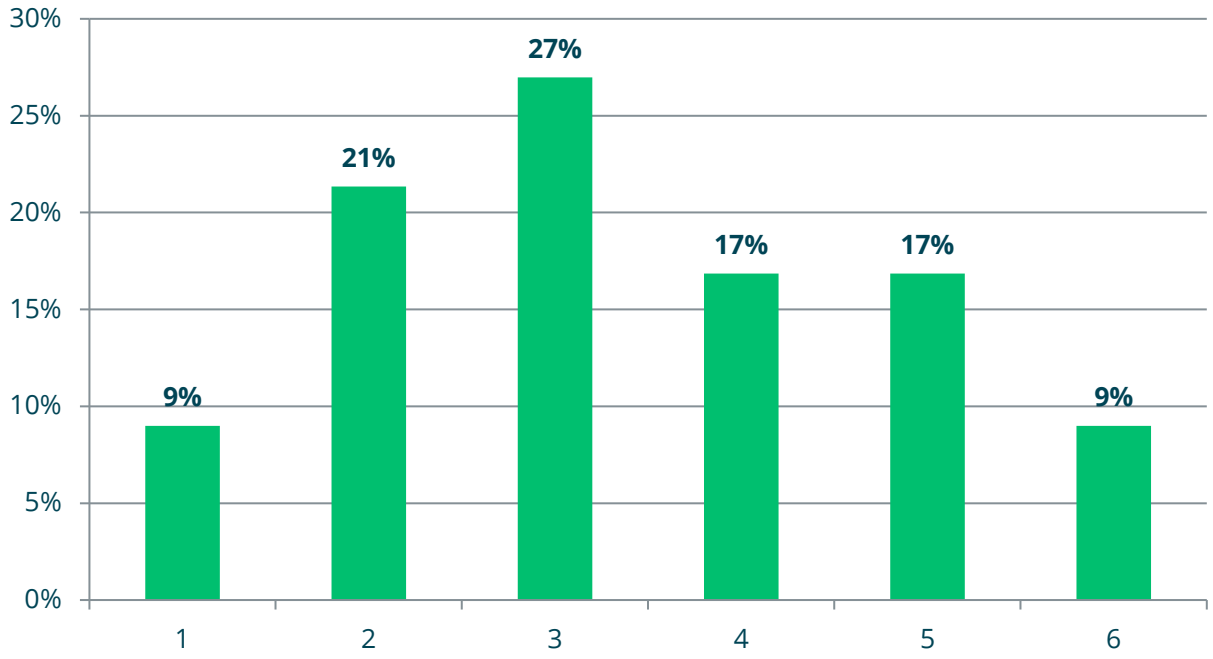
Q1."Other" Responses

- I work in Modesto
- I live with my parents (I am 29)
- Born & raised in Modesto—cannot afford housing

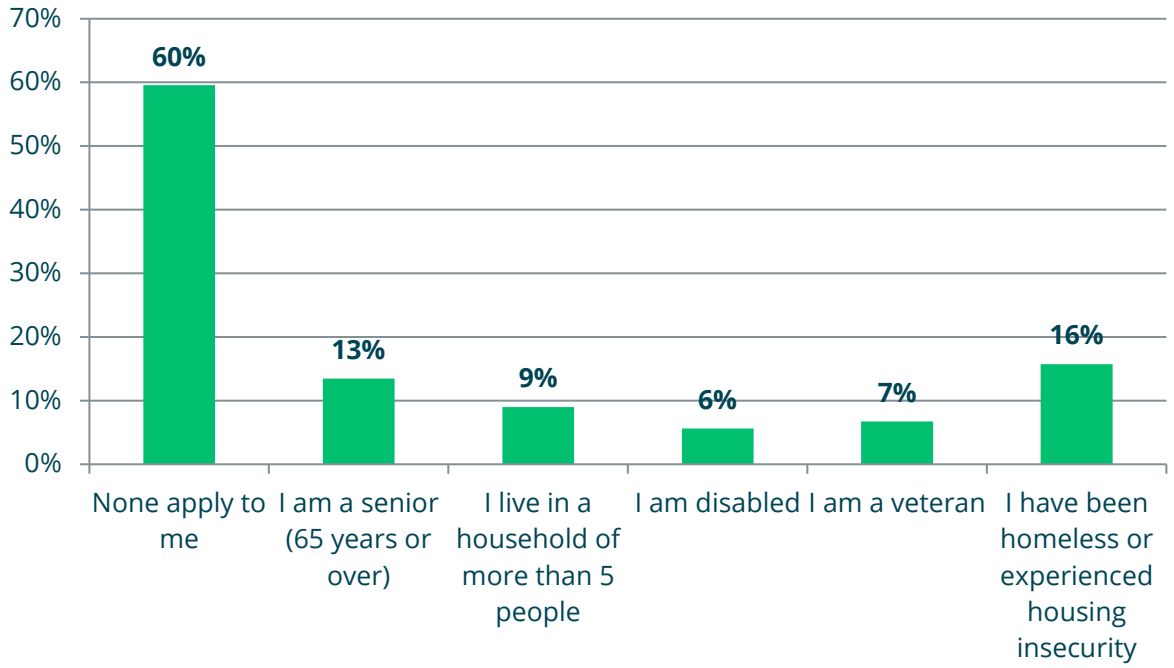
Q2. How long have you had this connection in Modesto?



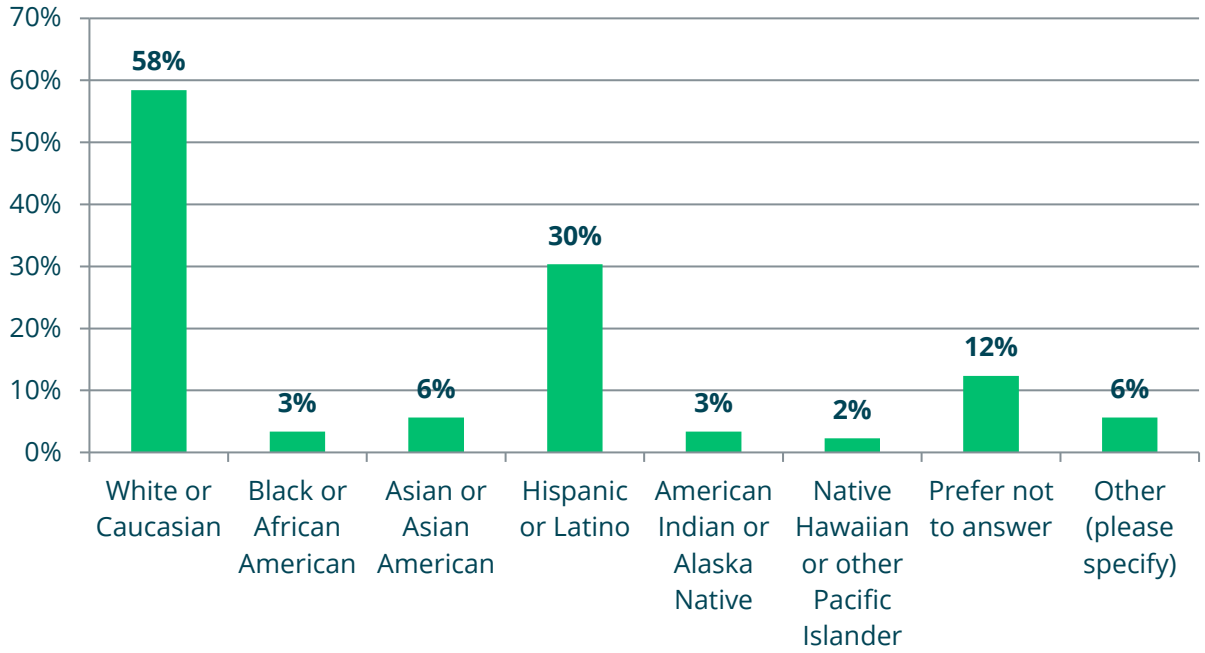
Q3. Please indicate in which part of Modesto you live, work, or spend the most your time. (Select one)



Q4. Please select all that apply to you:



Q5. Please share your race/ethnicity below. (Choose all that apply)



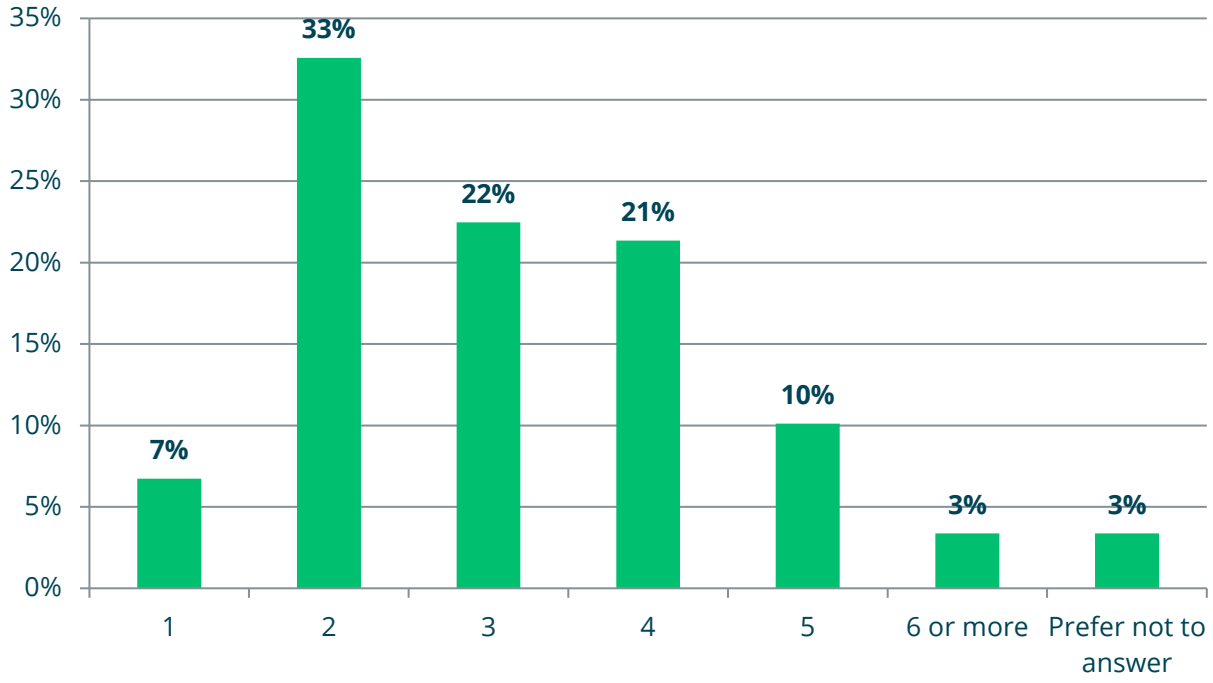
Q5. "Other" Responses

- Brazilian/Portuguese
- Mixed
- Mongolian

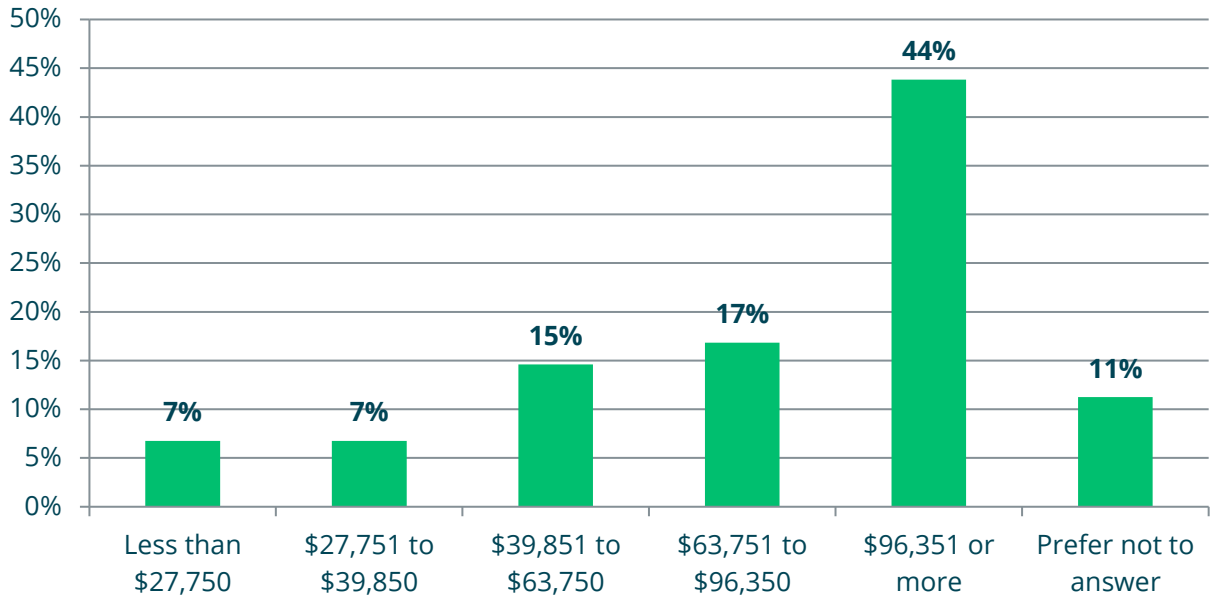
Q6. Please specify the primary language and any other secondary languages spoken in your household:

	English	% of Total	Spanish	% of Total	Khmer	% of Total	Portuguese	% of Total
Primary Language	82	95.3%	3	3.5%	-	-	-	-
Secondary Language	8	22.9%	22	62.9%	1	2.9%	1	2.9%

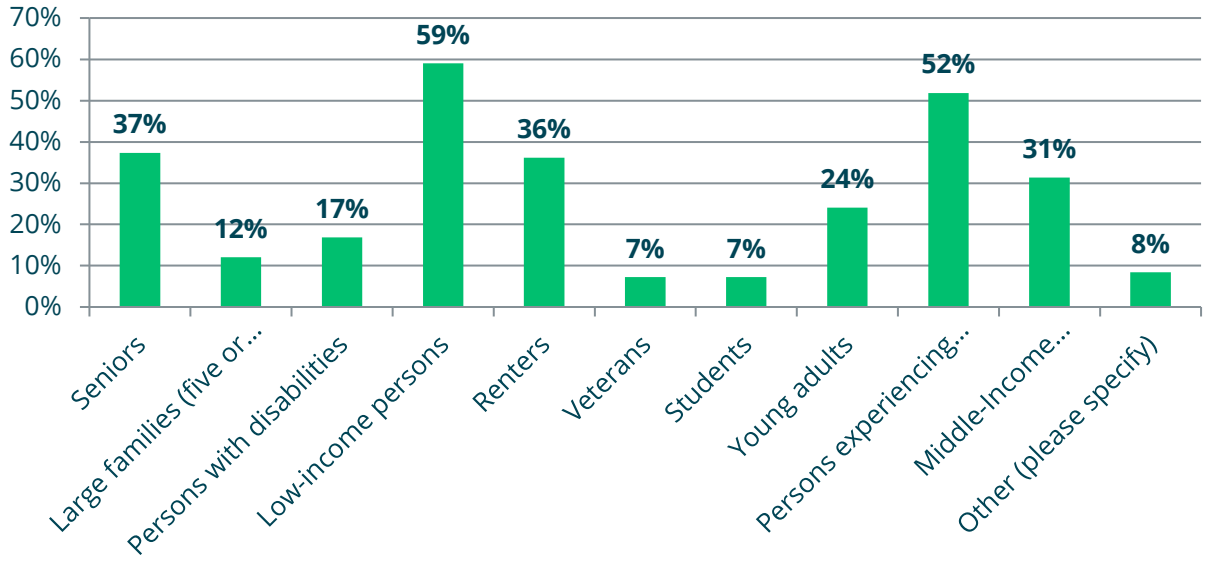
Q7. How many people including yourself live in your household?



Q8. Please share the total annual household income for all adults in your household.



Q9. In your opinion, please select up to three (3) of the following groups that have the greatest need for housing and related services in Modesto.

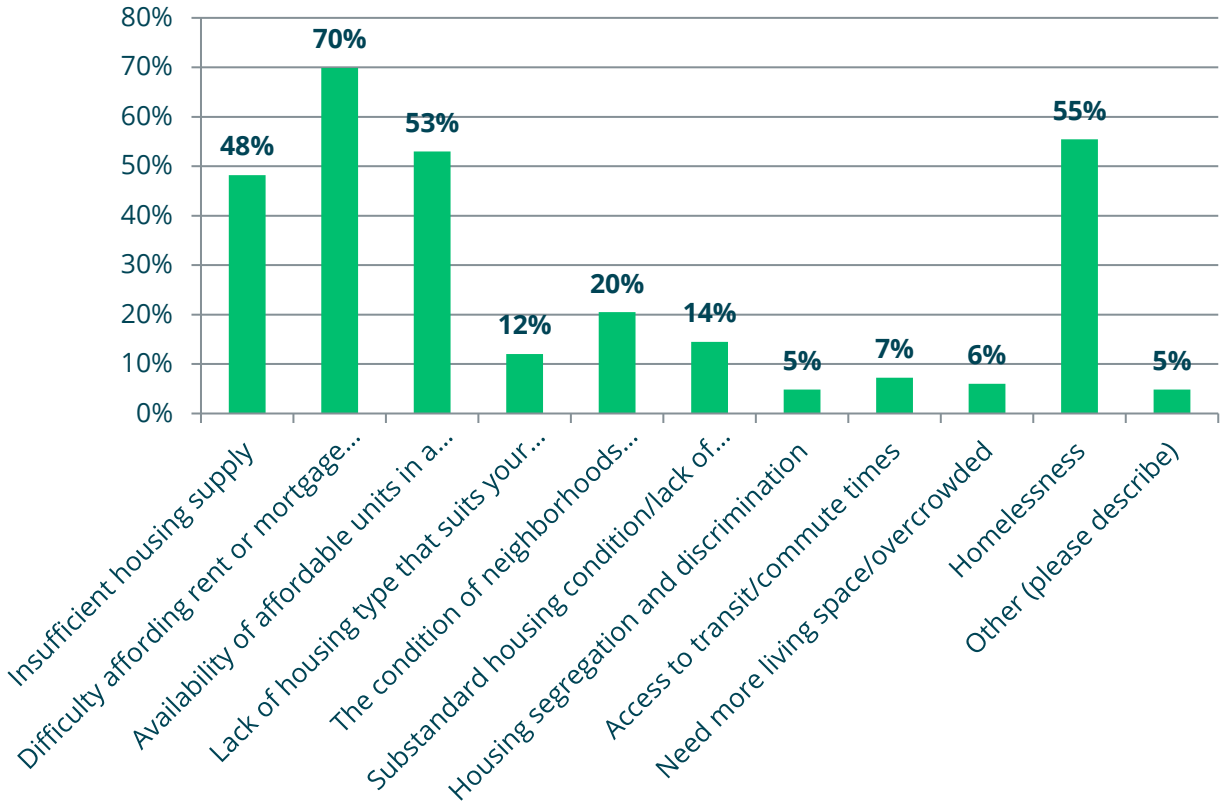


Q9. "Other" Responses

- Low income workforce
- Undocumented or mix status families

- Low income work force.
- Single moms, but really everyone, housing is not affordable even for those making a "decent" wage
- Middle to low income workers who do not have pensions or benefits.

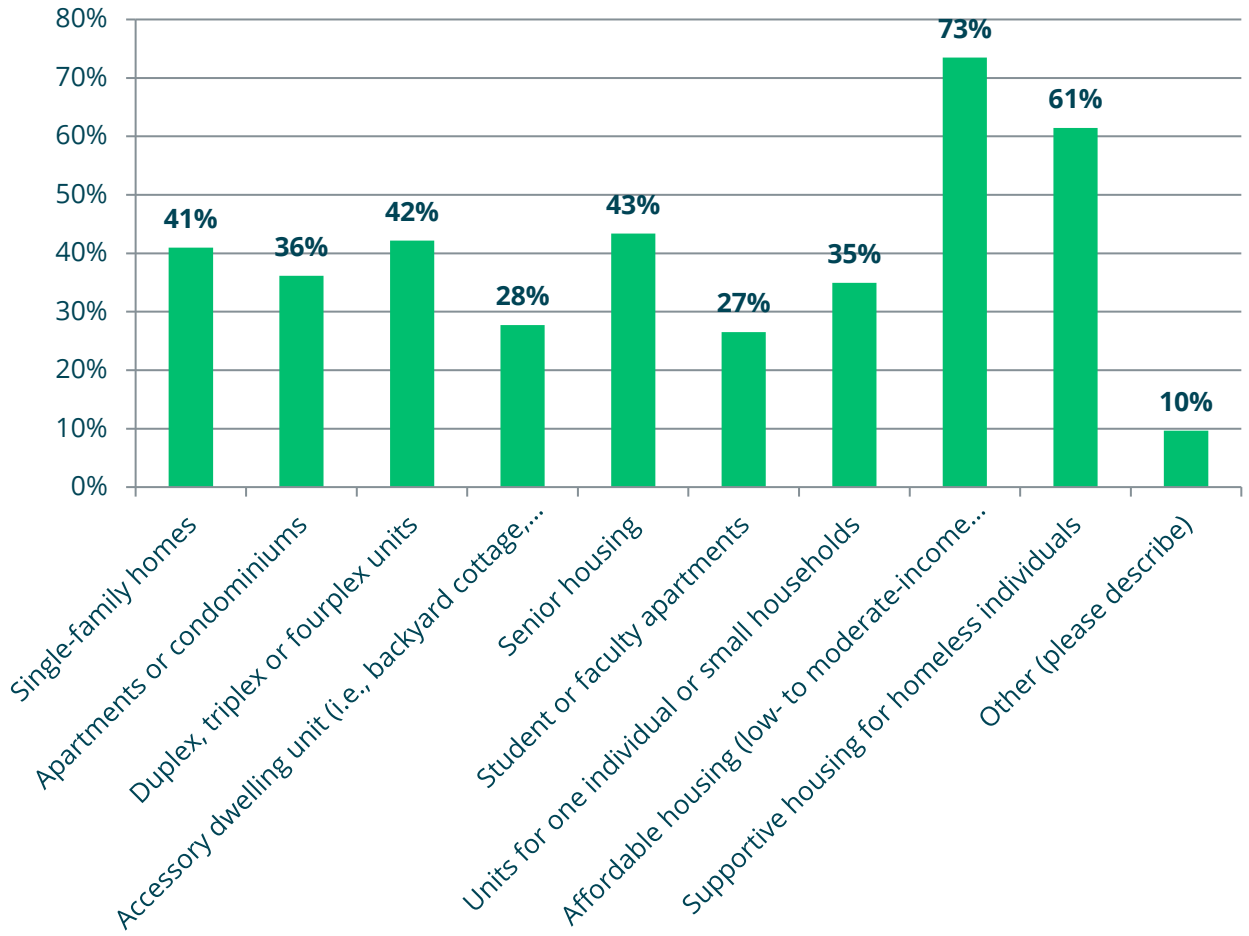
Q10. In your opinion, please select the top three (3) housing issues in Modesto:



Q10. "Other" Responses

- Inexpensive prefabricated housing to buy.
- All of these are issues, pet rental rules also. The shelters are overflowing because people aren't allowed to have pets where they live

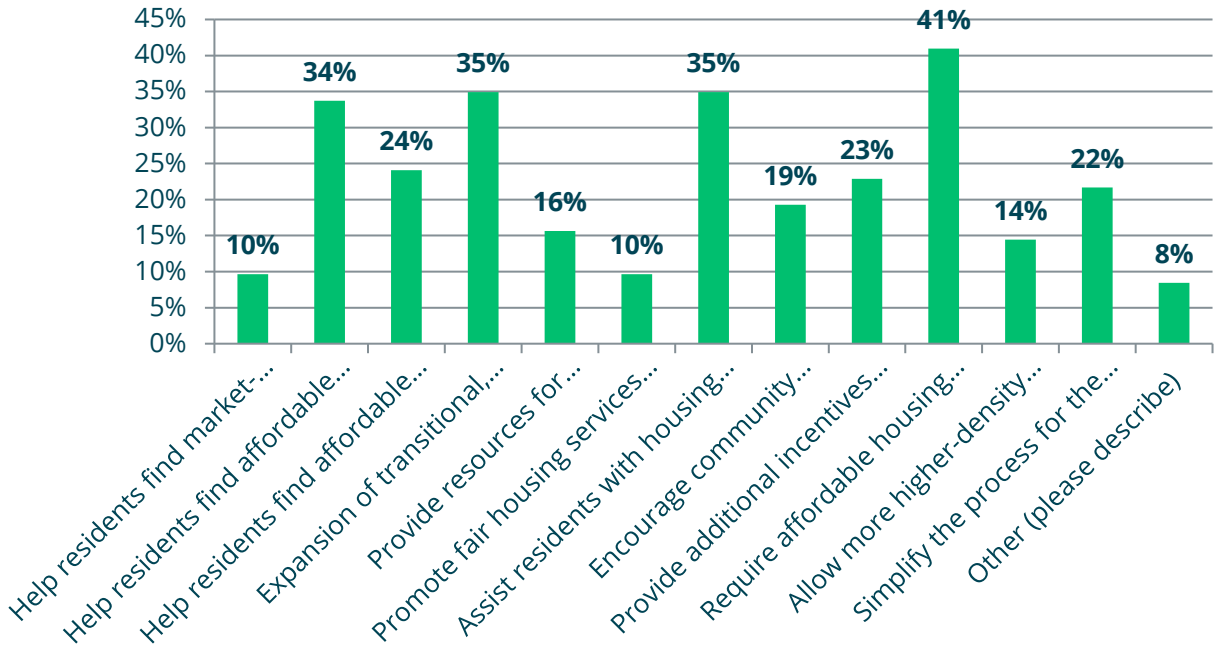
Q11. In your opinion, please note which of the following housing types are missing or most needed in Modesto. (Select all that apply)



Q11. "Other" Responses

- Supportive housing for adults with multiple neurological and cognitive disabilities.
- Family shelter
- "Starter homes" for ownership that are small in size (1-3 bedrooms and 1-2 baths)
- SMALLER single family homes, these 3000sqft homes are ridiculous
- High end housing. Too many Bay Area Criminals
- Small-lot development for prefab/mobilehomes

Q12. What types of programs or strategies do you believe the City should implement in the 2023-2031 Housing Element s to address housing needs? (Select your top 3 recommendations.)



Q12. "Other" Responses

- ADU homeowner Incentives
- More condominiums/townhomes for purchase
- Some type of control where Bay Area investors can't just buy up houses above asking price for cash and then turn around and rent them at an extremely high price and also discriminate against renters. It's not fair, it's ruining our city.
- Modesto has grown way too fast. In my opinion we dont need any more housing/apartments or people. We have had an influx of bay area people move into our city and we need to put our focus on how to keep the city from growing any bigger. The crime and drug issues ,plus homeless people sleeping in parks/tents/parking lots. We need more police/more laws to keep our city safe, not more bureaucrats/government agencies to pay money to that dont do anything. We certainly don't need more apartments or rental properties to bring ignore low income people to worsen the situation.
- Stop building high density housing, it's bad for this environment

Q13. Please describe any other considerations, policies, or programs the City should consider here:

- Modular homes
- Many seniors care for and live with an adult disabled child. Senior housing should include disabled adults with cognitive and similar needs so they have somewhere to go when the parent can no longer care for him or her.
- Growing and expanding the City's rental housing safety program.
- PERSONAL FINANCE EDUCATION
- Grants for building accessory dwellings
- Communicating these programs to those in need of them seem to a huge problem. If citizens don't know about the program it'll never get used and deemed useless.
- Accountability of Non-Profit Organizations helping homeless people
- Locals are being priced out of the City. It would be a great if the City could incentivize selling or renting to locals. We've grown up here and want to raise our families here but we can't compete against Bay Area & International buyers when looking for rental housing or buying homes.
- Rent control
- Have services available for people who don't have great credit scores get affordable housing. High rental costs, lack of money required to rent a place, and an excellent credit score prevent people and families from getting housing. Housing is expensive even in dangerous areas of Modesto, such as the west side and south side. There is just a regular house down the street from where I live and it costs half a million dollars! I don't live in a fancy neighborhood and I rent a less than mediocre duplex. Help public services workers with housing, such as teachers.
- Support and incentivize ADU
- housing first motion, zone changes on commercial blocks allowing city to change abandoned commercial building into emergency shelters or supportive housing, a family shelter
- Low-interest first-home loans for City employees (perhaps expand to other government/school agencies)
- These affordable housing projects often result in more apartment building and fewer houses, which only makes it harder for families to find affordable houses.

Help our residents own homes, instead of packing them into little apartments. Help small businesses.

- Area where people can build tiny homes for less than $1k
- It should be easier and faster to address these issues. Homeless people need somewhere to stay and get access to help with their health, they have a high need. Also young adults trying to live on their own or even with roommates it's a hard process! Also families experiencing housing instability so sad! Relates to finances and sometimes substance abuse. Please make the housing comprehensive with other public health issues because they are intertwined here
- If all the available strategy details from question 12 were made possible, that would be an excellent start as long as everyone is willing to work together, including city, county and nonprofit organizations.
- Housing Authority is not open to meet with us, why?
- Many places require you to make 3x the rent to qualify for renting. When I have a nice job making 3000 a month and can barely afford to rent in the ghetto there is a problem.
- Build on both sides of Highway 99
- Most new stand-alone, single family homes being built in Modesto seem to be large (5-6 bedrooms), with a price to match the size. This does not meet the needs of an increasing number of young adults and couples who are childless. Increasing the number of smaller stand-alone homes built in Modesto would be of benefit to those who can't afford the price of a huge home or desire something more suited to a single or couple of young adults looking to purchase a home.
- Programs that help first time home SINGLE home buyers.
- More Police, Less Big Government. No new housing.
- Enforce existing laws, more area police that make contact with residents
- Utilize empty buildings to create housing, focusing on already developed areas vs non-developed/rural, encourage vertical sprawl to maximize the number of people who can be housed

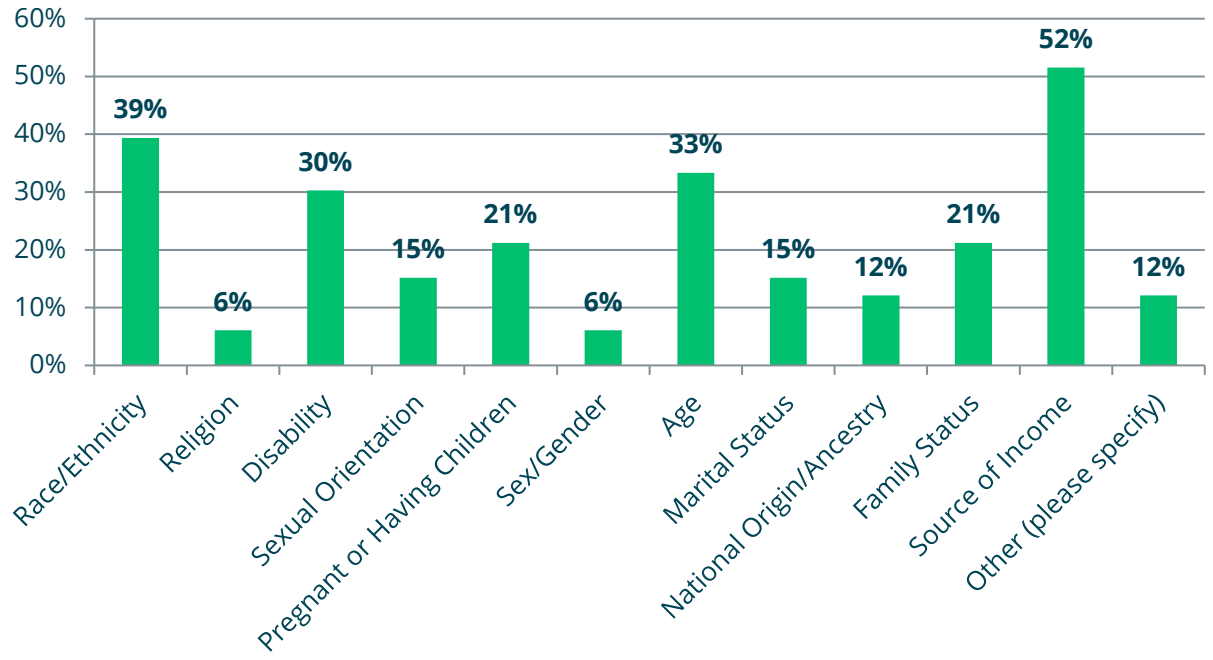
- Incentives for infill development; allowances for zero lot-line development; City-initiated projects to obtain entitlements & install infrastructure for small-lot developments / pre-fab communities
- Drug and alcohol rehab and mental health programs especially for homelessness
- Get those thugs out the schools and streets
- Small units for homeless population
- More mobile home parks, mini-homes.

Q14. Have you or someone you know ever encountered any of the forms of housing discrimination described above?

Q14. "Other" Responses

- Community members in the neighborhoods we collaborate (Airport and West Modesto) that they have experienced some form of housing discrimination, but do not report it out of fear
- I'm white, as are most people in my social circle. I have no way of knowing if this is happening or not.
- Work with hundreds of people over the years

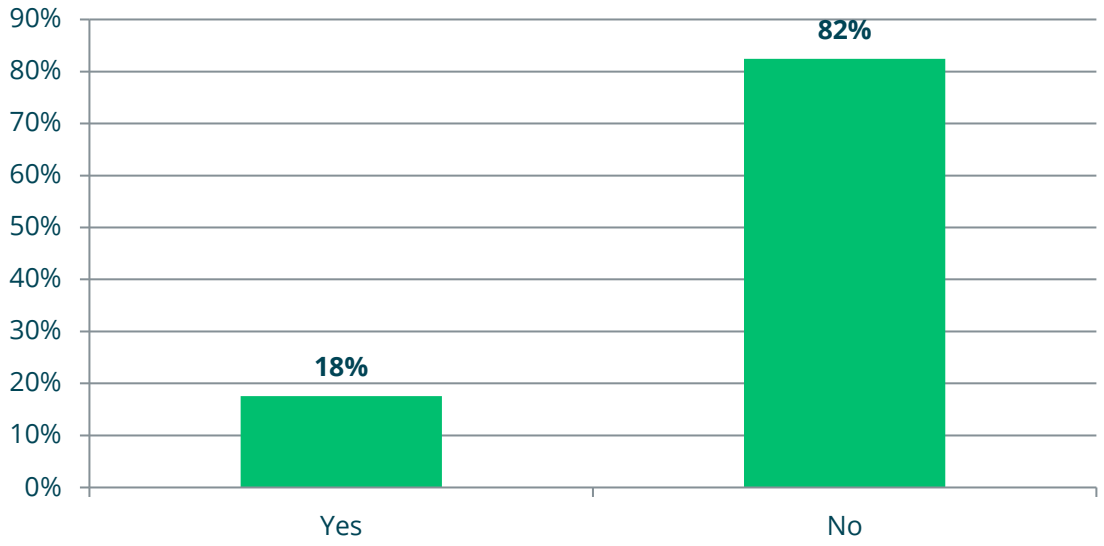
Q15. If you believe that you or someone you know encountered housing discrimination, please identify what type of discrimination you think occurred (Please check all that apply)



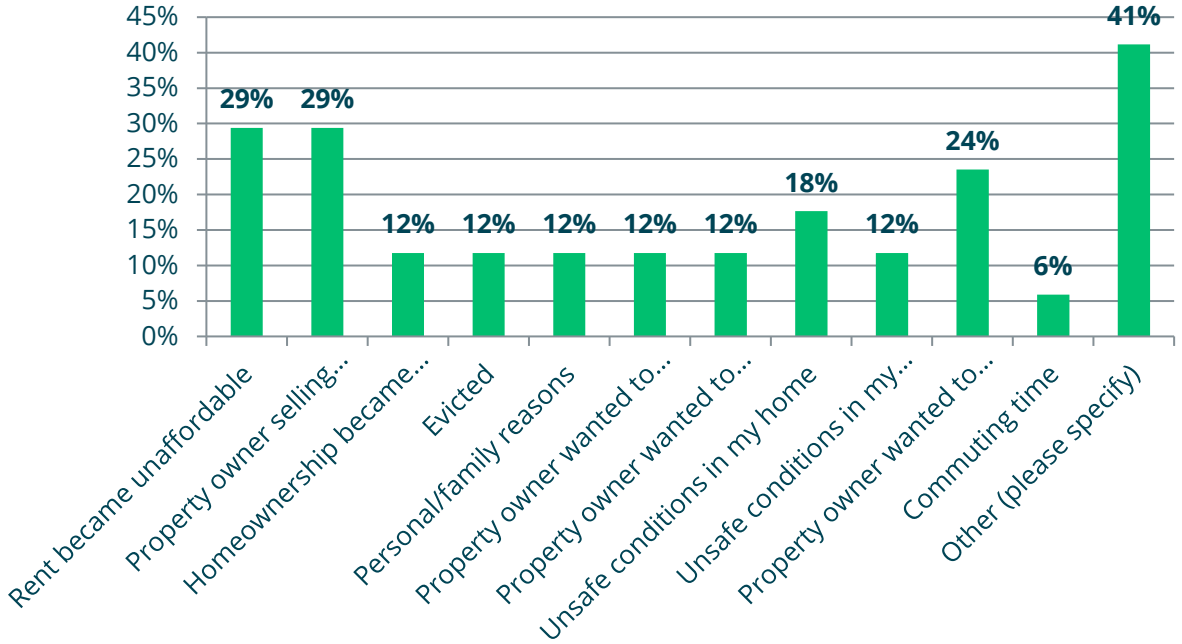
Q15. "Other" Responses

- Veteran VA loan

Q16. In the past five years, have you had to move out of your residence in Modesto when you did not want to move?



Q17. If you answered yes to the previous question, why did you have to move? (Select all that apply)

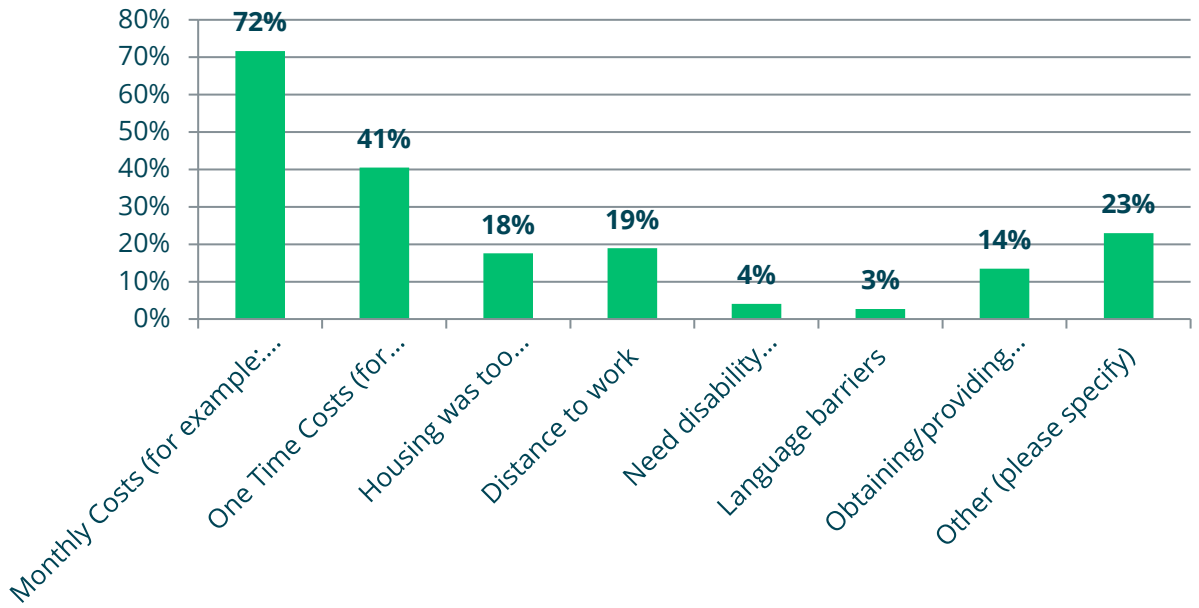


Q17. "Other" Responses

- Sharing reasons about community members moving

- Not yet, but if my rent goes up again this year I will likely need to move or get second job.
- I have known many people who have experienced ALL of these issues!
- Cost of utilities increasing
- Property owner did not allow my ADA conditions

Q18. My housing options and choices are primarily limited by: (Please select all that apply)

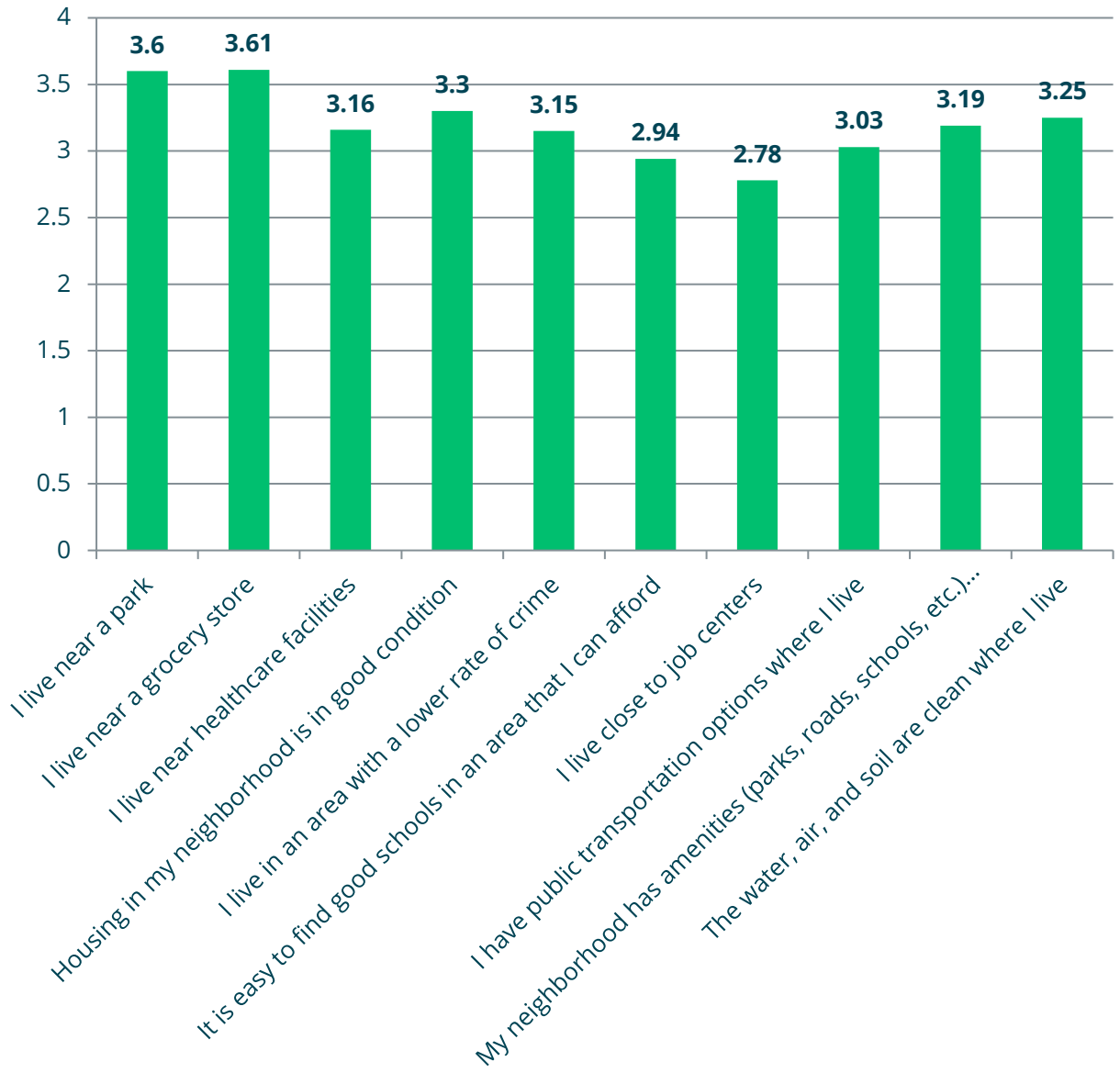


Q18. "Other" Responses

- None
- A place where an adult disabled child can live regardless of my needs.
- Sharing housing options limitations by community members
- We are retired in a single family home. If there were of a choice of condominiums, we might buy one.
- Poor credit score

- Interest rates have made the actual cost of purchasing so much higher than 3 years ago, I've missed my window of purchasing.
- Credit history and pet needs
- Homes that allow pets
- The people I case manage
- N/A
- None
- Not applicable
- I own my home, no challenges
- None seem to apply
- No issues

Q19. Rank your agreement with the following statements from Strongly Disagree (1) Somewhat Disagree (2) Neutral (3) Somewhat Agree (3) or Strongly Agree (4).



Q20. Please share any comments or recommendations that will help inform and guide the preparation of the City's updated Housing Element.

- Modular homes
- We have many homeowners in my neighborhood who have built unpermitted room additions, accessory dwellings and have unpermitted construction repairs. There needs to be a way to bring these out in the open and have a plan that would benefit the homeowners and city to ensure that everyone lives in safe housing. Most of these additions are used by extended family. Also, many neighbors are growing their driveway and tearing up their lawns to pave

for more parking. I hope the downsizing of parking spaces does not apply to future single family residences.

- Too many homeowners, whether they live in the homes themselves or rent out the home, don't maintain them very well. Too many places are blighted or borderline blighted.
- The water is very high in nitrates. There are no options for transit and a park has been sitting unfinished since 2000....
- Need more mixed used zoning. Stores and restaurants on ground level with apartments above
- Homelessness and drug addition is major issue in the City of Modesto. Is there a way to help those that want to be helped and relocate or tag those that don't so we don't waste our time, money and efforts on them?
- Beautification of many neighborhoods and homes are needed throughout the city. Most Parks are still considered dangerous
- The new housing developments we've been seeing are so ugly and small compared to the older houses. They have almost no yard or privacy from neighbors, and they are just as expensive.
- I live in south side Modesto and the quality here can be hard, no sidewalks, not always bike friendly to make it to downtown, no hospitals, grocery store doesn't always have the best things (ex a trader Joe) very little places to work over here it feels like in this side of town
- Section 8 needs to be open to meet with tenets, like it was before the pandemic. Prices of rents are too high for young people. Homeless need to be housed. Safeguards should be in place when a family is facing being unhoused. Where, what, who to speak with to get supports.
- Hovels in the ghetto are the same price as good homes in nicer neighborhoods, the only difference is that they are less strict when income requirements. They don't keep up repairs on the houses, they are riddled with infestations, electrical issues, etc. The roads are filled with debris and potholes. There are no grocery stores nearby just liquor stores.
- Need more sheriff/pd officers and funding to help protect communities. Lack of police is a MAJOR issue. Crime in Modesto has skyrocketed-this relates directly to

feeling safe within a community for the people living in homes and for homeless persons.

- As an aside, I work and spend most of my time in section 2 of the earlier provided map (South-West Modesto), but I live in section 6 (North-East Modesto). This may want to be a consideration you make when creating future surveys, as those are two very different communities.
- No new government agencies, we need no more new housing or apartments. We need more Law enforcement/fix roads/amenities already built in Modesto.
- Don't bow to outside influences, Vote For liberty and justice.
- Housing that is on the lower end of the cost scale is generally in very poor condition. Air and water aren't great anywhere in Modesto due to the sheer number of vehicles people now own (air pollution/water run-off into rivers). Safe bike routes that connect to all areas of the city, and a transit system that provides incentives for its use would be two ways to relieve pollution and improve the living experience of residents: convenience, commute time, cost effectiveness, access to locations The city is built around personal vehicles and covered in endless parking lots that could otherwise be parks or housing.
- Just need speed bumps for all the racers the drive down my street
- Mixed use - housing and retail shopping together. Dublin has great condo/apartments above shopping centers

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-533

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2022-23 AND MAKING FINDINGS RELATED TO EACH OF THE FEE CATEGORIES

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 *et seq*., and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees (CFF) for the purpose collecting fees to fund the construction of public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, by Resolution No. 2011-105, Council established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2020-464 on September 22, 2020, and

WHEREAS, the following fees were established by Resolution No. 2020-407:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and
- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

- The Parks and Air Quality CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, pedestrian accesses as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings, and
- The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and
- The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and

WHEREAS, California Government Code Section 66001(d) requires the local agency make all of following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted, and

WHEREAS, the 5-year Capital Improvement Program (CIP) strives to reflect the goals and policies established by the General Plan by systematically planning, scheduling, managing, monitoring and financing capital projects to ensure cost-effectiveness and conformity with established policies and adopted Specific Plans. The 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, and

WHEREAS, the City's most recent CIP, Fiscal Year 2023-24, relates the City's annual capital expenditures to a long-range plan for public improvements. By relating the plan for public improvements to the City's capacity for funding, and scheduling expenditures over a period of years, the CIP helps maximize the funds available. This type of fiscal management is important during periods where budgetary demands exceeding financial resources, and

WHEREAS, the City's Capital Improvement Plan (CIP) projects are financed, in part, by Capital Facilities Fees outlined in the description of the Capital Facilities Fees funds. The City's CIP provide infrastructure to the residents and businesses in Modesto in order to keep pace with ongoing development in, and adjacent to, the community, and WHEREAS, the CIP is updated annually to reflect the current infrastructure needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development. Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate development fee, based on the type of project.

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2022-23 has been completed and is on file with the City Clerk and is **attached** as **Attachment 2**, and

WHEREAS, a public hearing notice was posted in the Modesto Bee on November 24, 2023 and mailed as required by applicable law, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 5, 2023 to enable the public to have the opportunity to comment on the CFF

collected

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories in accordance with Government Code Section 66001(d) and 66006(b):

1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2020-407, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development. New development generates an increased demand on existing City facilities. In order to mitigate the impacts of that demand, the City improves existing facilities and/or builds new facilities from time to time. The City's impact fees are charged based on the type of usage. For residential, there is a fee for single family units, and a different fee for each multi family unit. For non-residential uses, the fee is based on the square footage of the project. Accordingly, the fee increases as the estimated demand from the proposed project increases. By Resolution No. 2011-105, Council established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2020-464 on September 22, 2020. The fees are increased by an inflationary measure annually to account for the increased construction costs.
2) The Capital Facilities Fee Annual Report for Fiscal Year 2021-22 **(Attachment 2)** reports on the below information for each of the fee categories:
    a. The amount of the fee. (Table 1)
    b. The beginning and ending balance of the account or fund. (Table 2)
    c. The amount of the fees collected and the interest earned. (Table 2)

d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)

3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.

4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.

5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2020-407, and therefore fees should still be collected for the following purposes:

- Additional fire stations, fire vehicles, and a new training station, and
- An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
- Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and

- Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and
- Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and
- Arterial roadways, intersections, expressway, freeway interchanges and all of their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2022-23.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2022-23 Capital Facilities Fees Report as described in **Exhibit "A"**, **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 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2022-23

Prepared By:

Community & Economic Development
Infrastructure Financing Program

December 2023

MODESTO
CALIFORNIA

Table of Contents

LEGAL REQUIREMENTS 3
A. What Are Impact Fees? 3
B. Establishing An Impact Fee Program 3
C. Adoption of a Capital Improvement Program 3
D. Reporting 4
DESCRIPTION OF CAPITAL FACILITIES FEES 5
FISCAL YEAR 2022-23 CURRENT FEE SCHEDULES 6
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES 7
FIVE YEAR REVENUE AND EXPENSE HISTORY 7
DEFERRED CAPITAL FACILITIES FEES 7
EXEMPTIONS 8
REFUNDS 8
CREDITS 9
TRANSFERS 9
CAPITAL IMPROVEMENT PROJECTS 9
EXEMPTIONS FOR ACCESSORY DWELLING UNITS (ADUs) 10
REDUCTION OF CAPITAL FACILITIES FEES 10
Table 1: Fee Schedules Effective July 1, 2022 through June 30, 2023 11
Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2023 14
Table 3: Five Year Revenue History 15
Table 4: Five Year Expenditure History 16
Table 5: Five Year Revenue and Expenditure History 17
Table 6: Multifamily, Commercial and Industrial Deferrals 18
Table 7a: Low Income Deferrals/Exemptions 19
Table 7b: Refunds 20
Table 8: Credits for Previously Existing Buildings 21
Table 9: Transfers within Capital Facilities Fees Funds 23
Table 10: Capital Improvement Program (CIP) Expenditures 25
Table 11: Exemptions for Accessory Dwelling Units 26

LEGAL REQUIREMENTS

A. What Are Impact Fees?

California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community's infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program

The City of Modesto ("City") impact fee program, more commonly known as the Capital Facilities Fees Program ("CFF Program"), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003, 2011, 2019 and 2020 CFF Program updates.

C. Adoption of a Capital Improvement Program

California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City's General Plan.

The City's CIP connects annual capital expenditures to a long-range plan for public improvements. The City's CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City's capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly important during periods where budgetary demands exceed financial resources. The City's CIP is financed in part by the impact fees collected through the CFF Program.

D. Reporting

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior Fiscal Yearand be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which is it charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

DESCRIPTION OF CAPITAL FACILITIES FEES

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following CFF Program fee categories:

Streets Capital Facilities Fee – Fund 3410
This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

Public Transportation Capital Facilities Fee – Fund 3420
This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

Air Quality and Parks Facilities Fee – Fund 3432
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling,

carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

Police Capital Facilities Fee – Fund 3440
This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).

Fire Capital Facilities Fee – Fund 3450
This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470
This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion.

Administration Capital Facilities Fee – Fund 3480
This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

FISCAL YEAR 2022-23 CURRENT FEE SCHEDULES

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record (ENR) Construction Cost Index (CCI) through the month of December of the preceding year. Based on the ENR CCI, the CFF fee schedule was adjusted by 9.19% from the previous fiscal year. Table 1 reflects the breakdown of the CFFs for the Fiscal Year 2022-23 by the following fee dwelling area: City Limits, Sphere of Influence and Downtown Economic Incentive.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES[1]

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2022-23. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a "pay-as-you-go" program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an "aging" of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

FIVE YEAR REVENUE AND EXPENSE HISTORY

As previously discussed, most revenue is collected when a building permit is issued for new development. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.

DEFERRED CAPITAL FACILITIES FEES

Multi-Family, Commercial and Industrial

CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in off-setting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 6 details the four (4) active deferrals in Fiscal Year 2022-23.

Single-Family Residential

The Single-Family Deferral Program allows applicants to pay a portion of their fees due at the time of building permit issuance and defer payment of the CFF, water connection and waste-water capacity fees until final inspection. There were no Single-Family Residential Deferrals in Fiscal Year 2022-23.

[1] Financial data is current as of November 1, 2023

EXEMPTIONS

The City of Modesto encourages the construction of Very-Low and Low Income Housing development projects within the City. CFF exemptions can be provided to the Housing Authority of Stanislaus or to Community Housing Development Organizations (CHDO) for the development of low and very-low income households (under 60% of the area median income). As Table 7a indicates, there was two (2) exemption processed in Fiscal Year 2022-23:

- On May 24, 2022, the City Council approved a CFF exemption for the Stanislaus County Affordable Housing Corporation for its project at 835 California Avenue. The project provides six (6) multi-family permanent supportive housing units for very-low income households with family members with serious mental illness. The property consists of one efficiency, three one-bedroom, and two two-bedroom.

- In accordance with CFF policies for projects associated with the Stanislaus Regional Housing Authority, on December 7, 2022, the City of Modesto recorded the executed CFF exemption agreement with Stanislaus Regional Housing Authority for its project located at 413 Vine Street. The project provides thirty-five affordable one-bedroom housing units with twelve (12) units reserved for Seniors.

REFUNDS

There can be instances when CFFs collected may be refunded if a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced. In addition, CFF paid for placement of Trailers may be refunded if requested in writing with six years of payment, minus the administration component. There were two (2) CFF refunds made in Fiscal Year 2022-23, as shown on Table 7b.

- On August 31, 2022, a refund for $5,440.50 was initiatiated for Winnie Lin and Tsang Liu for reducing an Accessory Dwelling Unit (ADU) size to 742 SF. Because of a reduction in square footage, the CFF fees were determined to be zero. The refund was authorized and allocated to building permit BLD2022-02859 on September 27, 2022.

- On November 7, 2022, a refund for $55,257.54 was initatied for CT Brayton & Sons Inc. for a decrease in square footage by 26,176 feet for a proposed industrial warehouse. The refund was authorized and allocated to building permit IFP2022-00016 on December 1, 2022.

CREDITS

CFF credits are granted when previously existing building(s) are removed and new building(s) are constructed. These credits may off-set up to but not more than 100% of the CFF due for the new development. Moreover, additional square footage added shall be subject to payment of applicable CFF at building permit issuance.

In Fiscal Year 2022-23, there were a total of eleven (11) credits, and in three (3) cases credits for previously existing buildings had to pay the difference between the CFF due and CFF credit:

- *815 Kansas Avenue*
  A facility remodel with a greater building footprint (square footage). Permit was credited based on the original fees paid. Balance of CFF due were based on the additional square footage to the project. A CFF payment of $42,735.88 was collected at building permit issuance.

- *1400 Coffee Road*
  Gas station, car wash and canopy demolished and rebuilt with a greater building footprint (square footage). Permit was credited based on the original fees paid. Balance of CFF due were based on the additional square footage to the project. A CFF payment of $59,019.45 was collected at building permit issuance.

- *2080 W. Briggsmore Avenue*
  Previously demolished building was rebuilt with a greater building blueprint (square footage). Permit was credited based on the original fees paid, and balance of CFF due were based on the additional square footage to the project. A CFF payment of $16,960.25 was collected at building permit issuance.

Table 8 details the credits provided in Fiscal Year 2022-23.

TRANSFERS

A total of thirteen (13) inter-fund transfers occurred in Fiscal Year 2022-23.

Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates,

estimated project costs, percentage of project funded by the CFF Program and general accounting information.

EXEMPTIONS FOR ACCESSORY DWELLING UNITS (ADUs)

California law (Government Code §65852.2) exempts an Accessory Dwelling Unit (ADU) less than 750 sq. ft from CFF and requires that fees for an ADU over 750 sq. ft. be charged proportionately in relation to the square footage of the primary dwelling unit. Table 11 lists all ADUs for Fiscal Year 2022-23. There were a total of ninety-two (92) ADUs issued permits, this includes permits for ADUs within the City of Modesto's Sphere of Influence.

In Fiscal Year 2022-23, there were nine (9) ADUs which were developed more than 750 square feet and due CFF. Six (6) of these permits were charged proptionately based on ADU size in relation to the primary unit: 135 Lee Street, 613 Brookvale Drive, 1307 Sunland Way, 1831 Grimes Avenue, 2900 Scenic Bend and 4513 Roselle Avenue.

There are occasions in which an ADU has a higher proportionate rate. Per the City's CFF Policies and Procedures, in no event shall the impact fee for the ADU exceed the CFF rate for Multi-Family residential. In Fiscal Year 2022-23 we had three (3) charged at the multi-family rate: 602 El Paso Avenue, 1533 W. Orangeburg Avenue and 1744 Olympia Street.

Table 11 includes two separate ADUs for 717 ½ Empire St., one for permit BLD2022-00805 (APN 035-044-086) and BLD2022-00806 (APN 035-044-085).

REDUCTION OF CAPITAL FACILITIES FEES

An applicant may request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF. Any such fee reduction must be based on a trip generation study, using accepted methodology, as determined by the City. The fee reduction shall be no greater than a proportionate reduction in trips demonstrated in the trip generation study. Any such reduction shall be approved by the City Manager. There were no CFF reductions granted Fiscal Year 2022-23.

Table 1: Fee Schedules Effective July 1, 2022 through June 30, 2023

FY 2022-2023 CFF PROGRAM - Development within City Limits									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 7,605	$ 110	$ 6,966	$ 706	$ 440	$ 583	$ 330	**$ 16,740**
Multi-Family Residential	Dwelling Unit	$ 5,267	$ 77	$ 4,792	$ 426	$ 203	$ 357	$ 179	**$ 11,301**
Senior Housing	Dwelling Unit	$ 4,589	$ 42	$ 4,675	$ 415	$ 199	$ 350	$ 126	**$ 10,395**
Hotel/Motel	Room	$ 3,954	$ 69	$ -	$ 161	$ 77	$ 135	$ 100	**$ 4,496**
Retail <50,000 SF	1,000 SF	$ 11,434	$ 227	$ -	$ 191	$ 93	$ 161	$ 309	**$ 12,416**
Retail 50,000-100,000 SF	1,000 SF	$ 9,493	$ 187	$ -	$ 192	$ 91	$ 161	$ 256	**$ 10,380**
Retail 100,000-300,000 SF	1,000 SF	$ 8,011	$ 158	$ -	$ 193	$ 93	$ 162	$ 217	**$ 8,833**
Retail >300,000 SF	1,000 SF	$ 7,474	$ 145	$ -	$ 192	$ 92	$ 162	$ 204	**$ 8,268**
Medical Office	1,000 SF	$ 14,443	$ 289	$ -	$ 321	$ 154	$ 268	$ 398	**$ 15,871**
General Office	1,000 SF	$ 6,988	$ 124	$ -	$ 320	$ 153	$ 268	$ 181	**$ 8,035**
Hospital	1,000 SF	$ 10,128	$ 179	$ -	$ 320	$ 154	$ 269	$ 252	**$ 11,301**
Daycare	1,000 SF	$ 5,593	$ 98	$ -	$ 320	$ 154	$ 268	$ 146	**$ 6,579**
Church	1,000 SF	$ 1,192	$ 21	$ -	$ 325	$ 155	$ 273	$ 41	**$ 2,007**
Nursing Home	1,000 SF	$ 1,745	$ 30	$ -	$ 323	$ 155	$ 272	$ 54	**$ 2,579**
Industrial (Manufacturing)	1,000 SF	$ 2,709	$ 47	$ -	$ 137	$ 66	$ 115	$ 70	**$ 3,144**
Industrial (Warehousing)	1,000 SF	$ 1,900	$ 33	$ -	$ 138	$ 66	$ 115	$ 51	**$ 2,303**

Table 1, cont'd: Fee Schedules Effective July 1, 2022 through June 30, 2023

FY 2022-2023 CFF PROGRAM - Development within City's Sphere of Influence									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 8,269	$ 88	$ 1,676	$ -	$ -	$ -	$ 213	**$ 10,246**
Multi-Family Residential	Dwelling Unit	$ 5,951	$ 64	$ 1,062	$ -	$ -	$ -	$ 145	**$ 7,222**
Senior Housing	Dwelling Unit	$ 3,481	$ 38	$ 1,163	$ -	$ -	$ -	$ 116	**$ 4,798**
Hotel/Motel	Room	$ 4,169	$ 44	$ -	$ -	$ -	$ -	$ 62	**$ 4,275**
Retail <50,000 SF	1,000 SF	$ 11,895	$ 124	$ -	$ -	$ -	$ -	$ 173	**$ 12,192**
Retail 50,000-100,000 SF	1,000 SF	$ 9,902	$ 104	$ -	$ -	$ -	$ -	$ 145	**$ 10,151**
Retail 100,000-300,000 SF	1,000 SF	$ 8,394	$ 90	$ -	$ -	$ -	$ -	$ 122	**$ 8,606**
Retail >300,000 SF	1,000 SF	$ 7,842	$ 84	$ -	$ -	$ -	$ -	$ 115	**$ 8,041**
Medical Office	1,000 SF	$ 15,121	$ 161	$ -	$ -	$ -	$ -	$ 222	**$ 15,504**
General Office	1,000 SF	$ 7,401	$ 77	$ -	$ -	$ -	$ -	$ 114	**$ 7,592**
Hospital	1,000 SF	$ 10,590	$ 112	$ -	$ -	$ -	$ -	$ 160	**$ 10,862**
Daycare	1,000 SF	$ 5,972	$ 64	$ -	$ -	$ -	$ -	$ 91	**$ 6,127**
Church	1,000 SF	$ 1,429	$ 14	$ -	$ -	$ -	$ -	$ 31	**$ 1,475**
Nursing Home	1,000 SF	$ 2,016	$ 21	$ -	$ -	$ -	$ -	$ 38	**$ 2,075**
Industrial (Manufacturing)	1,000 SF	$ 2,881	$ 30	$ -	$ -	$ -	$ -	$ 43	**$ 2,955**
Industrial (Warehousing)	1,000 SF	$ 2,056	$ 22	$ -	$ -	$ -	$ -	$ 32	**$ 2,111**

Table 1, cont'd: Fee Schedules Effective July 1, 2022 through June 30, 2023

FY 2022-2023 CFF PROGRAM - Development within the Downtown Economic Incentives Program									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ -	$ 111	$ 6,965	$ 707	$ 440	$ 582	$ 330	**$ 9,135**
Multi-Family Residential	Dwelling Unit	$ -	$ 77	$ 4,793	$ 426	$ 203	$ 357	$ 179	**$ 6,034**
Senior Housing	Dwelling Unit	$ -	$ 41	$ 4,675	$ 414	$ 199	$ 350	$ 126	**$ 5,805**
Hotel/Motel	Room	$ -	$ 69	$ -	$ 161	$ 77	$ 135	$ 100	**$ 542**
Retail <50,000 SF	1,000 SF	$ -	$ 228	$ -	$ 192	$ 93	$ 162	$ 309	**$ 983**
Retail 50,000-100,000 SF	1,000 SF	$ -	$ 187	$ -	$ 192	$ 91	$ 161	$ 257	**$ 888**
Retail 100,000-300,000 SF	1,000 SF	$ -	$ 158	$ -	$ 193	$ 92	$ 162	$ 217	**$ 822**
Retail >300,000 SF	1,000 SF	$ -	$ 145	$ -	$ 192	$ 91	$ 162	$ 204	**$ 794**
Medical Office	1,000 SF	$ -	$ 289	$ -	$ 320	$ 154	$ 268	$ 398	**$ 1,428**
General Office	1,000 SF	$ -	$ 124	$ -	$ 320	$ 154	$ 268	$ 180	**$ 1,046**
Hospital	1,000 SF	$ -	$ 178	$ -	$ 320	$ 154	$ 269	$ 251	**$ 1,172**
Daycare	1,000 SF	$ -	$ 98	$ -	$ 320	$ 154	$ 269	$ 146	**$ 987**
Church	1,000 SF	$ -	$ 21	$ -	$ 324	$ 155	$ 273	$ 41	**$ 815**
Nursing Home	1,000 SF	$ -	$ 30	$ -	$ 323	$ 155	$ 272	$ 54	**$ 834**
Industrial (Manufacturing)	1,000 SF	$ -	$ 47	$ -	$ 137	$ 66	$ 115	$ 70	**$ 435**
Industrial (Warehousing)	1,000 SF	$ -	$ 33	$ -	$ 138	$ 66	$ 115	$ 51	**$ 404**

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2023[2]

FY 2022-23	3410 Streets	3420 Public Transp.	3430 Air Quality	3432 Parks & Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	Total
REVENUES:										
Intergovernmental	$ 5,386,673	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,386,673
Fees Collected	$ 2,463,578	$ 31,242	$ -	$ 853,248	$ 93,820	$ 55,766	$ -	$ 77,225	$ 65,283	$ 3,640,162
Interest and Rent	$ 467,678	$ 9,092	$ -	$ 180,461	$ 8,194	$ 3,362	$ -	$ 5,251	$ 3,035	$ 677,073
Net Change in Fair Value of Investments	$ (250,540)	$ (3,675)	$ -	$ (108,492)	$ (3,994)	$ (1,551)	$ -	$ (2,425)	$ (1,670)	$ (372,347)
Miscellaneous	$ 17,260	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 17,260
TOTAL REVENUES	**$ 8,084,649**	**$ 36,659**	**$ -**	**$ 925,217**	**$ 98,020**	**$ 57,577**	**$ -**	**$ 80,051**	**$ 66,648**	**$ 9,348,821**
EXPENDITURES:										
Current:										
General Gov't.										$ -
Community Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 56,252	$ 56,252
Highways and Streets	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Public Works	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Parks and Recreation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Public Safety	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Capital Outlay:										
Community Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Highways and Streets	$ 1,125,606	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,125,606
Parks and Recreation	$ -	$ -	$ -	$ 797,485	$ -	$ -	$ 89,292	$ -	$ -	$ 886,777
TOTAL EXPENDITURES	**$ 1,125,606**	**$ -**	**$ -**	**$ 797,485**	**$ -**	**$ -**	**$ 89,292**	**$ -**	**$ 56,252**	**$ 2,068,635**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**$ 6,959,043**	**$ 36,659**	**$ -**	**$ 127,732**	**$ 98,020**	**$ 57,577**	**$ (89,292)**	**$ 80,051**	**$ 10,396**	**$ 7,280,186**
OTHER FINANCING SOURCES (USES)										
Transfers In	$ -	$ -	$ -	$ 4,811,604	$ -	$ -	$ 8	$ -	$ -	$ 4,811,612
Transfers Out	$ 1,467,673	$ -	$ (507,623)	$ (59,283)	$ (400,000)	$ (38,202)	$ (4,303,980)	$ (275,000)	$ -	$ (4,116,415)
Sale of Assets	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL OTHER FINANCING SOURCES	**$ 1,467,673**	**$ -**	**$ (507,623)**	**$ 4,752,321**	**$ (400,000)**	**$ (38,202)**	**$ (4,303,972)**	**$ (275,000)**	**$ -**	**$ 695,197**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	$ 8,426,716	$ 36,569	$ (507,623)	$ 4,880,053	$ (301,980)	$ 19,375	$ (4,393,264)	$ (194,949)	$ 10,396	$ 7,975,383
FUND BALANCES, July 1	$ 26,331,232	$ 506,775	$ 507,623	$ 3,663,392	$ 506,512	$ (400,301)	$ 7,149,974	$ 314,511	$ 178,833	$ 38,758,551
PRIOR PERIOD ADJUSTMENT										$ -
FUND BALANCES, June 30	**$ 34,757,948**	**$ 543,344**	**$ -**	**$ 8,543,445**	**$ 204,532**	**$ (380,926)**	**$ 2,756,710**	**$ 119,562**	**$ 189,229**	**$ 46,733,934**

[2] Financial data is current as of November 1, 2023 – see Table 9 for Transfers.

Table 3: Five Year Revenue History

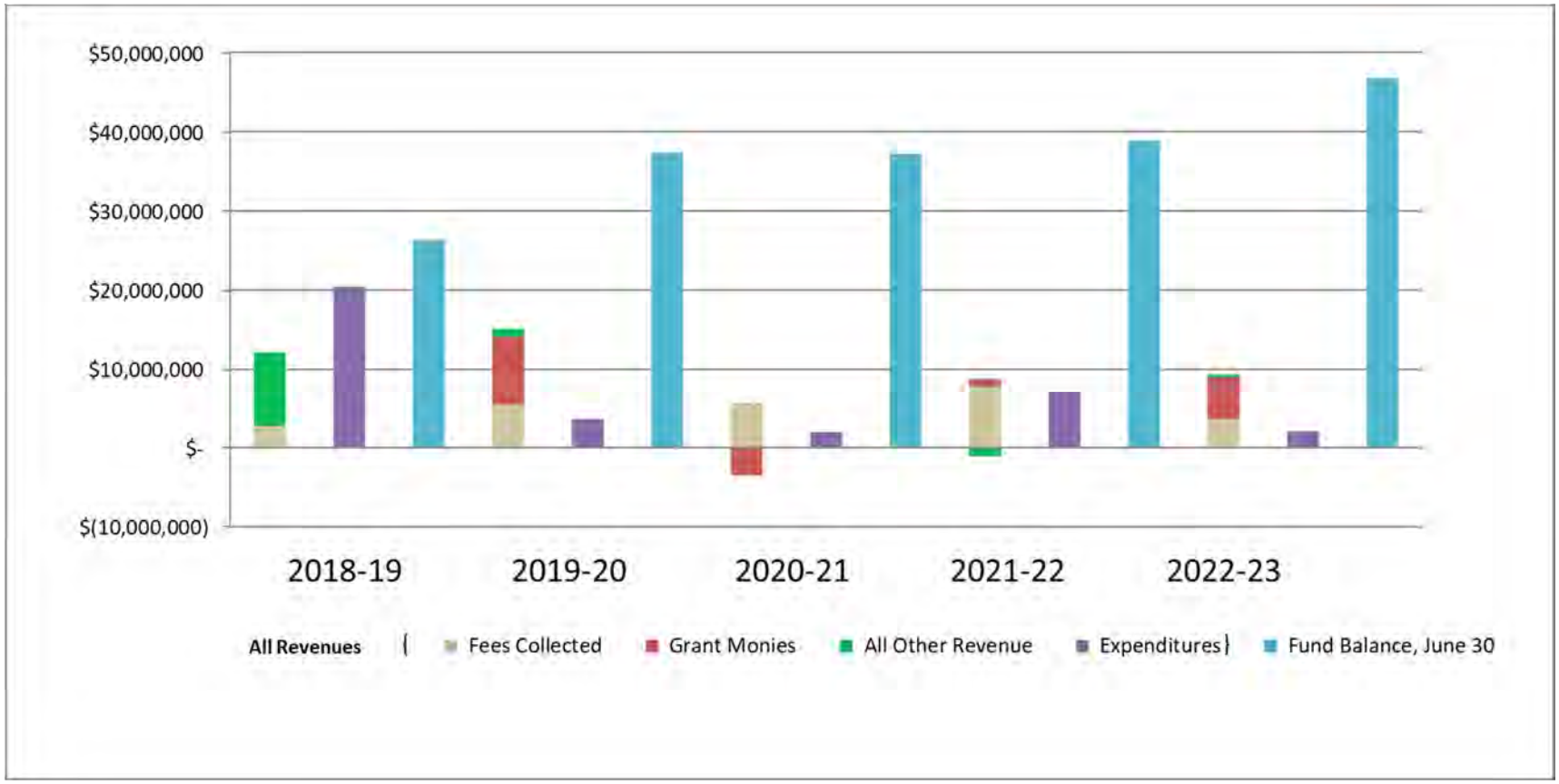
Fund	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	Five Year Total
FUND 3410 – STREETS						
Fees Collected	$ 1,600,387	$ 2,902,289	$ 3,522,904	$ 4,555,401	$ 2,463,578	**$ 15,044,559**
Grant Monies	$ -	$ 8,672,922	$ (3,495,247)	$ 948,142	$ 5,386,673	**$ 11,512,490**
All Other Revenue Sources	$ 9,190,803	$ 686,256	$ 26,665	$ (727,444)	$ 234,398	**$ 9,410,678**
Subtotal	**$10,791,190**	**$ 12,261,467**	**$ 54,322**	**$ 4,776,099**	**$ 8,084,649**	**$ 35,967,727**
FUND 3420 – PUBLIC TRANSPORTATION						
Fees Collected	$ 25,113	$ 45,152	$ 54,546	$ 70,380	$ 31,242	**$ 226,433**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 8,694	$ 13,128	$ 126	$ (13,976)	$ 5,417	**$ 13,389**
Subtotal	**$ 33,807**	**$ 58,280**	**$ 54,672**	**$ 56,404**	**$ 36,659**	**$ 239,822**
FUND 3430 – AIR QUALITY MITIGATION						
Fees Collected	$ 75,705	$ 161,162	$ 25,814	$ 3,528	$ -	**$ 266,209**
Grant Monies	$ -	$ 12,879	$ -	$ -	$ -	**$ 12,879**
All Other Revenue Sources	$ 31,056	$ 14,453	$ 113	$ (2,803)	$ -	**$ 42,819**
Subtotal	**$ 106,761**	**$ 188,494**	**$ 25,927**	**$ 725**	**$ -**	**$ 321,907**
FUND 3432 – PARKS AND AIR QUALITY						
Fees Collected		$ 500,440	$ 1,168,952	$ 2,243,935	$ 853,248	**$ 4,766,575**
Grant Monies		$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources		$ 11,826	$ 1,472	$ (263,233)	$ 71,969	**$ (177,966)**
Subtotal	**$ -**	**$ 512,266**	**$ 1,170,424**	**$ 1,980,702**	**$ 925,217**	**$ 4,588,609**
FUND 3440 – POLICE						
Fees Collected	$ 152,870	$ 300,057	$ 251,079	$ 360,120	$ 93,820	**$ 1,157,946**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 9,986	$ 20,163	$ (614)	$ (15,932)	$ 4,200	**$ 17,803**
Subtotal	**$ 162,856**	**$ 320,220**	**$ 250,465**	**$ 344,188**	**$ 98,020**	**$ 1,175,749**
FUND 3450 – FIRE						
Fees Collected	$ 61,022	$ 126,470	$ 125,491	$ 171,598	$ 55,766	**$ 540,347**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 5,361	$ 7,477	$ (141)	$ (7,738)	$ 1,811	**$ 6,770**
Subtotal	**$ 66,383**	**$ 133,947**	**$ 125,350**	**$ 163,860**	**$ 57,577**	**$ 547,117**
FUND 3460 – PARKS						
Fees Collected	$ 692,884	$ 1,121,876	$ 202,188	$ 8,847	$ -	**$ 2,025,795**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 146,123	$ 223,592	$ 1,393	$ (42,396)	$ -	**$ 328,712**
Subtotal	**$ 839,007**	**$ 1,345,468**	**$ 203,581**	**$ (33,549)**	**$ -**	**$ 2,354,507**
FUND 3470 – GENERAL GOVERNMENT						
Fees Collected	$ 86,494	$ 184,949	$ 190,097	$ 269,333	$ 77,225	**$ 808,098**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 7,511	$ 12,316	$ (408)	$ (9,820)	$ 2,826	**$ 12,425**
Subtotal	**$ 94,005**	**$ 197,265**	**$ 189,689**	**$ 259,513**	**$ 80,051**	**$ 820,523**
FUND 3480 – ADMINISTRATION						
Fees Collected	$ 54,770	$ 104,020	$ 110,676	$ 146,873	$ 65,283	**$ 481,622**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 1,700	$ 2,221	$ 61	$ (3,977)	$ 1,365	**$ 1,370**
Subtotal	**$ 56,470**	**$ 106,241**	**$ 110,737**	**$ 142,896**	**$ 66,648**	**$ 482,992**
TOTAL	**$12,150,479**	**$ 15,123,648**	**$ 2,185,167**	**$ 7,690,838**	**$ 9,348,821**	**$ 46,498,953**

Table 4: Five Year Expenditure History[3]

Fund	2018-19	2019-20	2020-21	2021-22	2022-23	Five Year Total
Fund 3410 – Streets	$ (19,909,526)	$ (3,308,019)	$ (1,752,997)	$ (3,914,103)	$ (1,125,606)	$ (30,010,251)
Fund 3420 – Public Transportation	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3430 – Air Quality Mitigation	$ (13,243)	$ (8,228)	$ (8,431)	$ -	$ -	$ (29,902)
Fund 3432 – Parks and Air Quality	$ -	$ -	$ -	$ -	$ (797,485)	$ (797,485)
Fund 3440 – Police	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3450 – Fire	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3460 – Parks	$ (428,046)	$ (201,162)	$ (140,487)	$ (103,046)	$ (89,292)	$ (962,033)
Fund 3470 – General Government	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3480 – Administration	$ (87,478)	$ (90,888)	$ (76,394)	$ (86,371)	$ (56,252)	$ (397,383)
TOTAL	**$ (20,438,293)**	**$ (3,608,297)**	**$ (1,978,309)**	**$ (4,103,520)**	**$ (2,068,635)**	**$ (32,197,054)**

[3] Financial data is current as of November 1, 2023.

Table 5: Five Year Revenue and Expenditure History[4]



[4] Financial data is current as of November 1, 2023.

Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable Fund	Applicant	Address	Agreement Start Date	Agreement End Date	Years Remaining	Balance as of 30-Jun-22	Payoffs	Outstanding Balance 30-Jun-23
Fund 3410 Streets	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 66,327.20	$ 14,586.38	$ 51,740.82
	Osiel & Karina Luna	108 Spencer Ave.[2]	10/29/2020	12/1/2026[3]	4	$ 3,331.30	$ -	$ 3,331.30
	Group 5 & Hiremath	3600 Dale Rd.[4]	8/17/2022	9/1/2027	5	$ 138,931.20	$ -	$ 138,931.20
	LPC Kiernan, LLC	1224 Kiernan Ave.	12/7/2022	12/1/2027	5	$ 447,227.52	$ -	$ 447,227.52
					Subtotal	**$ 655,817.22**	**$ 14,586.38**	**$ 641,230.84**
Fund 3420 Public Transportation	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 973.05	$ 213.98	$ 759.07
	Osiel & Karina Luna	108 Spencer Ave.[2]	10/29/2020	12/1/2026[3]	4	$ 35.57	$ -	$ 35.57
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	5	$ 2,016.00	$ -	$ 2,016.00
	LPC Kiernan, LLC	1224 Kiernan Ave.	12/7/2022	12/1/2027	5	$ 7,603.20	$ -	$ 7,603.20
					Subtotal	**$ 10,627.82**	**$ 213.98**	**$ 10,413.84**
Fund 3432 Parks and Air Quality	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 60,329.15	$ 13,267.32	$ 47,061.83
	Osiel & Karina Luna	108 Spencer Ave.[2]	10/29/2020	12/1/2026[3]	4	$ 594.74	$ -	$ 594.74
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	5	$ 126,403.20	$ -	$ 126,403.20
					Subtotal	**$ 187,327.09**	**$ 13,267.32**	**$ 174,059.77**
Fund 3440 Police	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 7,842.50	$ 1,724.69	$ 6,117.81
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	5	$ 11,232.00	$ -	$ 11,232.00
					Subtotal	**$ 19,074.50**	**$ 1,724.69**	**$ 17,349.81**
Fund 3450 Fire	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 2,556.07	$ 572.12	$ 1,983.95
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	5	$ 5,356.80	$ -	$ 5,356.80
					Subtotal	**$ 7,912.87**	**$ 572.12**	**$ 7,340.75**
Fund 3470 General Government	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 4,487.66	$ 986.91	$ 3,500.75
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	5	$ 9,417.60	$ -	$ 9,417.60
					Subtotal	**$ 13,905.26**	**$ 986.91**	**$ 12,918.35**
Fund 3480 Administration	1192 Norwegian Ave. LP	1192 Norwegian Ave.[1]	12/22/2021	1/1/2027	4	$ 2,236.57	$ 488.66	$ 1,747.91
	Osiel & Karina Luna	108 Spencer Ave.[2]	10/29/2020	12/1/2026[3]	4	$ 81.10	$ -	$ 81.10
	Group 5 & Hiremath	3600 Dale Rd.	8/17/2022	9/1/2027	5	$ 4,723.20	$ -	$ 4,723.20
	LPC Kiernan, LLC	1224 Kiernan Ave.	12/7/2022	12/1/2027	5	$ 5,068.80	$ -	$ 5,068.80
					Subtotal	**$ 12,109.67**	**$ 488.66**	**$ 11,621.01**
					TOTAL	**$ 906,774.43**	**$ 31,840.06**	**$ 874,934.37**

1: This applicant deferred CFF, Water, and Wastewater. This amount only reflects CFF Fees deferred.
2: The applicant's address was changed to 108 Spencer Ave., previously 605 Maze Blvd.
3: On March 30, 2023, a Deferral of Installment on the payment #2 was completed, extending the Deferral Agreement by one additional year, adding payment #2 to the end of the loan. This was requested by the applicant and approved by Infrastructure Financing Prpgram Supervisor.
4: This applicant deferred CFF, Water, and Wastewater. This amount only reflects CFF Fees deferred.

Table 7a: Low Income Deferrals/Exemptions

Fund	Applicant / Project	CFF Due	CFF Credit	CFF Paid
Fund 3410	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 28,944.00	$ (28,944.00)	$ -
Streets	Stanislaus Regional Housing Authority 413 Vine St.	$ 168,840.00	$ (168,840.00)	$ -
Subtotal		$ 197,784.00	$ (197,784.00)	$ -
Fund 3420	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 420.00	$ (420.00)	$ -
Public Transportation	Stanislaus Regional Housing Authority 413 Vine St.	$ 2,450.00	$ (2,450.00)	$ -
Subtotal		$ 2,870.00	$ (2,870.00)	$ -
Fund 3432	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 26,334.00	$ (26,334.00)	$ -
Parks and Air Quality	Stanislaus Regional Housing Authority 413 Vine St.	$ 153,615.00	$ (153,615.00)	$ -
Subtotal		$ 179,949.00	$ (179,949.00)	$ -
Fund 3440	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 2,340.00	$ (2,340.00)	$ -
Police	Stanislaus Regional Housing Authority 413 Vine St.	$ 13,650.00	$ (13,650.00)	$ -
Subtotal		$ 15,990.00	$ (15,990.00)	$ -
Fund 3450	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 1,116.00	$ (1,116.00)	$ -
Fire	Stanislaus Regional Housing Authority 413 Vine St.	$ 6,510.00	$ (6,510.00)	$ -
Subtotal		$ 7,626.00	$ (7,626.00)	$ -
Fund 3470	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 1,962.00	$ (1,962.00)	$ -
General Govt.	Stanislaus Regional Housing Authority 413 Vine St.	$ 11,445.00	$ (11,445.00)	$ -
Subtotal		$ 13,407.00	$ (13,407.00)	$ -
Fund 3480	Stanislaus County Affordable Housing Corporation 835 California Ave.	$ 984.00	$ (984.00)	$ -
Administration	Stanislaus Regional Housing Authority 413 Vine St.	$ 5,740.00	$ (5,740.00)	$ -
Subtotal		$ 6,724.00	$ (6,724.00)	$ -
TOTAL	**Total**	$ 424,350.00	$ (424,350.00)	$ -

Table 7b: Refunds

Fund	Applicant / Project	CFF Due	CFF Credit	CFF Paid
Fund 3410	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 2,471.62	$ (2,471.62)	$ -
Streets	CT Brayton & Sons Inc. - 4324 Leckron Road	$ 53,826.49	$ (53,826.49)	$ -
Subtotal		$ 56,298.11	$ (56,298.11)	$ -
Fund 3420	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 35.91	$ (35.91)	$ -
Public Transportation	CT Brayton & Sons Inc. - 4324 Leckron Road	$ 585.82	$ (585.82)	$ -
Subtotal		$ 621.73	$ (621.73)	$ -
Fund 3432	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 2,263.79	$ (2,263.79)	$ -
Parks & Air Quality			$ -	$ -
Subtotal		$ 2,263.79	$ (2,263.79)	$ -
Fund 3440	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 229.59	$ (229.59)	$ -
Police			$ -	$ -
Subtotal		$ 229.59	$ (229.59)	$ -
Fund 3450	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 143.08	$ (143.08)	$ -
Fire			$ -	$ -
Subtotal		$ 143.08	$ (143.08)	$ -
Fund 3470	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 189.33	$ (189.33)	$ -
General Government			$ -	$ -
Subtotal		$ 189.33	$ (189.33)	$ -
Fund 3480	Winni Lin & Tsang Liu - 2513 Barola Lane	$ 107.18	$ (107.18)	$ -
Administration	CT Brayton & Sons Inc. - 4324 Leckron Road	$ 845.23	$ (845.23)	$ -
Subtotal		$ 952.41	$ (952.41)	$ -
TOTAL	**Total**	$ 60,698.04	$ (60,698.04)	$ -

Table 8: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410 Streets	307 California Ave.	$ 5,266.87	$ (5,266.87)	$ -
	501 Rose Ave. Unit 1	$ 5,266.87	$ (5,266.87)	$ -
	501 Rose Ave. Unit 2	$ 5,266.87	$ (5,266.87)	$ -
	611 N. Franklin St.	$ 2,681.84	$ (2,681.84)	$ -
	815 Kansas Ave.	$ 45,529.75	$ (6,174.30)	$ 39,355.45
	1217 Standiford Ave.	$ 27,441.34	$ (27,441.34)	$ -
	1400 Coffee Rd.	$ 85,102.45	$ (30,751.44)	$ 54,351.01
	2080 W Briggsmore Ave.	$ 32,918.17	$ (17,299.48)	$ 15,618.69
	2133 Yosemite Blvd.	$ 10,507.74	$ (10,507.74)	$ -
	3044 Celebrity Ln.	$ 5,266.87	$ (5,266.87)	$ -
	3905 Peacock Ln.	$ 7,604.98	$ (7,604.98)	$ -
Subtotal		$ 232,853.75	$ (123,528.60)	$ 109,325.15
Fund 3420 Public Transportation	307 California Ave.	$ 76.84	$ (76.84)	$ -
	501 Rose Ave. Unit 1	$ 76.84	$ (76.84)	$ -
	501 Rose Ave. Unit 2	$ 76.84	$ (76.84)	$ -
	611 N. Franklin St.	$ 47.15	$ (47.15)	$ -
	815 Kansas Ave.	$ 904.75	$ (122.69)	$ 782.06
	1217 Standiford Ave.	$ 545.30	$ (545.30)	$ -
	1400 Coffee Rd.	$ 1,691.12	$ (611.08)	$ 1,080.04
	2080 W Briggsmore Ave.	$ 654.14	$ (343.77)	$ 310.37
	2133 Yosemite Blvd.	$ 208.81	$ (208.81)	$ -
	3044 Celebrity Ln.	$ 76.84	$ (76.84)	$ -
	3905 Peacock Ln.	$ 110.48	$ (110.48)	$ -
Subtotal		$ 4,469.11	$ (2,296.64)	$ 2,172.47
Fund 3432 Parks and Air Quality	307 California Ave.	$ 4,792.27	$ (4,792.27)	$ -
	501 Rose Ave. Unit 1	$ 4,792.27	$ (4,792.27)	$ -
	501 Rose Ave. Unit 2	$ 4,792.27	$ (4,792.27)	$ -
	3044 Celebrity Ln.	$ 4,792.27	$ (4,792.27)	
	3905 Peacock Ln.	$ 6,965.51	$ (6,965.51)	$ -
Subtotal		$ 26,134.59	$ (26,134.59)	$ -
Fund 3440 Police	307 California Ave.	$ 426.01	$ (426.01)	$ -
	501 Rose Ave. Unit 1	$ 426.01	$ (426.01)	$ -
	501 Rose Ave. Unit 2	$ 426.01	$ (426.01)	$ -
	611 N. Franklin St.	$ 195.10	$ (195.10)	$ -
	815 Kansas Ave.	$ 761.40	$ (103.25)	$ 658.15
	1217 Standiford Ave.	$ 458.90	$ (458.90)	$ -
	1400 Coffee Rd.	$ 1,423.17	$ (514.26)	$ 908.91
	2080 W Briggsmore Ave.	$ 550.49	$ (289.30)	$ 261.19
	2133 Yosemite Blvd.	$ 175.72	$ (175.72)	$ -
	3044 Celebrity Ln.	$ 426.01	$ (426.01)	$ -
	3905 Peacock Ln.	$ 706.43	$ (706.43)	$ -
Subtotal		$ 5,975.25	$ (4,147.00)	$ 1,828.25
Fund 3450 Fire	307 California Ave.	$ 203.40	$ (203.40)	$ -
	501 Rose Ave. Unit 1	$ 203.40	$ (203.40)	$ -
	501 Rose Ave. Unit 2	$ 203.40	$ (203.40)	$ -
	611 N. Franklin St.	$ 92.99	$ (92.99)	$ -
	815 Kansas Ave.	$ 370.80	$ (50.28)	$ 320.52
	1217 Standiford Ave.	$ 223.49	$ (223.49)	$ -
	1400 Coffee Rd.	$ 693.09	$ (250.45)	$ 442.64
	2080 W Briggsmore Ave.	$ 268.09	$ (140.89)	$ 127.20
	2133 Yosemite Blvd.	$ 85.58	$ (85.58)	$ -
	3044 Celebrity Ln.	$ 203.40	$ (203.40)	$ -
	3905 Peacock Ln.	$ 440.26	$ (440.26)	$ -
Subtotal		$ 2,987.90	$ (2,097.54)	$ 890.36

Table 8, cont'd: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3470	307 California Ave.	$ 357.07	$ (357.07)	$ -
General	501 Rose Ave. Unit 1	$ 357.07	$ (357.07)	$ -
Government	501 Rose Ave. Unit 2	$ 357.07	$ (357.07)	$ -
	611 N. Franklin St.	$ 162.25	$ (162.25)	$ -
	815 Kansas Ave.	$ 642.73	$ (87.16)	$ 555.57
	1217 Standiford Ave.	$ 387.38	$ (387.38)	$ -
	1400 Coffee Rd.	$ 1,201.37	$ (434.11)	$ 767.26
	2080 W Briggsmore Ave.	$ 464.70	$ (244.21)	$ 220.49
	2133 Yosemite Blvd.	$ 148.34	$ (148.34)	$ -
	3044 Celebrity Ln.	$ 357.07	$ (357.07)	$ -
	3905 Peacock Ln.	$ 582.55	$ (582.55)	$ -
Subtotal		$ 5,017.60	$ (3,474.28)	$ 1,543.32
Fund 3480	307 California Ave.	$ 178.54	$ (178.54)	$ -
Administration	501 Rose Ave. Unit 1	$ 178.54	$ (178.54)	$ -
	501 Rose Ave. Unit 2	$ 178.54	$ (178.54)	$ -
	611 N. Franklin St.	$ 72.71	$ (72.71)	$ -
	815 Kansas Ave.	$ 1,231.08	$ (166.95)	$ 1,064.13
	1217 Standiford Ave.	$ 741.98	$ (741.98)	$ -
	1400 Coffee Rd.	$ 2,301.08	$ (831.49)	$ 1,469.59
	2080 W Briggsmore Ave.	$ 890.07	$ (467.76)	$ 422.31
	2133 Yosemite Blvd.	$ 284.12	$ (284.12)	$ -
	3044 Celebrity Ln.	$ 178.54	$ (178.54)	$ -
	3905 Peacock Ln.	$ 329.79	$ (329.79)	$ -
Subtotal		$ 6,564.99	$ (3,608.96)	$ 2,956.03
TOTAL		$ 284,003.19	$ (165,287.61)	$ 118,715.58

Table 9: Transfers within Capital Facilities Fees Funds[5]

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3410 - Streets	Transfer Out - Fund 3160 - Pavement Rehabilitation of Crows Landing Rd., Pelandale Ave. & Standiford Ave.			$ (3,900)
	Transfer Out - Fund 3160 - Pelandale Ave. Interchange - Phase II			$ (105,227)
	Transfer Out - Fund 3160 - SR 132 West Expressway - Reversal due to State Funding on project invoices[1]			$ 1,576,801
				$ 1,467,674
Fund 3420 - Public Transportation				$ -
				$ -
Fund 3430 - Air Quality	Transfer Out - Fund 3432 - Currently Active Parks & Air Quality Fund			$ (507,624)
				$ (507,624)
Fund 3432 - Parks & Air Quality	Transfer Out - Fund 3140 - Dry Creek to TRRP Trail Connection			$ (58,709)
	Transfer Out - Fund 6710-TRRP River Pavilion			$ (576)
	Transfer In - Fund 3430 - Inactive Air Quality Fund, Balancing out inactive fund			$ 507,624
	Transfer In - Fund 3460 - Inactive Parks Fund, Balancing out inactive fund			$ 4,303,980
				$ 4,752,320
Fund 3440 - Police	Transfer Out - Fund 0100 - Police Department Headquarters			$ (400,000)
				$ (400,000)
Fund 3450 - Fire	Transfer Out - Fund 0100 - Fire Station #11			$ (210,000)
				$ (210,000)

1: Reimbursement by State Funding to Fund 3410 Streets for State Route 132 Project

[5] Financial data is current as of November 1, 2023.

Table 9, cont'd: Transfers within Capital Facilities Fees Funds

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3460 - Parks	Transfer Out - Fund 3432 - Currently Active Parks & Air Quality Fund			$ (4,303,980)
	Transfer Out- Fund 3460- Mary E. Grogan Community Park Maintenance Facility Building			$ (8)
				$ (4,303,988)
Fund 3470 - General Government	Transfer Out - Fund 0100 - 2008 Lease Revenue Bonds paid through 2034			$ (275,000)
				$ (275,000)
Fund 3480 - Administration				
				$ -
			TOTAL	**$ 523,381**

Table 10: Capital Improvement Program (CIP) Expenditures[6]

Fund	CIP Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Expenses up to June 30, 2022	Committed Funds	FY 2022/23 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100046	Pelandale Interch at SR99	71%	29%	$ 9,509,987	$ 8,801,056	$ 381,528	$ 628	$ 326,775	2014/15	2024/25
	100048	Claratina/McHenry Plan Lane	100%	0%	$ 341,500	$ 39,005	$ -	$ -	$ 302,495	2022/23	2025/26
	100051	Claratina: McHenry/Coffee 4 Ln	100%	0%	$ 6,062,911	$ 4,180,711	$ 585,466	$ -	$ 1,296,734	2023/24	2026/27
	100586	CED - 7th St Bridge Tuolumne	86%	14%	$ 1,401,911	$ 469,422	$ -	$ 58,231	$ 874,259	2022/23	2026/27
	100614	State Route 132 W. Express	26%	74%	$ 34,540,705	$ 32,730,270	$ 184,046	$ 767,075	$ 859,313	2019/20	2024/25
	100944	Tuolumne, 7th & B Intersection	100%	0%	$ 350,000	$ 508	$ -	$ -	$ 349,492	2022/23	2025/26
	100945	Hetch-Hetchy Crossing	100%	0%	$ 5,070,000	$ 465,014	$ 93,307	$ 16,650	$ 4,495,029	2022/23	2025/26
	101181	Claus Road Plan Line	100%	0%	$ 250,000	$ -	$ 2,750	$ 846	$ 246,404	2023/24	2025/26
	101182	Standiford Interchange PID	85%	15%	$ 7,098,000	$ (16,761)	$ 6,450,665	$ 281,465	$ 382,631	2028/29	2029/30
Subtotal								$ 1,124,895			
Fund 3460 Parks	101017	Mary Grogan Park - Phase 2	100%	0%	$ 3,963,588	$ 123,146	$ 93,724	$ 89,910	$ 3,656,809	2022/23	2024/25
Subtotal								$ 89,910			
TOTAL								$ 1,214,804			

[6] Financial data is current as of November 1, 2023.

Table 11: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410	103 Roselawn Ave	$ 5,266.87	$ (5,266.87)	$ -
Streets	105 Lita Ct.	$ 5,266.87	$ (5,266.87)	$ -
	106 Pine St.	$ 5,266.87	$ (5,266.87)	$ -
	118 Lane St.	$ 5,266.87	$ (5,266.87)	$ -
	118 Walden St.	$ 5,266.87	$ (5,266.87)	$ -
	135 Lee St.	$ 7,604.98	$ (2,889.89)	$ 4,715.09
	145 Almond Ave.	$ 5,266.87	$ (5,266.87)	$ -
	151 San Juan Dr.	$ 5,266.87	$ (5,266.87)	$ -
	201 Camellia Way	$ 5,266.87	$ (5,266.87)	$ -
	209 Robin Hood Dr	$ 5,266.87	$ (5,266.87)	$ -
	206 Barozzi Ave.	$ 5,266.87	$ (5,266.87)	$ -
	207 San Juan Dr.	$ 5,266.87	$ (5,266.87)	$ -
	218 Oak St.	$ 5,266.87	$ (5,266.87)	$ -
	230 Maple St.	$ 5,266.87	$ (5,266.87)	$ -
	305 Ruberto St.	$ 5,266.87	$ (5,266.87)	$ -
	310 Maple Dr.	$ 5,266.87	$ (5,266.87)	$ -
	309 Ruberto St.	$ 5,266.87	$ (5,266.87)	$ -
	312 School Ave.	$ 5,266.87	$ (5,266.87)	$ -
	314 Alturas Ave.	$ 5,266.87	$ (5,266.87)	$ -
	318 Alturas Ave	$ 5,266.87	$ (5,266.87)	$ -
	319 Bruce Ave.	$ 5,266.87	$ (5,266.87)	$ -
	321 Kavanagh Ave.	$ 5,266.87	$ (5,266.87)	$ -
	324 Covena Ave.	$ 5,266.87	$ (5,266.87)	$ -
	324 High St.	$ 5,266.87	$ (5,266.87)	$ -
	328 Roselawn Ave.	$ 5,266.87	$ (5,266.87)	$ -
	411 Palm Ave.	$ 5,266.87	$ (5,266.87)	$ -
	415 Hackberry Ave.	$ 5,266.87	$ (5,266.87)	$ -
	435 Colorado Ave.	$ 5,266.87	$ (5,266.87)	$ -
	521 El Cajon Ave.	$ 5,266.87	$ (5,266.87)	$ -
	602 El Paso Ave.	$ 5,266.87	$ -	$ 5,266.87
	604 Fall River Dr	$ 5,266.87	$ (5,266.87)	$ -
	613 Brookvale Dr.	$ 7,604.98	$ (3,783.48)	$ 3,821.50
	717 1/2 Empire St.	$ 5,266.87	$ (5,266.87)	$ -
	717 1/2 Empire St.	$ 5,266.87	$ (5,266.87)	$ -
	900 Parkside Ct.	$ 5,266.87	$ (5,266.87)	$ -
	908 Enslen Ave.	$ 5,266.87	$ (5,266.87)	$ -
	908 Lenore Ct.	$ 5,266.87	$ (5,266.87)	$ -
	916 Mandana Ct.	$ 5,266.87	$ (5,266.87)	$ -
	964 Long Ct.	$ 5,266.87	$ (5,266.87)	$ -
	1003 Coldwell Ave	$ 5,266.87	$ (5,266.87)	$ -
	1016 4th St.	$ 5,266.87	$ (5,266.87)	$ -
	1025 Hackberry Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1100 Harbert Ln.	$ 5,266.87	$ (5,266.87)	$ -
	1101 E. Rumble Rd.	$ 5,266.87	$ (5,266.87)	$ -
	1109 E. Fairmont Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1112 Valeriewood Way	$ 5,266.87	$ (5,266.87)	$ -
	1120 Allen Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1124 Columbia Way	$ 5,266.87	$ (5,266.87)	$ -
	1214 Bowie Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1240 Enseln. Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1300 Buccaneer Ct.	$ 5,266.87	$ (5,266.87)	$ -
	1307 Sunland Way	$ 7,604.98	$ (2,517.25)	$ 5,087.73
	1402 Chapala Way	$ 5,266.87	$ (5,266.87)	$ -
	1406 Oregon Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1434 Oakwood Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1441 Woodside Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1506 Lorry Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1513 Victor Way	$ 5,266.87	$ (5,266.87)	$ -
	1516 Ensenada Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1533 W. Orangeburg Ave.	$ 5,266.87	$ -	$ 5,266.87
	1539 Montclair Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1544 Tudor Ct.	$ 5,266.87	$ (5,266.87)	$ -
	1603 Rouse Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1604 Rose Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1636 1/2 Sheldon Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1655 Honeysuckle Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1702 College Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1707 Elizabeth Ave.	$ 5,266.87	$ (5,266.87)	$ -
	1730 Donald St.	$ 5,951.75	$ (5,951.75)	$ -
	1744 Olympia St.	$ 5,951.75	$ -	$ 5,951.75
	1801 Lauralee Ct.	$ 5,266.87	$ (5,266.87)	$ -
	1831 Grimes Ave.	$ 8,268.52	$ (4,332.70)	$ 3,935.82
	1909 Ironside Dr.	$ 5,266.87	$ (5,266.87)	$ -
	1909 Tully Rd.	$ 5,266.87	$ (5,266.87)	$ -
	2013 Peggy Ln.	$ 5,266.87	$ (5,266.87)	$ -
	2013 Robertson Rd.	$ 5,266.87	$ (5,266.87)	$ -
	2111 Aloha Way	$ 5,266.87	$ (5,266.87)	$ -
	2112 Eicher Ave.	$ 5,266.87	$ (5,266.87)	$ -
	2251 Lambert St.	$ 5,266.87	$ (5,266.87)	$ -
	2409 Tallent Dr.	$ 5,266.87	$ (5,266.87)	$ -
	2513 Barola Ln.	$ 5,266.87	$ (5,266.87)	$ -
	2518 Brenner Way	$ 5,266.87	$ (5,266.87)	$ -
	2521 Crommelin Ave.	$ 5,266.87	$ (5,266.87)	$ -
	2704 Garvey Ave.	$ 5,266.87	$ (5,266.87)	$ -
	2708 Aston Ct.	$ 5,266.87	$ (5,266.87)	$ -
	2720 Sparks Way	$ 5,266.87	$ (5,266.87)	$ -
	2722 Sparks Way	$ 5,266.87	$ (5,266.87)	$ -
	2900 Scenic Bend	$ 7,604.98	$ (5,432.24)	$ 2,172.74
	3420 St. Embridge Ave.	$ 5,266.87	$ (5,266.87)	$ -
	3520 Highmore Ln.	$ 5,266.87	$ (5,266.87)	$ -
	3840 Fensom Way	$ 5,266.87	$ (5,266.87)	$ -
	4513 Roselle Ave.	$ 8,268.52	$ (6,036.02)	$ 2,232.50
Subtotal		$ 501,277.54	$ (462,826.67)	$ 38,450.87

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3420	103 Roselawn Ave	$ 76.84	$ (76.84)	$ -
Public	105 Lita Ct.	$ 76.84	$ (76.84)	$ -
Transportation	106 Pine St.	$ 76.84	$ (76.84)	$ -
	118 Lane St.	$ 76.84	$ (76.84)	$ -
	118 Walden St.	$ 76.84	$ (76.84)	$ -
	135 Lee St.	$ 110.48	$ (41.98)	$ 68.50
	145 Almond Ave.	$ 76.84	$ (76.84)	$ -
	151 San Juan Dr.	$ 76.84	$ (76.84)	$ -
	201 Camellia Way	$ 76.84	$ (76.84)	$ -
	206 Barozzi Ave.	$ 76.84	$ (76.84)	$ -
	209 Robin Hood Dr	$ 76.84	$ (76.84)	$ -
	218 Oak St.	$ 76.84	$ (76.84)	$ -
	207 San Juan Dr.	$ 76.84	$ (76.84)	$ -
	230 Maple St.	$ 76.84	$ (76.84)	$ -
	305 Ruberto St.	$ 76.84	$ (76.84)	$ -
	310 Maple Dr.	$ 76.84	$ (76.84)	$ -
	309 Ruberto St.	$ 76.84	$ (76.84)	$ -
	312 School Ave.	$ 76.84	$ (76.84)	$ -
	314 Alturas Ave.	$ 76.84	$ (76.84)	$ -
	318 Alturas Ave	$ 76.84	$ (76.84)	$ -
	319 Bruce Ave.	$ 76.84	$ (76.84)	$ -
	321 Kavanagh Ave.	$ 76.84	$ (76.84)	$ -
	324 Covena Ave.	$ 76.84	$ (76.84)	$ -
	324 High St.	$ 76.84	$ (76.84)	$ -
	328 Roselawn Ave.	$ 76.84	$ (76.84)	$ -
	411 Palm Ave.	$ 76.84	$ (76.84)	$ -
	415 Hackberry Ave.	$ 76.84	$ (76.84)	$ -
	435 Colorado Ave.	$ 76.84	$ (76.84)	$ -
	521 El Cajon Ave.	$ 76.84	$ (76.84)	$ -
	602 El Paso Ave.	$ 76.84	$ -	$ 76.84
	604 Fall River Dr	$ 76.84	$ (76.84)	$ -
	613 Brookvale Dr.	$ 110.48	$ (54.96)	$ 55.52
	717 1/2 Empire St.	$ 76.84	$ (76.84)	$ -
	717 1/2 Empire St.	$ 76.84	$ (76.84)	$ -
	900 Parkside Ct.	$ 76.84	$ (76.84)	$ -
	908 Enslen Ave.	$ 76.84	$ (76.84)	$ -
	908 Lenore Ct.	$ 76.84	$ (76.84)	$ -
	916 Mandana Ct.	$ 76.84	$ (76.84)	$ -
	964 Long Ct.	$ 76.84	$ (76.84)	$ -
	1003 Coldwell Ave	$ 76.84	$ (76.84)	$ -
	1016 4th St.	$ 76.84	$ (76.84)	$ -
	1025 Hackberry Ave.	$ 76.84	$ (76.84)	$ -
	1100 Harbert Ln.	$ 76.84	$ (76.84)	$ -
	1101 E. Rumble Rd.	$ 76.84	$ (76.84)	$ -
	1109 E. Fairmont Ave.	$ 76.84	$ (76.84)	$ -
	1112 Valeriewood Way	$ 76.84	$ (76.84)	$ -
	1120 Allen Dr.	$ 76.84	$ (76.84)	$ -
	1124 Columbia Way	$ 76.84	$ (76.84)	$ -
	1214 Bowie Ave.	$ 76.84	$ (76.84)	$ -
	1240 Enseln. Ave.	$ 76.84	$ (76.84)	$ -
	1300 Buccaneer Ct.	$ 76.84	$ (76.84)	$ -
	1307 Sunland Way	$ 110.48	$ (36.57)	$ 73.91
	1402 Chapala Way	$ 76.84	$ (76.84)	$ -
	1406 Oregon Dr.	$ 76.84	$ (76.84)	$ -
	1434 Oakwood Dr.	$ 76.84	$ (76.84)	$ -
	1441 Woodside Dr.	$ 76.84	$ (76.84)	$ -
	1506 Lorry Ave.	$ 76.84	$ (76.84)	$ -
	1513 Victor Way	$ 76.84	$ (76.84)	$ -
	1516 Ensenada Dr.	$ 76.84	$ (76.84)	$ -
	1533 W. Orangeburg Ave.	$ 76.84	$ -	$ 76.84
	1539 Montclair Dr.	$ 76.84	$ (76.84)	$ -
	1544 Tudor Ct.	$ 76.84	$ (76.84)	$ -
	1603 Rouse Ave.	$ 76.84	$ (76.84)	$ -
	1604 Rose Ave.	$ 76.84	$ (76.84)	$ -
	1636 1/2 Sheldon Dr.	$ 76.84	$ (76.84)	$ -
	1655 Honeysuckle Dr.	$ 76.84	$ (76.84)	$ -
	1702 College Ave.	$ 76.84	$ (76.84)	$ -
	1707 Elizabeth Ave.	$ 76.84	$ (76.84)	$ -
	1730 Donald St.	$ 62.56	$ (62.56)	$ -
	1744 Olympia St.	$ 62.56	$ -	$ 62.56
	1801 Lauralee Ct.	$ 76.84	$ (76.84)	$ -
	1831 Grimes Ave.	$ 88.12	$ (46.17)	$ 41.95
	1909 Ironside Dr.	$ 76.84	$ (76.84)	$ -
	1909 Tully Rd.	$ 76.84	$ (76.84)	$ -
	2013 Peggy Ln.	$ 76.84	$ (76.84)	$ -
	2013 Robertson Rd.	$ 76.84	$ (76.84)	$ -
	2111 Alona Way	$ 76.84	$ (76.84)	$ -
	2112 Eicher Ave.	$ 76.84	$ (76.84)	$ -
	2251 Lambert St.	$ 76.84	$ (76.84)	$ -
	2409 Tallent Dr.	$ 76.84	$ (76.84)	$ -
	2513 Barola Ln.	$ 76.84	$ (76.84)	$ -
	2516 Brenner Way	$ 76.84	$ (76.84)	$ -
	2521 Crommelin Ave.	$ 76.84	$ (76.84)	$ -
	2704 Garvey Ave.	$ 76.84	$ (76.84)	$ -
	2708 Aston Ct.	$ 76.84	$ (76.84)	$ -
	2720 Sparks Way	$ 76.84	$ (76.84)	$ -
	2722 Sparks Way	$ 76.84	$ (76.84)	$ -
	2900 Scenic Bend	$ 110.48	$ (78.92)	$ 31.56
	3420 St. Emonage Ave.	$ 76.84	$ (76.84)	$ -
	3520 Highmore Ln.	$ 76.84	$ (76.84)	$ -
	3840 Fensom Way	$ 76.84	$ (76.84)	$ -
	4513 Roselle Ave.	$ 88.12	$ (64.33)	$ 23.79
Subtotal		$ 7,197.84	$ (6,686.37)	$ 511.47

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3432	103 Roselawn Ave	$ 4,792.27	$ (4,792.27)	$ -
Parks and Air	105 Lita Ct.	$ 4,792.27	$ (4,792.27)	$ -
Quality	106 Pine St.	$ 4,792.27	$ (4,792.27)	$ -
	118 Lane St.	$ 4,792.27	$ (4,792.27)	$ -
	118 Walden St.	$ 4,792.27	$ (4,792.27)	$ -
	135 Lee St.	$ 6,965.51	$ (2,646.89)	$ 4,318.62
	145 Almond Ave.	$ 4,792.27	$ (4,792.27)	$ -
	151 San Juan Dr.	$ 4,792.27	$ (4,792.27)	$ -
	201 Camellia Way	$ 4,792.27	$ (4,792.27)	$ -
	206 Barozzi Ave.	$ 4,792.27	$ (4,792.27)	$ -
	207 San Juan Dr.	$ 4,792.27	$ (4,792.27)	$ -
	209 Robin Hood Dr	$ 4,792.27	$ (4,792.27)	$ -
	218 Oak St.	$ 4,792.27	$ (4,792.27)	$ -
	230 Maple St.	$ 4,792.27	$ (4,792.27)	$ -
	305 Ruberto St.	$ 4,792.27	$ (4,792.27)	$ -
	310 Maple Dr.	$ 4,792.27	$ (4,792.27)	$ -
	309 Ruberto St.	$ 4,792.27	$ (4,792.27)	$ -
	312 School Ave.	$ 4,792.27	$ (4,792.27)	$ -
	314 Alturas Ave.	$ 4,792.27	$ (4,792.27)	$ -
	318 Alturas Ave	$ 4,792.27	$ (4,792.27)	$ -
	319 Bruce Ave.	$ 4,792.27	$ (4,792.27)	$ -
	321 Kavanagh Ave.	$ 4,792.27	$ (4,792.27)	$ -
	324 Covena Ave.	$ 4,792.27	$ (4,792.27)	$ -
	324 High St.	$ 4,792.27	$ (4,792.27)	$ -
	328 Roselawn Ave.	$ 4,792.27	$ (4,792.27)	$ -
	411 Palm Ave.	$ 4,792.27	$ (4,792.27)	$ -
	415 Hackberry Ave.	$ 4,792.27	$ (4,792.27)	$ -
	435 Colorado Ave.	$ 4,792.27	$ (4,792.27)	$ -
	521 El Cajon Ave.	$ 4,792.27	$ (4,792.27)	$ -
	602 El Paso Ave.	$ 4,792.27	$ -	$ 4,792.27
	604 Fall River Dr	$ 4,792.27	$ (4,792.27)	$ -
	613 Brookvale Dr.	$ 6,965.51	$ (3,465.34)	$ 3,500.17
	717 1/2 Empire St.	$ 4,792.27	$ (4,792.27)	$ -
	717 1/2 Empire St.	$ 4,792.27	$ (4,792.27)	$ -
	900 Parkside Ct.	$ 4,792.27	$ (4,792.27)	$ -
	908 Enslen Ave.	$ 4,792.27	$ (4,792.27)	$ -
	908 Lenore Ct.	$ 4,792.27	$ (4,792.27)	$ -
	916 Mandana Ct.	$ 4,792.27	$ (4,792.27)	$ -
	964 Long Ct.	$ 4,792.27	$ (4,792.27)	$ -
	1003 Coldwell Ave	$ 4,792.27	$ (4,792.27)	$ -
	1016 4th St.	$ 4,792.27	$ (4,792.27)	$ -
	1025 Hackberry Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1100 Harbert Ln.	$ 4,792.27	$ (4,792.27)	$ -
	1101 E. Rumble Rd.	$ 4,792.27	$ (4,792.27)	$ -
	1109 E. Fairmont Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1112 Valeriewood Way	$ 4,792.27	$ (4,792.27)	$ -
	1120 Allen Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1124 Columbia Way	$ 4,792.27	$ (4,792.27)	$ -
	1214 Bowie Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1240 Enseln. Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1307 Sunland Way	$ 6,965.51	$ (2,305.58)	$ 4,659.93
	1402 Chapala Way	$ 4,792.27	$ (4,792.27)	$ -
	1406 Oregon Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1434 Oakwood Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1441 Woodside Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1506 Lorry Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1513 Victor Way	$ 4,792.27	$ (4,792.27)	$ -
	1516 Ensenada Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1533 W. Orangeburg Ave.	$ 4,792.27	$ -	$ 4,792.27
	1539 Montclair Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1544 Tudor Ct.	$ 4,792.27	$ (4,792.27)	$ -
	1603 Rouse Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1604 Rose Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1636 1/2 Sheldon Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1655 Honeysuckle Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1702 College Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1707 Elizabeth Ave.	$ 4,792.27	$ (4,792.27)	$ -
	1730 Donald St.	$ 1,062.51	$ (1,062.51)	$ -
	1744 Olympia St.	$ 1,062.51	$ -	$ 1,062.51
	1801 Lauralee Ct.	$ 4,792.27	$ (4,792.27)	$ -
	1831 Grimes Ave.	$ 1,676.25	$ (878.36)	$ 797.89
	1909 Ironside Dr.	$ 4,792.27	$ (4,792.27)	$ -
	1909 Tully Rd.	$ 4,792.27	$ (4,792.27)	$ -
	2013 Peggy Ln.	$ 4,792.27	$ (4,792.27)	$ -
	2013 Robertson Rd	$ 4,792.27	$ (4,792.27)	$ -
	2111 Aloha Way	$ 4,792.27	$ (4,792.27)	$ -
	2112 Ficher Ave.	$ 4,792.27	$ (4,792.27)	$ -
	2251 Lambert St.	$ 4,792.27	$ (4,792.27)	$ -
	2409 Tallent Dr.	$ 4,792.27	$ (4,792.27)	$ -
	2513 Barola Ln.	$ 4,792.27	$ (4,792.27)	$ -
	2518 Brenner Way	$ 4,792.27	$ (4,792.27)	$ -
	2521 Crommelin Ave.	$ 4,792.27	$ (4,792.27)	$ -
	2704 Garvey Ave.	$ 4,792.27	$ (4,792.27)	$ -
	2708 Aston Ct.	$ 4,792.27	$ (4,792.27)	$ -
	2720 Sparks Way	$ 4,792.27	$ (4,792.27)	$ -
	2722 Sparks Way	$ 4,792.27	$ (4,792.27)	$ -
	2900 Scenic Bend	$ 6,965.51	$ (4,975.47)	$ 1,990.04
	3420 St. Embridge Ave.	$ 4,792.27	$ (4,792.27)	$ -
	3520 Highmore Ln.	$ 4,792.27	$ (4,792.27)	$ -
	3840 Fensom Way	$ 4,792.27	$ (4,792.27)	$ -
	4513 Roselle Ave.	$ 1,676.25	$ (1,223.66)	$ 452.59
Subtotal		$ 431,097.97	$ (404,731.68)	$ 26,366.29

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3440	103 Roselawn Ave	$ 426.01	$ (426.01)	$ -
Police	105 Lita Ct.	$ 426.01	$ (426.01)	$ -
	106 Pine St.	$ 426.01	$ (426.01)	$ -
	118 Lane St.	$ 426.01	$ (426.01)	$ -
	118 Walden St.	$ 426.01	$ (426.01)	$ -
	135 Lee St.	$ 706.43	$ (268.44)	$ 437.99
	145 Almond Ave.	$ 426.01	$ (426.01)	$ -
	151 San Juan Dr.	$ 426.01	$ (426.01)	$ -
	201 Camellia Way	$ 426.01	$ (426.01)	$ -
	206 Barozzi Ave.	$ 426.01	$ (426.01)	$ -
	207 San Juan Dr.	$ 426.01	$ (426.01)	$ -
	209 Robin Hood Dr	$ 426.01	$ (426.01)	$ -
	218 Oak St.	$ 426.01	$ (426.01)	$ -
	230 Maple St.	$ 426.01	$ (426.01)	$ -
	305 Ruberto St.	$ 426.01	$ (426.01)	$ -
	310 Maple Dr.	$ 426.01	$ (426.01)	$ -
	309 Ruberto St.	$ 426.01	$ (426.01)	$ -
	312 School Ave.	$ 426.01	$ (426.01)	$ -
	314 Alturas Ave.	$ 426.01	$ (426.01)	$ -
	318 Alturas Ave	$ 426.01	$ (426.01)	$ -
	319 Bruce Ave.	$ 426.01	$ (426.01)	$ -
	321 Kavanagh Ave.	$ 426.01	$ (426.01)	$ -
	324 Covena Ave.	$ 426.01	$ (426.01)	$ -
	324 High St.	$ 426.01	$ (426.01)	$ -
	328 Roselawn Ave.	$ 426.01	$ (426.01)	$ -
	411 Palm Ave.	$ 426.01	$ (426.01)	$ -
	415 Hackberry Ave.	$ 426.01	$ (426.01)	$ -
	435 Colorado Ave.	$ 426.01	$ (426.01)	$ -
	521 El Cajon Ave.	$ 426.01	$ (426.01)	$ -
	602 El Paso Ave.	$ 426.01	$ -	$ 426.01
	604 Fall River Dr	$ 426.01	$ (426.01)	$ -
	613 Brookvale Dr.	$ 706.43	$ (351.45)	$ 354.98
	717 1/2 Empire St.	$ 426.01	$ (426.01)	$ -
	717 1/2 Empire St.	$ 426.01	$ (426.01)	$ -
	900 Parkside Ct.	$ 426.01	$ (426.01)	$ -
	908 Enslen Ave.	$ 426.01	$ (426.01)	$ -
	908 Lenore Ct.	$ 426.01	$ (426.01)	$ -
	916 Mandana Ct.	$ 426.01	$ (426.01)	$ -
	964 Long Ct.	$ 426.01	$ (426.01)	$ -
	1003 Coldwell Ave	$ 426.01	$ (426.01)	$ -
	1016 4th St.	$ 426.01	$ (426.01)	$ -
	1025 Hackberry Ave.	$ 426.01	$ (426.01)	$ -
	1100 Harbert Ln.	$ 426.01	$ (426.01)	$ -
	1101 E. Rumble Rd.	$ 426.01	$ (426.01)	$ -
	1109 E. Fairmont Ave.	$ 426.01	$ (426.01)	$ -
	1112 Valeriewood Way	$ 426.01	$ (426.01)	$ -
	1120 Allen Dr.	$ 426.01	$ (426.01)	$ -
	1124 Columbia Way	$ 426.01	$ (426.01)	$ -
	1214 Bowie Ave.	$ 426.01	$ (426.01)	$ -
	1240 Enseln. Ave.	$ 426.01	$ (426.01)	$ -
	1307 Sunland Way	$ 706.43	$ (233.83)	$ 472.60
	1402 Chapala Way	$ 426.01	$ (426.01)	$ -
	1406 Oregon Dr.	$ 426.01	$ (426.01)	$ -
	1434 Oakwood Dr.	$ 426.01	$ (426.01)	$ -
	1441 Woodside Dr.	$ 426.01	$ (426.01)	$ -
	1506 Lorry Ave.	$ 426.01	$ (426.01)	$ -
	1513 Victor Way	$ 426.01	$ (426.01)	$ -
	1516 Ensenada Dr.	$ 426.01	$ (426.01)	$ -
	1533 W. Orangeburg Ave.	$ 426.01	$ -	$ 426.01
	1539 Montclair Dr.	$ 426.01	$ (426.01)	$ -
	1544 Tudor Ct.	$ 426.01	$ (426.01)	$ -
	1603 Rouse Ave.	$ 426.01	$ (426.01)	$ -
	1604 Rose Ave.	$ 426.01	$ (426.01)	$ -
	1636 1/2 Sheldon Dr.	$ 426.01	$ (426.01)	$ -
	1655 Honeysuckle Dr.	$ 426.01	$ (426.01)	$ -
	1702 College Ave.	$ 426.01	$ (426.01)	$ -
	1707 Elizabeth Ave.	$ 426.01	$ (426.01)	$ -
	1801 Lauralee Ct.	$ 426.01	$ (426.01)	$ -
	1909 Ironside Dr.	$ 426.01	$ (426.01)	$ -
	1909 Tully Rd.	$ 426.01	$ (426.01)	$ -
	2013 Peggy Ln.	$ 426.01	$ (426.01)	$ -
	2013 Robertson Rd.	$ 426.01	$ (426.01)	$ -
	2111 Aloha Way	$ 426.01	$ (426.01)	$ -
	2112 Eicher Ave.	$ 426.01	$ (426.01)	$ -
	2251 Lambert St.	$ 426.01	$ (426.01)	$ -
	2409 Tallent Dr.	$ 426.01	$ (426.01)	$ -
	2513 Barola Ln.	$ 426.01	$ (426.01)	$ -
	2518 Brenner Way	$ 426.01	$ (426.01)	$ -
	2521 Crommelin Ave.	$ 426.01	$ (426.01)	$ -
	2704 Garvey Ave.	$ 426.01	$ (426.01)	$ -
	2708 Aston Ct.	$ 426.01	$ (426.01)	$ -
	2720 Sparks Way	$ 426.01	$ (426.01)	$ -
	2722 Sparks Way	$ 426.01	$ (426.01)	$ -
	2900 Scenic Bend	$ 706.43	$ (504.60)	$ 201.83
	3420 St. Embridge Ave.	$ 426.01	$ (426.01)	$ -
	3520 Highmore Ln.	$ 426.01	$ (426.01)	$ -
	3840 Fensom Way	$ 426.01	$ (426.01)	$ -
Subtotal		$ 38,184.55	$ (35,865.13)	$ 2,319.42

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3450	103 Roselawn Ave	$ 203.40	$ (203.40)	$ -
Fire	105 Lita Ct.	$ 203.40	$ (203.40)	$ -
	106 Pine St.	$ 203.40	$ (203.40)	$ -
	118 Lane St.	$ 203.40	$ (203.40)	$ -
	118 Walden St.	$ 203.40	$ (203.40)	$ -
	135 Lee St.	$ 440.26	$ (167.30)	$ 272.96
	145 Almond Ave.	$ 203.40	$ (203.40)	$ -
	151 San Juan Dr.	$ 203.40	$ (203.40)	$ -
	201 Camellia Way	$ 203.40	$ (203.40)	$ -
	206 Barozzi Ave.	$ 203.40	$ (203.40)	$ -
	207 San Juan Dr.	$ 203.40	$ (203.40)	$ -
	209 Robin Hood Dr	$ 203.40	$ (203.40)	$ -
	218 Oak St.	$ 203.40	$ (203.40)	$ -
	230 Maple St.	$ 203.40	$ (203.40)	$ -
	305 Ruberto St.	$ 203.40	$ (203.40)	$ -
	310 Maple Dr.	$ 203.40	$ (203.40)	$ -
	309 Ruberto St.	$ 203.40	$ (203.40)	$ -
	312 School Ave.	$ 203.40	$ (203.40)	$ -
	314 Alturas Ave.	$ 203.40	$ (203.40)	$ -
	318 Alturas Ave	$ 203.40	$ (203.40)	$ -
	319 Bruce Ave.	$ 203.40	$ (203.40)	$ -
	321 Kavanagh Ave.	$ 203.40	$ (203.40)	$ -
	324 Covena Ave.	$ 203.40	$ (203.40)	$ -
	324 High St.	$ 203.40	$ (203.40)	$ -
	328 Roselawn Ave.	$ 203.40	$ (203.40)	$ -
	411 Palm Ave.	$ 203.40	$ (203.40)	$ -
	415 Hackberry Ave.	$ 203.40	$ (203.40)	$ -
	435 Colorado Ave.	$ 203.40	$ (203.40)	$ -
	521 El Cajon Ave.	$ 203.40	$ (203.40)	$ -
	602 El Paso Ave.	$ 203.40	$ -	$ 203.40
	604 Fall River Dr	$ 203.40	$ (203.40)	$ -
	613 Brookvale Dr.	$ 440.26	$ (219.03)	$ 221.23
	717 1/2 Empire St.	$ 203.40	$ (203.40)	$ -
	717 1/2 Empire St.	$ 203.40	$ (203.40)	$ -
	900 Parkside Ct.	$ 203.40	$ (203.40)	$ -
	908 Enslen Ave.	$ 203.40	$ (203.40)	$ -
	908 Lenore Ct.	$ 203.40	$ (203.40)	$ -
	916 Mandana Ct.	$ 203.40	$ (203.40)	$ -
	964 Long Ct.	$ 203.40	$ (203.40)	$ -
	1003 Coldwell Ave	$ 203.40	$ (203.40)	$ -
	1016 4th St.	$ 203.40	$ (203.40)	$ -
	1025 Hackberry Ave.	$ 203.40	$ (203.40)	$ -
	1100 Harbert Ln.	$ 203.40	$ (203.40)	$ -
	1101 E. Rumble Rd.	$ 203.40	$ (203.40)	$ -
	1109 E. Fairmont Ave.	$ 203.40	$ (203.40)	$ -
	1112 Valeriewood Way	$ 203.40	$ (203.40)	$ -
	1120 Allen Dr.	$ 203.40	$ (203.40)	$ -
	1124 Columbia Way	$ 203.40	$ (203.40)	$ -
	1214 Bowie Ave.	$ 203.40	$ (203.40)	$ -
	1240 Enseln. Ave.	$ 203.40	$ (203.40)	$ -
	1307 Sunland Way	$ 440.26	$ (145.72)	$ 294.54
	1402 Chapala Way	$ 203.40	$ (203.40)	$ -
	1406 Oregon Dr.	$ 203.40	$ (203.40)	$ -
	1434 Oakwood Dr.	$ 203.40	$ (203.40)	$ -
	1441 Woodside Dr.	$ 203.40	$ (203.40)	$ -
	1506 Lorry Ave.	$ 203.40	$ (203.40)	$ -
	1513 Victor Way	$ 203.40	$ (203.40)	$ -
	1516 Ensenada Dr.	$ 203.40	$ (203.40)	$ -
	1533 W. Orangeburg Ave.	$ 203.40	$ -	$ 203.40
	1539 Montclair Dr.	$ 203.40	$ (203.40)	$ -
	1544 Tudor Ct.	$ 203.40	$ (203.40)	$ -
	1603 Rouse Ave.	$ 203.40	$ (203.40)	$ -
	1604 Rose Ave.	$ 203.40	$ (203.40)	$ -
	1636 1/2 Sheldon Dr.	$ 203.40	$ (203.40)	$ -
	1655 Honeysuckle Dr.	$ 203.40	$ (203.40)	$ -
	1702 College Ave.	$ 203.40	$ (203.40)	$ -
	1707 Elizabeth Ave.	$ 203.40	$ (203.40)	$ -
	1801 Lauralee Ct.	$ 203.40	$ (203.40)	$ -
	1909 Ironside Dr.	$ 203.40	$ (203.40)	$ -
	1909 Tully Rd.	$ 203.40	$ (203.40)	$ -
	2013 Peggy Ln.	$ 203.40	$ (203.40)	$ -
	2013 Robertson Rd.	$ 203.40	$ (203.40)	$ -
	2111 Aloha Way	$ 203.40	$ (203.40)	$ -
	2112 Eicher Ave.	$ 203.40	$ (203.40)	$ -
	2251 Lambert St.	$ 203.40	$ (203.40)	$ -
	2409 Tallent Dr.	$ 203.40	$ (203.40)	$ -
	2513 Barola Ln.	$ 203.40	$ (203.40)	$ -
	2518 Brenner Way	$ 203.40	$ (203.40)	$ -
	2521 Crommelin Ave.	$ 203.40	$ (203.40)	$ -
	2704 Garvey Ave.	$ 203.40	$ (203.40)	$ -
	2708 Aston Ct.	$ 203.40	$ (203.40)	$ -
	2720 Sparks Way	$ 203.40	$ (203.40)	$ -
	2722 Sparks Way	$ 203.40	$ (203.40)	$ -
	2900 Scenic Bend	$ 440.26	$ (314.48)	$ 125.78
	3420 St. Embridge Ave.	$ 203.40	$ (203.40)	$ -
	3520 Highmore Ln.	$ 203.40	$ (203.40)	$ -
	3840 Fensom Way	$ 203.40	$ (203.40)	$ -
Subtotal		$ 18,643.24	$ (17,321.93)	$ 1,321.31

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3470	103 Roselawn Ave	$ 357.07	$ (357.07)	$ -
General	105 Lita Ct.	$ 357.07	$ (357.07)	$ -
Government	106 Pine St.	$ 357.07	$ (357.07)	$ -
	118 Lane St.	$ 357.07	$ (357.07)	$ -
	118 Walden St.	$ 357.07	$ (357.07)	$ -
	135 Lee St.	$ 582.55	$ (221.37)	$ 361.18
	145 Almond Ave.	$ 357.07	$ (357.07)	$ -
	151 San Juan Dr.	$ 357.07	$ (357.07)	$ -
	201 Camellia Way	$ 357.07	$ (357.07)	$ -
	206 Barozzi Ave.	$ 357.07	$ (357.07)	$ -
	207 San Juan Dr.	$ 357.07	$ (357.07)	$ -
	209 Robin Hood Dr	$ 357.07	$ (357.07)	$ -
	218 Oak St.	$ 357.07	$ (357.07)	$ -
	230 Maple St.	$ 357.07	$ (357.07)	$ -
	305 Ruberto St.	$ 357.07	$ (357.07)	$ -
	310 Maple Dr.	$ 357.07	$ (357.07)	$ -
	309 Ruberto St.	$ 357.07	$ (357.07)	$ -
	312 School Ave.	$ 357.07	$ (357.07)	$ -
	314 Alturas Ave.	$ 357.07	$ (357.07)	$ -
	318 Alturas Ave	$ 357.07	$ (357.07)	$ -
	319 Bruce Ave.	$ 357.07	$ (357.07)	$ -
	321 Kavanagh Ave.	$ 357.07	$ (357.07)	$ -
	324 Covena Ave.	$ 357.07	$ (357.07)	$ -
	324 High St.	$ 357.07	$ (357.07)	$ -
	328 Roselawn Ave.	$ 357.07	$ (357.07)	$ -
	411 Palm Ave.	$ 357.07	$ (357.07)	$ -
	415 Hackberry Ave.	$ 357.07	$ (357.07)	$ -
	435 Colorado Ave.	$ 357.07	$ (357.07)	$ -
	521 El Cajon Ave.	$ 357.07	$ (357.07)	$ -
	602 El Paso Ave.	$ 357.07	$ -	$ 357.07
	604 Fall River Dr	$ 357.07	$ (357.07)	$ -
	613 Brookvale Dr.	$ 582.55	$ (289.82)	$ 292.73
	717 1/2 Empire St.	$ 357.07	$ (357.07)	$ -
	717 1/2 Empire St.	$ 357.07	$ (357.07)	$ -
	900 Parkside Ct.	$ 357.07	$ (357.07)	$ -
	908 Enslen Ave.	$ 357.07	$ (357.07)	$ -
	908 Lenore Ct.	$ 357.07	$ (357.07)	$ -
	916 Mandana Ct.	$ 357.07	$ (357.07)	$ -
	964 Long Ct.	$ 357.07	$ (357.07)	$ -
	1003 Coldwell Ave	$ 357.07	$ (357.07)	$ -
	1016 4th St.	$ 357.07	$ (357.07)	$ -
	1025 Hackberry Ave.	$ 357.07	$ (357.07)	$ -
	1100 Harbert Ln.	$ 357.07	$ (357.07)	$ -
	1101 E. Rumble Rd.	$ 357.07	$ (357.07)	$ -
	1109 E. Fairmont Ave.	$ 357.07	$ (357.07)	$ -
	1112 Valeriewood Way	$ 357.07	$ (357.07)	$ -
	1120 Allen Dr.	$ 357.07	$ (357.07)	$ -
	1124 Columbia Way	$ 357.07	$ (357.07)	$ -
	1214 Bowie Ave.	$ 357.07	$ (357.07)	$ -
	1240 Enseln. Ave.	$ 357.07	$ (357.07)	$ -
	1307 Sunland Way	$ 582.55	$ (192.82)	$ 389.73
	1402 Chapala Way	$ 357.07	$ (357.07)	$ -
	1406 Oregon Dr.	$ 357.07	$ (357.07)	$ -
	1434 Oakwood Dr.	$ 357.07	$ (357.07)	$ -
	1441 Woodside Dr.	$ 357.07	$ (357.07)	$ -
	1506 Lorry Ave.	$ 357.07	$ (357.07)	$ -
	1513 Victor Way	$ 357.07	$ (357.07)	$ -
	1516 Ensenada Dr.	$ 357.07	$ (357.07)	$ -
	1533 W. Orangeburg Ave.	$ 357.07	$ -	$ 357.07
	1539 Montclair Dr.	$ 357.07	$ (357.07)	$ -
	1544 Tudor Ct.	$ 357.07	$ (357.07)	$ -
	1603 Rouse Ave.	$ 357.07	$ (357.07)	$ -
	1604 Rose Ave.	$ 357.07	$ (357.07)	$ -
	1636 1/2 Sheldon Dr.	$ 357.07	$ (357.07)	$ -
	1655 Honeysuckle Dr.	$ 357.07	$ (357.07)	$ -
	1702 College Ave.	$ 357.07	$ (357.07)	$ -
	1707 Elizabeth Ave.	$ 357.07	$ (357.07)	$ -
	1801 Lauralee Ct.	$ 357.07	$ (357.07)	$ -
	1909 Ironside Dr.	$ 357.07	$ (357.07)	$ -
	1909 Tully Rd.	$ 357.07	$ (357.07)	$ -
	2013 Peggy Ln.	$ 357.07	$ (357.07)	$ -
	2013 Robertson Rd.	$ 357.07	$ (357.07)	$ -
	2111 Aloha Way	$ 357.07	$ (357.07)	$ -
	2112 Eicher Ave.	$ 357.07	$ (357.07)	$ -
	2251 Lambert St.	$ 357.07	$ (357.07)	$ -
	2409 Tallent Dr.	$ 357.07	$ (357.07)	$ -
	2513 Barola Ln.	$ 357.07	$ (357.07)	$ -
	2518 Brenner Way	$ 357.07	$ (357.07)	$ -
	2521 Crommelin Ave.	$ 357.07	$ (357.07)	$ -
	2704 Garvey Ave.	$ 357.07	$ (357.07)	$ -
	2708 Aston Ct.	$ 357.07	$ (357.07)	$ -
	2720 Sparks Way	$ 357.07	$ (357.07)	$ -
	2722 Sparks Way	$ 357.07	$ (357.07)	$ -
	2900 Scenic Bend	$ 582.55	$ (416.12)	$ 166.43
	3420 St. Embridge Ave.	$ 357.07	$ (357.07)	$ -
	3520 Highmore Ln.	$ 357.07	$ (357.07)	$ -
	3840 Fensom Way	$ 357.07	$ (357.07)	$ -
Subtotal		$ 31,967.01	$ (30,042.80)	$ 1,924.21

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3480	103 Roselawn Ave	$ 178.54	$ (178.54)	$ -
Administration	105 Lita Ct.	$ 178.54	$ (178.54)	$ -
	106 Pine St.	$ 178.54	$ (178.54)	$ -
	118 Lane St.	$ 178.54	$ (178.54)	$ -
	118 Walden St.	$ 178.54	$ (178.54)	$ -
	135 Lee St.	$ 329.78	$ (125.32)	$ 204.46
	145 Almond Ave.	$ 178.54	$ (178.54)	$ -
	151 San Juan Dr.	$ 178.54	$ (178.54)	$ -
	201 Camellia Way	$ 178.54	$ (178.54)	$ -
	206 Barozzi Ave.	$ 178.54	$ (178.54)	$ -
	207 San Juan Dr.	$ 178.54	$ (178.54)	$ -
	209 Robin Hood Dr	$ 178.54	$ (178.54)	$ -
	218 Oak St.	$ 178.54	$ (178.54)	$ -
	230 Maple St.	$ 178.54	$ (178.54)	$ -
	305 Ruberto St.	$ 178.54	$ (178.54)	$ -
	310 Maple Dr.	$ 178.54	$ (178.54)	$ -
	309 Ruberto St.	$ 178.54	$ (178.54)	$ -
	312 School Ave.	$ 178.54	$ (178.54)	$ -
	314 Alturas Ave.	$ 178.54	$ (178.54)	$ -
	318 Alturas Ave	$ 178.54	$ (178.54)	$ -
	319 Bruce Ave.	$ 178.54	$ (178.54)	$ -
	321 Kavanagh Ave.	$ 178.54	$ (178.54)	$ -
	324 Covena Ave.	$ 178.54	$ (178.54)	$ -
	324 High St.	$ 178.54	$ (178.54)	$ -
	328 Roselawn Ave.	$ 178.54	$ (178.54)	$ -
	411 Palm Ave.	$ 178.54	$ (178.54)	$ -
	415 Hackberry Ave.	$ 178.54	$ (178.54)	$ -
	435 Colorado Ave.	$ 178.54	$ (178.54)	$ -
	521 El Cajon Ave.	$ 178.54	$ (178.54)	$ -
	602 El Paso Ave.	$ 178.54	$ (178.54)	$ -
	604 Fall River Dr	$ 178.54	$ (178.54)	$ -
	613 Brookvale Dr.	$ 329.78	$ (164.07)	$ 165.71
	717 1/2 Empire St.	$ 178.54	$ (178.54)	$ -
	717 1/2 Empire St.	$ 178.54	$ (178.54)	$ -
	900 Parkside Ct.	$ 178.54	$ (178.54)	$ -
	908 Enslen Ave.	$ 178.54	$ (178.54)	$ -
	908 Lenore Ct.	$ 178.54	$ (178.54)	$ -
	916 Mandana Ct.	$ 178.54	$ (178.54)	$ -
	964 Long Ct.	$ 178.54	$ (178.54)	$ -
	1003 Coldwell Ave	$ 178.54	$ (178.54)	$ -
	1016 4th St.	$ 178.54	$ (178.54)	$ -
	1025 Hackberry Ave.	$ 178.54	$ (178.54)	$ -
	1100 Harbert Ln.	$ 178.54	$ (178.54)	$ -
	1101 E. Rumble Rd.	$ 178.54	$ (178.54)	$ -
	1109 E. Fairmont Ave.	$ 178.54	$ (178.54)	$ -
	1112 Valeriewood Way	$ 178.54	$ (178.54)	$ -
	1120 Allen Dr.	$ 178.54	$ (178.54)	$ -
	1124 Columbia Way	$ 178.54	$ (178.54)	$ -
	1214 Bowie Ave.	$ 178.54	$ (178.54)	$ -
	1240 Enseln. Ave.	$ 178.54	$ (178.54)	$ -
	1307 Sunland Way	$ 329.78	$ (109.16)	$ 220.62
	1402 Chapala Way	$ 178.54	$ (178.54)	$ -
	1406 Oregon Dr.	$ 178.54	$ (178.54)	$ -
	1434 Oakwood Dr.	$ 178.54	$ (178.54)	$ -
	1441 Woodside Dr.	$ 178.54	$ (178.54)	$ -
	1506 Lorry Ave.	$ 178.54	$ (178.54)	$ -
	1513 Victor Way	$ 178.54	$ (178.54)	$ -
	1516 Ensenada Dr.	$ 178.54	$ (178.54)	$ -
	1533 W Orangeburg Ave.	$ 178.54	$ -	$ 178.54
	1539 Montclair Dr.	$ 178.54	$ (178.54)	$ -
	1544 Tudor Ct.	$ 178.54	$ (178.54)	$ -
	1603 Rouse Ave.	$ 178.54	$ (178.54)	$ -
	1604 Rose Ave.	$ 178.54	$ (178.54)	$ -
	1636 1/2 Sheldon Dr.	$ 178.54	$ (178.54)	$ -
	1655 Honeysuckle Dr.	$ 178.54	$ (178.54)	$ -
	1702 College Ave.	$ 178.54	$ (178.54)	$ -
	1707 Elizabeth Ave.	$ 178.54	$ (178.54)	$ -
	1730 Donald St.	$ 145.18	$ (145.18)	$ -
	1744 Olympia St.	$ 145.18	$ -	$ 145.18
	1801 Lauralee Ct.	$ 178.54	$ (178.54)	$ -
	1831 Grimes Ave.	$ 213.11	$ (111.67)	$ 101.44
	1909 Ironside Dr.	$ 178.54	$ (178.54)	$ -
	1909 Tully Rd.	$ 178.54	$ (178.54)	$ -
	2013 Peggy Ln.	$ 178.54	$ (178.54)	$ -
	2013 Robertson Rd.	$ 178.54	$ (178.54)	$ -
	2111 Aloha Way	$ 178.54	$ (178.54)	$ -
	2112 Eicher Ave.	$ 178.54	$ (178.54)	$ -
	2251 Lambert St.	$ 178.54	$ (178.54)	$ -
	2409 Tallent Dr.	$ 178.54	$ (178.54)	$ -
	2513 Barola Ln.	$ 178.54	$ (178.54)	$ -
	2518 Brenner Way	$ 178.54	$ (178.54)	$ -
	2521 Crommelin Ave.	$ 178.54	$ (178.54)	$ -
	2704 Garvey Ave.	$ 178.54	$ (178.54)	$ -
	2708 Aston Ct.	$ 178.54	$ (178.54)	$ -
	2720 Sparks Way	$ 178.54	$ (178.54)	$ -
	2722 Sparks Way	$ 178.54	$ (178.54)	$ -
	2900 Scenic Bend	$ 329.78	$ (235.56)	$ 94.22
	3420 St. Embridge Ave.	$ 178.54	$ (178.54)	$ -
	3520 Highmore Ln.	$ 178.54	$ (178.54)	$ -
	3840 Fensom Way	$ 178.54	$ (178.54)	$ -
	4513 Roselle Ave.	$ 213.11	$ (155.57)	$ 57.54
Subtotal		$ 16,854.52	$ (15,686.81)	$ 1,167.71
TOTAL		$ 1,045,222.67	$ (973,161.39)	$ 72,061.28

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-534

RESOLUTION ACCEPTING THE FISCAL YEAR 2022-23 ANNUAL REPORT OF FUNDS HELD FOR FUTURE IMPROVEMENTS AND MAKING FINDINGS RELATED TO EACH SECURITY ON FILE

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development; and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development; and

WHEREAS, $2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for Project #100782 located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements; and

WHEREAS, $29,393.72 in impact fees were collected from American Home Builders as a condition of approval for Project #100783 located at 3055 Floyd Avenue, Modesto, on June 20, 2005, for future improvements including the expansion of Beta Street to the north of the property; and

WHEREAS, $27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for Project #100784 located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway; and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received; and

WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained; and

WHEREAS, a public hearing notice was posted in the Modesto Bee on November 24, 2023, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 5, 2023, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2022-23 Annual Report of Funds Held for Future Improvements and making findings related to each security on file, as specified in the agenda report presented to the City Council on December 5, 2023. That the revenue anticipated for the full development of infrastructure improvements required for these projects have not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties.

1. That the anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City.
2. That the funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known, but there is still a need; and therefore fees should still be retained for these purposes.

3. That the timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not yet known, but there is still a need; and therefore fees should still be retained for these purposes.

4. That the timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need; and therefore fees should still be retained for these purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Bratton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-535

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH NOSSAMAN LLP INCREASING THE AGREEMENT AMOUNT BY $200,000 FROM $2,000,000 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $2,200,000, ADJUSTING THE BLENDED HOURLY RATE FROM $438 TO $452 AND EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 31, 2024, TO CONTINUE TO PROVIDE EMINENT DOMAIN LEGAL SERVICES FOR STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, State Route ("SR") 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR 49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville; and

WHEREAS, SR 132 is a vital link through the Central Valley, serving local traffic from these communities and providing for regional traffic between the Bay Area and the mountains for the movement of traffic and goods and services, and provides access to the recreational areas east of Modesto via SR 49; and

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR 132, and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, on September 4, 2018, by Resolution No. 2018- 381, Council approved a professional services agreement with Nossaman LLP of Los Angeles, California for Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed $2,000,000; and

WHEREAS, on January 26, 2021, by Resolution No. 2021-028, Council approved a First Amendment to the Legal Services Agreement with Nossaman LLP to adjust the

blended hourly rate from $385 to $425, with no increase to the not to exceed amount of $2,000,000 for the Agreement; and

WHEREAS, on December 6, 2021, pursuant to Article 2. "Period of Performance," of the agreement, the City entered into a Second Amendment to the Legal Services Agreement with Nossaman, LLP to extend the termination date of the agreement to December 31, 2022; and

WHEREAS, on December 13, 2022, by Resolution No. 2022-476, Council approved a Third Amendment to the Legal Services Agreement with Nossaman, LLP to adjust the blended hourly rate from $425 to $438 and extend the termination date of the agreement to December 31, 2023; and

WHEREAS, although the construction portion of the project is complete, there continue to be legal services during the closeout process; and

WHEREAS, this amendment will increase the hourly rate from $438 to $452, increase the not to exceed amount by $200,000 and extend the agreement one additional year with the termination date of December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Legal Services Agreement with Nossaman LLP increasing the Agreement amount by $200,000 from $2,000,000 to a new total amount not to exceed $2,200,000, adjusting the blended hourly rate from $438 to $452 and extending the term of the agreement to December 31, 2024 to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project, as provided in **Exhibit A attached** hereto and incorporated herein, and

further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Price List Exhibit B for: (Time and Materials) Effective January 1, 2024 No.

Name	Classification/Title	Job Function	Hourly Rate*
Artin Shaverdian	Partner	Project Manager/Team Leader	$452
David Graeler	Partner		$452
Jill Jaffe	Partner		$452
Kristin Mendenhall	Staff Attorney		$452
Maya Hamouie	Associate		$452
Aleene Madikians	Associate		$452
Ren Smith	Partner		$452
Diana McMillin	Paralegal		$239
Philip Layzer	Paralegal		$239

*We will charge City one-half (1/2) attorneys' applicable blended rate for any travel related to this project.

Other Direct Cost Schedule (ODC)
All ODC's are to be proposed at cost-without mark-ups.

Type of ODC	Unit Cost	Estimated Budget Amount
Air travel at cost but not first class or business select. Lodging and other travel related expenses including ground transportation at cost.	$500/Trip	$25,000
Computer assisted research expenses are charged at cost.	$1,000/Case	$5,000
We will pass on to the City postage-related charges at the actual cost, including overnight carrier and messenger fees as necessary.	$0.49/Ounce	$5,000
We will pass on to the City direct cost of any filing fees charged by outside vendors for court filings, including fees for electronic court filings and service of process.	$8,000/Case	$40,000
Photocopying will be passed on to the City at cost.	$0.30/Copy	$3,000
Experts	$50,000/Expert	$250,000

Proposer: Artin N. Shaverdian, Partner

Signature: Date: 11/21/2023

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-536

RESOLUTION APPROVING A SIXTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN P.C. IN THE AMOUNT OF $100,000, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $392,300 FOR CONTINUED REPRESENTATION IN WATER RELATED MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 6, 2016, by Resolution No. 2016-479, Council approved an agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide legal services for the State Water Resources Control Board Substitute Environmental Document, in the amount of $57,300; and

WHEREAS, on July 11, 2017, by Resolution No. 2017-282, Council approved a First Amendment to the Legal Services Agreement with BKS for continued services in an amount of $35,000, for a total agreement not to exceed $92,300; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-367, Council approved a Second Amendment for continued services in the amount of $50,000, for a total agreement not to exceed $142,300; and

WHEREAS, on May 3, 2022, by Resolution 2022- 202, Council approved a Third Amendment to the Legal Services Agreement in the amount of $75,000, for a total not to exceed $217,300 for continued representation; and

WHEREAS, on February 14, 2023, by Resolution No. 2023-46, Council approved a Fourth Amendment to the Legal Services Agreement to adjust hourly rates; and

WHEREAS, on July 11, 2023, by Resolution No. 2023-326, Council approved a Fifth Amendment with BKS in the amount of $75,000, for a total not to exceed $292,300 for continued representation; and

WHEREAS, the City is currently seeking to overturn the State Water Resources Control Board's action in approving the Bay-Delta Plan; and

WHEREAS, this is the suit challenging the State Water Board's approval of regulatory changes that require that about 40% of the flow of the Tuolumne River remain in the stream for fish; the regulations are known locally as the "water grab"; and

WHEREAS, the Sixth Amendment to the Legal Services Agreement will increase the amount of the agreement by $100,000 for a total amount not to exceed $392,300 for continued representation in the litigation matter and additional tasks already covered in the current scope of work related to water matters.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Sixth Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan, P.C., in the amount of $100,000, for a revised agreement total not to exceed $392,300 for continued representation in water related matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

BE IT FURTHER RESOLVED that the City Manager or his designee, are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SIXTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Sixth Amendment to the Legal Services (this "**Sixth Amendment**"), is made and entered into on this 12th day of December 2023 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BARTKIEWICZ, KRONICK & SHANAHAN, P.C.** ("**Attorney**"), located at 1600 K Street, Suite 4A, Sacramento, California 95814. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal services for the State Water Resources Control Board Substitute Environmental Document; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $292,300 to $392,300.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Bartkiewicz, Kronick & Shanahan, P.C. dated December 6, 2016, and amended by Resolutions No. 2017-282, 2019-367, 2022-202, 2023-46 and 2023-326 is amended as follows:

1. Paragraph No. 3 "Compensation" is amended to state as follows:

"Consultant Services specifies the sum of **THREE HUNDRED NINETY-TWO THOUSAND AND THREE HUNDRED DOLLARS ($392,300)** as the total compensation, Consultant agrees to accept for performing all services and furnishing all staffing and materials for the project as well as performance by Consultant of all of its duties and obligations required in the Original Agreement."

2. **Entire Agreement**. The parties to this Sixth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 6, 2016, remain in full force and effect to the extent they are not in conflict with this Sixth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Sixth Amendment. No alteration to the terms of this Sixth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Sixth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Sixth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Sixth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Diane Nayares-Perez, CMC City Clerk

_____
Christina Alger, Director of Human Resources

[Signatures Continued on Next Page.]

ATTORNEY:
BARTKIEWICZ, KRONICK & SHANAHAN, P.C.

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-537

RESOLUTION AMENDING THE COMMUNITY POLICE REVIEW BOARD BYLAWS CHANGING THE MEETING DATE FROM THE THIRD THURSDAY OF EACH MONTH AT 5:00 P.M. TO THE THIRD WEDNESDAY OF EACH MONTH AT 5:30 P.M. STARTING ON JANUARY 17, 2024

WHEREAS, Article III, Section 3.1, Item A of the CPRB Bylaws stipulates that meetings shall be held on the third Thursday of each month at 5:00 p.m., and

WHEREAS, feedback received by staff indicates concerns regarding the current meeting time and space in Conference Room 2001, and

WHEREAS, due to the unavailability of Council Chambers on the current meeting dates, staff recommends rescheduling the meetings to the third Wednesday of each month to align with the chamber's availability, and

WHEREAS, the proposed changes aim to enhance the overall meeting experience for both board members and the community at large, and

WHEREAS, the Council Chambers provides a significantly larger area, ensuring ample room for attendees compared to the current restrictive seating arrangements, and

WHEREAS, the recommended time and date change are intended to encourage increased community engagement, and

WHEREAS, the Council Chambers are equipped with advanced audio/visual technology, and

WHEREAS, on November 16, 2023, a meeting of the Community Police Review Board was convened, and members voted in favor of changing the time and date of the monthly meetings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Community Police Review Board Bylaws changing the meeting date from the third Thursday of each month at 5:00 p.m. to the third Wednesday of each month at 5:30 p.m. starting on January 17, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-538

RESOLUTION APPROVING A TEN-YEAR LEASE AGREEMENT WITH JOHN A. PAOLUCCIO AND DORENE J. PAOLUCCIO TO LEASE APPROXIMATELY 5,325 SQUARE FEET LOCATED AT 4701 QUINTURN LANE, MODESTO (APN 078-013-031) IN THE AMOUNT OF $1,681.24 FOR THE 2024 PAYMENT WITH A COST-OF-LIVING INCREASE OF THREE PERCENT (3%) EACH YEAR FOR TEN (10) YEARS, WITH TWO FIVE (5) YEAR EXTENSION OPTIONS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns and operates the NorthPointe Storm Drain Basin, which accommodates stormwater runoff from the Costco Shopping Center on Pelandale Avenue; and

WHEREAS, in February 2014, the City of Modesto initially entered into a lease agreement with John A. Paoluccio and Dorene J. Paoluccio, property owners to prevent further damage to the NorthPointe Basin's east wall; and

WHEREAS, approving a new lease agreement would allow the City of Modesto to control the buffer area around the basin to maintain the basin wall and prevent rodents from entering the basin area; and

WHEREAS, the annual lease payment is $1,681.24 for the 2024 with an annual increase of three percent (3%) each year thereafter; and

WHEREAS, the lease agreement is for ten (10) years, with two additional five year extensions options that may be authorized by the City Manager.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that is hereby approves a ten-year Lease Agreement with John A. Paoluccio and Dorene J. Paoluccio in the amount of $1,681.24 for the 2024 payment with a cost of living increase of three percent (3%) each year thereafter.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby

authorized to execute the Agreement and all related documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-539

RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO CHILDREN'S MUSEUM FOR DISCOUNTED EMPLOYEE PARKING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the city has a history of leveraging parking availability for spurring indirect economic development in downtown, and

WHEREAS, in developing the incentives, the Downtown Modesto Partnership determined that a reduction in the cost of parking for employees is very important in helping the City best-realize the full economic value of downtown, and

WHEREAS, over the past decade and particularly since the pandemic, the economy has seen a shifting in the programming of real estate inventory in downtowns and shopping centers, and

WHEREAS, the City's strategic plan successfully identified this shift and underscores the importance of downtown with the stated goal "Make Downtown a Destination" and a strategy to collaborate with downtown partners to expand upon existing successful downtown events and entertainment offerings, and

WHEREAS, the City has worked closely with the Modesto Children's Museum, (MoChiMu), regarding its development and launch, including the provision of $500,000 American Rescue Plan Act funding, and

WHEREAS, the City recognizes the arts, entertainment, and recreation industry group has a relatively high impact on the economy, supporting a job multiplier of 3.79 and expect a similar result with MoChiMu's development in Downtown Modesto, and

WHEREAS, based on preliminary estimates from the opening month, MoChiMu has been experiencing a steady flow of visitors, and

WHEREAS, on weekdays, the museum sees an average of 200 visitors in the mornings and an equal number in the afternoons, and

WHEREAS, this consistent turnout demonstrates the museum's popularity among school groups and families seeking educational activities during the week, and

WHEREAS, however, the attendance significantly increases over the weekend, with numbers soaring to over 500 visitors, and

WHEREAS, the City began discussions with MoChiMu on a potential parking agreement to support employees and volunteers of the museum in early 2023, and

WHEREAS, the City and MoChiMu have since determined that a Parking Agreement in line with previous agreements and the former Employee Parking Pilot Program and Framework will advance the City's goals of revitalizing downtown, and

WHEREAS, permits will be annual permits paid on a quarterly basis by MoChiMu, and

WHEREAS, parking permit rates will be set at a rate of $50 per month, a discount of $30 per month from the current Council-approved set rate of $80, and

WHEREAS, up to 20 permits may be issued each year for parking in City operated Downtown Parking Garages, and

WHEREAS, parking assignments will be made by the City parking division based upon parking availability, and

WHEREAS, MoChiMu will provide annual records to justify the visitor count and support staff efforts in conducting a retrospective economic impact analysis, and

WHEREAS, if approved, the agreement will start upon execution and then later align with the City's fiscal year period, beginning January 1, 2024, and continue thereafter until December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Modesto Children's Museum for discounted employee parking.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-540

RESOLUTION APPROVING AN AMENDMENT TO SECTION 4 POLICY- "HOME INVESTMENT PARTNERSHIP PROGRAM POLICY" OF THE HOUSING AND URBAN DEVELOPMENT POLICIES AND PROCEDURES MANUAL

WHEREAS, the City of Modesto is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City of Modesto through a formula-based allocation: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, on October 2016, by Resolution No. 2016-425, Council adopted a Housing & Urban Development Policies & Procedures Manual (HUD Manual). This document consolidated all HUD-related Policies & Procedures into one document. The HUD Manual was updated on September 8, 2020, and Amended on June 1, 2021, through Resolution No. 2021-195; and subsequently amended on November 14, 2023; and

WHEREAS, HOME funds are used for a variety of affordable housing activities, according to local housing needs; and

WHEREAS, eligible uses of funds include tenant-based rental assistance; housing rehabilitation; assistance to homebuyers; and new construction of housing; and

WHEREAS, HOME funding may also be used for site acquisition, site improvements, demolition, relocation, and other necessary and reasonable activities related to the development of housing; and

WHEREAS, all housing developed with HOME funds must serve low- and very low-income families. For rental housing, at least 90 percent of the families benefited must have incomes at or below 60 percent of the area median income; the remaining 10 percent of the families benefited must have incomes at or below 80 percent of area median income; and

WHEREAS, each year, HUD publishes the applicable HOME income limits by area, adjusted for family size; and

WHEREAS, section 4 Home Investment Partnerships Program Policies of the manual provides standards and guidance established by HUD and the City of Modesto for subrecipients receiving HOME funding. The standards described in the manual include both general standards applicable to all HOME-funded program components as well as component-specific standards; and

WHEREAS, amending Section 4 of the manual will provide a framework to ensure compliance with applicable statutory and regulatory requirements and standards as well as the City's strategic goals; and

WHEREAS, key updates of the HOME Program Polices include but are not limited to Build America, Buy America (BABA Act), Violence Against Women's Act (VAWA), Tenant Selection, Tenant Preference Policy, and Affirmative Marketing Plan; and

WHEREAS, the updated HOME Investment Partnerships Program Policies & Procedures are included as **Attachment 2**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an amendment of the Section 4 Policy- "HOME

Investment Partnership Program Policy" of the Housing and Urban Development Policies & Procedures Manual.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Section 4

City of Modesto

Home Investment Partnerships Program

City of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.cityofmodesto.com
housing@modestogov.com

City Council: December 12, 2023 Resolution No. 2023-

These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development

1 INTRODUCTION 3
2 OBJECTIVE 3
3 DEFINITIONS ..... 10~~3~~
4 APPLICATION FOR FUNDS ..... 13~~7~~
5 ALLOCATION ..... 14~~8~~
6 MAXIMUM FUNDING AMOUNT ..... 15~~8~~
7 Project Threshold Criteria ..... 17~~11~~
8 General Policies and Procedures ..... 18~~11~~
9 Project Maximums ..... 21~~12~~
10 Other Regulations ..... 21~~12~~
11 Project Implementation ..... 22~~13~~
12 Types of Housing ..... 24~~15~~
13 Rental Projects ..... 25~~16~~
14 Homeownership Activities ..... 33~~22~~
15 Owner Occupied Housing Rehabilitation ..... 35~~24~~
16 CHDO ..... 35~~24~~
17 Monitoring ..... 37~~26~~
18 Affordability Period ..... 38~~27~~
19 Financial Management ..... 40~~29~~
20 Appendix 1 Affirmative Marketing Policy ..... 45~~31~~
21 Appendix 3: Application Outline for HOME Investment Partnership Program Applications ..... 52~~39~~
22 Appendix 2 Subsidy Layering Review and Underwriting Guidelines: ..... 62~~51~~

1 INTRODUCTION

1.1 The HOME Investment Partnerships Program (HOME) was created under Title II of the National Affordable Housing Act of 1990. The HOME program policies are reviewed and amended regularly to ensure that it meets the standard under the HOME regulation. Under the HOME program, the Department of Housing and Urban Development (HUD) allocates funds to Participating Jurisdictions (PJ) to be used to implement housing strategies in accordance with Federal HOME regulations (24 CFR Part 92). The City of Modesto has been designated as the Participating Jurisdiction (PJ) to receive HOME funds.

1.2 Through the use of HOME funds, the City of Modesto strives to encourage and stimulate neighborhood revitalization. As a HUD designated PJ, the City is charged with the proficient administration of HOME funds. In an effort to increase the efficiency in which HOME funds are utilized and increase the impact of these dollars on our community, the City has developed the following policies and procedures.

2 OBJECTIVE

2.6 The intent of the HOME program as established by HUD is to:

2.6.1 Provide decent, safe, and affordable housing to low-income families, up to 80% of Area Median Income (AMI);

2.6.2 Expand the capacity of non-profit housing providers;

2.6.3 Strengthen the ability of local government to provide housing; and

2.6.4 Leverage private sector participation through public, private and non-profit partnerships to address affordable housing.

2.6.5 Participating Jurisdiction Responsibilities as defined in 24 CFR 92.504.

2.6.5.1 The participating jurisdiction is responsible for managing the day-to-day operations of its HOME program, ensuring that HOME funds are used in accordance with all program requirements and written agreements, and taking appropriate action when performance problems arise. The use of subrecipients, or contractors does not relieve the participating jurisdiction of this responsibility.

2.7 HOME funds may be used for the purposes of creating, maintaining, and expanding affordable rental and homeownership housing for low-income families through the following eligible activities:

2.7.1 Acquisition (including assistance to homebuyers);

2.7.1.1 The City of Modesto will comply with acquisition costs as specified at 92.205(a)(2) specifically requiring that construction of the intended housing project begins within 12 months of the HOME commitment date.

2.7.2 New construction in compliance with 92.251 CFR (including adding additional units to an existing structure);

2.7.3 Rehabilitation, in compliance with 92.251(b)(1), of non-luxury housing with suitable amenities including related costs such as:

2.7.4 Property acquisition, Site improvements, Demolition, and Other eligible expenses including financing costs, relocation expenses of any displaced persons, families, businesses, or organizations; Down payment and/or Closing Cost assistance.

2.7.5 Operating expenses of Community Housing Development Organizations (CHDO's).

2.7.6 All housing supported with HOME funds must be permanent or transitional housing.

2.7.7 The on-site inspections must occur within 12 months after project completion and at least once every 3 years thereafter during the period of affordability.

2.7.8 If there are observed deficiencies for any of the inspectable items in the property standards established by the participating jurisdiction, in accordance with the inspection requirements of § 92.251, a follow-up on-site inspection to verify that deficiencies are corrected must occur within 12 months. The participating jurisdiction may establish a list of non-hazardous deficiencies for which correction can be verified by third party documentation (e.g., paid invoice for work order) rather than re-inspection. Health and safety deficiencies must be corrected immediately, in accordance with § 92.251. The participating jurisdiction must adopt a more frequent inspection schedule for properties that have been found to have health and safety deficiencies.

2.7.9 The property owner must annually certify to the participating jurisdiction that each building and all HOME- assisted units in the project are suitable for occupancy, taking into account State and local health, safety, and other applicable codes, ordinances, and requirements, and the ongoing property standards established by the participating jurisdiction to meet the requirements of § 92.251.

2.7.10 Inspections must be based on a statistically valid sample of units appropriate for the size of the HOME-assisted project, as set forth by HUD through a document published in the Federal Register. For projects with one-to-four HOME-assisted units, a participating jurisdiction must inspect all of the HOME-assisted units and all inspectable areas for each building with HOME-assisted units.

2.7.11 Financial oversight. During the period of affordability, the participating jurisdiction must examine at least annually the financial condition of HOME-assisted rental projects with 10 units or more to determine the continued financial viability of the housing and must take actions to correct problems, to the extent feasible.

2.7.12 A HOME assisted project that is terminated before completion, either voluntarily or otherwise, constitutes an ineligible activity and will be subject to recapture by the City of Modesto.

2.7.13 Written agreement provides funds to for-profit owners or developers, nonprofit owners or developers or sponsors, subrecipients, homeowners, homebuyers, tenants (or landlords) receiving tenant-based rental assistance, or contractors who are providing services to the City,

2.7.13.1 Subrecipient. A subrecipient is a public agency or nonprofit organization selected by the participating jurisdiction to administer all or some of the participating jurisdiction's HOME programs to produce affordable housing, provide down payment assistance, or provide tenant-based rental assistance. The agreement must set forth and require the subrecipient to follow the participating jurisdiction's requirements, including requirements for income determinations, underwriting and subsidy layering guidelines, rehabilitation standards, refinancing guidelines, homebuyer program policies, and affordability requirements. The agreement between the participating jurisdiction and the subrecipient must include:

2.7.13.1.1 Use of the HOME funds. The agreement must describe the amount and use of the HOME funds for one or more programs, including the type and number

of housing projects to be funded (e.g., the number of single-family homeowners loans to be made or the number of homebuyers to receive down payment assistance), tasks to be performed, a schedule for completing the tasks (including a schedule for committing funds to projects in accordance with deadlines established by this part), a budget, any requirement for matching contributions and the period of the agreement. These items must be in sufficient detail to provide a sound basis for the participating jurisdiction to effectively monitor performance under the agreement.

2.7.13.1.2 Program income. The agreement must state if program income is to be remitted to the participating jurisdiction or to be retained by the subrecipient for additional eligible activities.

2.7.13.1.3 Uniform administrative requirements. The agreement must require the subrecipient to comply with applicable uniform administrative requirements, as described in § 92.505.

2.7.13.1.4 Other program requirements. The agreement must require the subrecipient to carry out each activity in compliance with all Federal laws and regulations described in subpart H of this part, except that the subrecipient does not assume the participating jurisdiction's responsibilities for environmental review under § 92.352 and the intergovernmental review process in § 92.357 does not apply. The agreement must set forth the requirements the subrecipient must follow to enable the participating jurisdiction to carry environmental review responsibilities before HOME funds are committed to a project. If HOME funds are being provided to develop rental housing or provide tenant-based rental assistance, the agreement must set forth all obligations the participating jurisdiction imposes on the subrecipient in order to meet the VAWA requirements under § 92.359, including notice obligations and obligations under the emergency transfer plan.

2.7.13.1.5 Affirmative marketing. The agreement must specify the subrecipient's affirmative marketing responsibilities in accordance with § 92.351.

2.7.13.1.6 Requests for disbursement of funds. The agreement must specify that the subrecipient may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed. Program income must be disbursed before the subrecipient requests funds from the participating jurisdiction.

2.7.13.1.7 Reversion of assets. The agreement must specify that upon expiration of the agreement, the subrecipient must transfer to the participating jurisdiction any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds.

2.7.13.1.8 Records and reports. The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the participating jurisdiction in meeting its recordkeeping and reporting requirements.

2.7.13.1.9 Enforcement of the agreement. The agreement must specify remedies for breach of the provisions of the agreement. The agreement must specify that, in accordance with 2 CFR 200.338, suspension or termination may occur if the

subrecipient materially fails to comply with any term of the agreement. The participating jurisdiction may permit the agreement to be terminated in whole or in part in accordance with 2 CFR 200.339.

2.7.13.1.10 Written agreement. Before the subrecipient provides HOME funds to for-profit owners or developers, nonprofit owners or developers or sponsors, subrecipients, homeowners, homebuyers, tenants (or landlords) receiving tenant-based rental assistance, or contractors, the subrecipient must have a written agreement that meets the requirements of this section. The agreement must state if repayment of HOME funds or recaptured HOME funds must be remitted to the participating jurisdiction or retained by the subrecipient for additional eligible activities.

2.7.13.1.10.1 Fees. The agreement must prohibit the subrecipient and any community housing development organizations from charging servicing, origination, or other fees for the costs of administering the HOME program, except as permitted by § 92.214(b)(1).

2.7.13.1.10.2 For-profit or nonprofit housing owner, sponsor, or developer (other than single-family owner-occupant). The participating jurisdiction may preliminarily award HOME funds for a proposed project, contingent on conditions such as obtaining other financing for the project. This preliminary award is not a commitment to a project. The written agreement committing the HOME funds to the project must meet the requirements of "commit to a specific local project" in the definition of "commitment" in § 92.2 and contain the following:

2.7.13.1.11 Use of the HOME funds. The agreement between the participating jurisdiction and a for-profit or nonprofit housing owner, sponsor, or developer must describe the address of the project or the legal description of the property if a street address has not been assigned to the property, the use of the HOME funds and other funds for the project, including the tasks to be performed for the project, a schedule for completing the tasks and the project, and a complete budget. These items must be in sufficient detail to provide a sound basis for the participating jurisdiction to effectively monitor performance under the agreement to achieve project completion and compliance with the HOME requirements.

2.7.13.1.12 Affordability. The agreement must require housing assisted with HOME funds to meet the affordability requirements of § 92.252 or § 92.254, as applicable, and must require repayment of the funds if the housing does not meet the affordability requirements for the specified time period. The affordability requirements in § 92.252 must be imposed by deed restrictions, covenants running with the land, use restrictions, or other mechanisms approved by HUD under which the participating jurisdiction has the right to require specific performance.

2.7.13.1.13 If the owner or developer is undertaking rental projects, the agreement must establish the initial rents, the procedures for rent increases pursuant to § 92.252(f)(2), the number of HOME units, the size of the HOME units, and the designation of the HOME units as fixed or floating, and include the requirement that the owner or developer provide the address (e.g., street address and apartment number) of each HOME unit no later than the time of initial occupancy.

2.7.13.1.13.1 If the owner or developer is undertaking a homeownership project for sale to homebuyers in accordance with § 92.254(a), the agreement must set forth the resale or recapture requirements that must be imposed on the housing, the sales price or the basis upon which the sales price will be determined, and the disposition of the sales proceeds. Recaptured funds must be returned to the participating jurisdiction.

2.7.13.1.14 Project requirements. The agreement must require compliance with project requirements in subpart F of this part, as applicable in accordance with the type of project assisted. The agreement may permit the owner to limit eligibility or give a preference to a particular segment of the population in accordance with § 92.253(d).

2.7.13.1.15 Property standards. The agreement must require the housing to meet the property standards in § 92.251, upon project completion. The agreement must also require owners of rental housing assisted with HOME funds to maintain the housing compliance with § 92.251 for the duration of the affordability period.

2.7.13.1.16 Other program requirements. The agreement must require the owner, developer or sponsor to carry out each project in compliance with the following requirements of subpart H of this part:

2.7.13.1.16.1 The agreement must specify the owner or developer's affirmative marketing responsibilities as enumerated by the participating jurisdiction in accordance with § 92.351.

2.7.13.1.16.2 The federal requirements and nondiscrimination established in § 92.350.

2.7.13.1.16.3 Any displacement, relocation, and acquisition requirements imposed by the participating jurisdiction consistent with § 92.353.

2.7.13.1.16.4 The labor requirements in § 92.354.

2.7.13.1.16.5 The conflict of interest provisions prescribed in § 92.356(f).

2.7.13.1.16.6 If HOME funds are being provided to develop rental housing, the agreement must set forth all obligations the participating jurisdiction imposes on the owner in order to meet the VAWA requirements under § 92.359, including the owner's notice obligations and owner obligations under the emergency transfer plan.

2.7.13.1.16.7 Records and reports. The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the participating jurisdiction in meeting its recordkeeping and reporting requirements. The owner of rental housing must annually provide the participating jurisdiction with information on rents and occupancy of HOME-assisted units to demonstrate compliance with § 92.252. If the rental housing project has floating HOME units, the owner must provide the participating jurisdiction with information regarding unit substitution and filling vacancies so that the project remains in compliance with HOME rental occupancy requirements. The agreement must specify the reporting requirements (including copies of financial statements) to enable the participating jurisdiction to determine the financial condition (and continued financial viability) of the rental project.

2.7.13.1.16.8 Enforcement of the agreement. The agreement must provide for a means of enforcement of the affordable housing requirements by the participating jurisdiction and the intended beneficiaries. This means of enforcement may include liens on real property, deed restrictions, or covenants running with the land. The affordability requirements in § 92.252 must be imposed by deed restrictions, covenants running with the land, use restrictions, or other mechanisms approved by HUD under which the participating jurisdiction has the right to require specific performance. In addition, the agreement must specify remedies for breach of the provisions of the agreement.

2.7.13.1.16.9 Requests for disbursement of funds. The agreement must specify that the developer may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed.

2.7.13.1.16.10 Duration of the agreement. The agreement must specify the duration of the agreement. If the housing assisted under this agreement is rental housing, the agreement must be in effect through the affordability period required by the participating jurisdiction under § 92.252. If the housing assisted under this agreement is homeownership housing, the agreement must be in effect at least until completion of the project and ownership by the low-income family.

2.7.13.1.17 Community housing development organization provisions. If the nonprofit owner or developer is a community housing development organization and is using set-aside funds under § 92.300, the agreement must include the appropriate provisions under §§ 92.300, 92.301, and 92.303.

2.7.13.1.17.1 If the community development organization is receiving HOME funds as a developer of homeownership housing, the agreement must specify if the organization may retain proceeds from the sale of the housing and whether the proceeds are to be used for HOME-eligible or other housing activities to benefit low-income families. Recaptured funds are subject to the requirements of § 92.503. If the community housing development organization is receiving assistance for operating expenses, see paragraph (c)(6) of this section.

2.7.13.1.18 Fees. The agreement must prohibit project owners from charging fees that are not customarily charged in rental housing such as laundry room access fees, and other fees. However, rental project owners may charge reasonable application fees to prospective tenants may charge parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and may charge fees for services such as bus transportation or meals, as long as such services are voluntary. The agreement must also prohibit the developer that is undertaking a homeownership project from charging servicing, origination, processing, inspection, or other fees for the costs of providing homeownership assistance.

2.7.13.2 Contractor. The participating jurisdiction selects a contractor through applicable procurement procedures and requirements. The contractor provides goods or services in accordance with a written agreement (the contract). For contractors who are administering all or some of the participating jurisdiction's HOME programs or

specific services for one or more programs, the contract must include at a minimum the following provisions:

2.7.13.2.1 Use of the HOME funds. The agreement must describe the use of the HOME funds, including the tasks to be performed, a schedule for completing the tasks, a budget, and the length of the agreement.

2.7.13.2.2 Program requirements. The agreement must provide that the contractor is subject to the requirements in part 92 that are applicable to the participating jurisdiction, except §§ 92.505 and 92.506 do not apply, and the contractor cannot assume the participating jurisdiction responsibilities for environmental review, decision-making, and action under § 92.352. Where the contractor is administering only a portion of the program, the agreement must list the requirements applicable to the activities the contractor is administering. If applicable to the work under the contract, the agreement must set forth all obligations the participating jurisdiction imposes on the contractor in order to meet the VAWA requirements under § 92.359, including any notice obligations and any obligations under the emergency transfer plan.

2.7.13.2.3 Duration of agreement. The agreement must specify the duration of the contract. Generally, the duration of a contract should not exceed two years.

2.7.13.2.4 Homebuyer, homeowner or tenant receiving tenant-based rental or security deposit assistance. When a participating jurisdiction provides assistance to a homebuyer, homeowner or tenant the written agreement may take many forms depending upon the nature of assistance. As appropriate, it must include as a minimum:

2.7.13.2.4.1 For homebuyers, the agreement must conform to the requirements in § 92.254(a), the value of the property, principal residence, lease-purchase, if applicable, and the resale or recapture provisions. The agreement must specify the amount of HOME funds, the form of assistance, e.g., grant, amortizing loan, deferred payment loan, the use of the funds (e.g., down-payment, closing costs, rehabilitation) and the time by which the housing must be acquired.

2.7.13.2.4.2 For homeowners, the agreement must conform to the requirements in § 92.254(b) and specify the amount and form of HOME assistance, rehabilitation work to be undertaken, date for completion, and property standards to be met.

2.7.13.2.4.3 For tenants, the rental assistance contract or the security deposit contract must conform to §§ 92.209 and 92.253.

2.7.13.2.5 Community housing development organization receiving assistance for operating expenses. The agreement must describe the use of HOME funds for operating expenses; e.g., salaries, wages, and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; equipment; and materials and supplies. If the community housing development organization is not also receiving funds for a housing project to be developed, sponsored, or owned by the community housing development organization, the agreement must provide that the community housing development organization is expected to receive funds for a project within 24 months of the date of receiving the funds for operating expenses, and must specify

the terms and conditions upon which this expectation is based and the consequences of failure to receive funding for a project.

2.7.13.2.5.1 Community housing development organization receiving assistance for project-specific technical assistance and site control loans or project-specific seed money loans. The agreement must identify the specific site or sites and describe the amount and use of the HOME funds (in accordance with § 92.301), including a budget for work, a period of performance, and a schedule for completion. The agreement must also set forth the basis upon which the participating jurisdiction may waive repayment of the loans, consistent with § 92.301, if applicable.

2.7.13.2.5.2 Technical assistance provider to develop the capacity of community housing development organizations in the jurisdiction. The agreement must identify the specific nonprofit organization(s) to receive capacity building assistance. The agreement must describe the amount and use (scope of work) of the HOME funds, including a budget, a period of performance, and a schedule for completion.

2.7.13.2.6 On-site inspections and financial oversight.

2.7.13.2.6.1 Inspections. The participating jurisdiction must inspect each project at project completion and during the period of affordability to determine that the project meets the property standards of § 92.251.

2.7.13.2.6.1.1 Completion inspections. Before completing the project in the disbursement and information system established by HUD, the participating jurisdiction must perform an on-site inspection of HOME-assisted housing to determine that all contracted work has been completed and that the project complies with the property standards of § 92.251.

2.7.13.2.6.1.2 Ongoing periodic inspections of HOME-assisted rental housing. During the period of affordability, the participating jurisdiction must perform on-site inspections of HOME-assisted rental housing to determine compliance with the property standards of § 92.251 and to verify the information submitted by the owners in accordance with the requirements of § 92.252. The inspections must be in accordance with the inspection procedures that the participating jurisdiction establishes to meet the inspection requirements of § 92.251.

3 DEFINITIONS

3.1 Action Plan: The one-year portion of the Consolidated Plan. It includes the PJ's annual allocation of HOME funds.

3.2 Adjusted Income: Adjusted income is annual (gross) income reduced by deductions for dependents, elderly households, medical expenses, handicap assistance expenses and childcare (these are the same adjustment factors used by the Section 8 Program). The low HOME rent in rental projects in which rents are based on 30% of a family's adjusted gross income.

3.3 Affordability: The requirements of the HOME Program that relate to the cost of housing both at initial occupancy and over established time frames, as prescribed in the HOME Final Rule. Affordability requirements vary depending upon the nature of the HOME assisted activity (i.e., homeownership or rental housing).

3.4 Annual Income: Annual income as defined in 24 CFR 5.609, referred to as "Part 5 annual income", also known as the rules for determining income under the Section 8 voucher program, or adjusted gross income as defined for the purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual tax purposes. Adjusted gross income as reported on Form 1040 shall be used for homebuyer, homeowner rehabilitation and down payment assistance programs.

3.5 Commitment: Commitment means (1) The participating jurisdiction has executed a legally binding written agreement (that includes the date of the signature of each person signing the agreement) with a Community Housing Development Organization (CHDO), subrecipient, or a contractor to use a specific amount of HOME funds to produce affordable housing, provide down payment assistance; or has met the requirements to commit to a specific local project, as defined in paragraph 2 of this definition. (See § 92.504(c) for minimum requirements for a written agreement.) An agreement between the participating jurisdiction and a subrecipient that is controlled by the participating jurisdiction (e.g., an agency whose officials or employees are official or employees of the participating jurisdiction) does not constitute a commitment.

3.6 Commitment to a specific local project: Commitment to a specific local project means that a legally binding agreement was executed meeting one of the following sets of requirements:

3.6.1 Prior to executing a written agreement for HOME funds, the City of Modesto will comply with all commitment requirements defined at 92.2; The City will ensure that acquisition costs are not paid prior to the valid commitment date and that the following requirements are in place:

3.6.1.1 For rehabilitation or new construction projects:

3.6.1.1.1 the PJ (or other entity) and the project owner will execute an agreement for an identifiable project for which all necessary financing has been secured,

3.6.1.1.2 a budget and schedule have been established,

3.6.1.1.3 underwriting has been completed and under which construction is scheduled to start within 12 months of the agreement date.

3.6.1.2 Modesto funded by projects must be set up in the Integrated Disbursement and Information System (IDIS) after the agreement was executed that is signed and dated by each signatory and by all parties; with the commitment date as evidence by the execution date of the City Manager's signature to the agreement and through the underwriting process, it will be evident that construction is expected to start within 12 months the commitment date.

3.6.2 If the project consists of acquisition of standard housing by the PJ, the agreement must be a binding contract for the sale of an identifiable property and the property title must be transferred to the PJ (or other entity) within six (6) months of the date of the contract.

3.6.3 If the project involves the acquisition of standard housing and the City is

providing HOME funds to a purchaser, under the agreement, the title of the property must be transferred to the purchaser within six (6) months of the agreement date.

3.6.4 Note that preliminary or conditional "commitments" may be made, but no funds are considered committed under the rules unless the above conditions have been met.

3.7 Consolidated Plan: A plan prepared in accordance with the requirements set forth in 24 CFR Part 91 which describes community needs, resources, priorities, populations, and proposed activities to be undertaken under certain HUD programs, including HOME.

3.8 Community Housing Development Organization (CHDO): A private, nonprofit organization that meets a series of qualifications prescribed in the HOME regulations at 24 CFR Part 92.2. The HOME New Rule requires that CHDO's have paid staff with demonstrated capacity appropriate to the CHDO's role (this requirement cannot be met through volunteer, donated staff, shared staff, or board members). A participating jurisdiction must award at least 15 percent of its annual HOME allocation to CHDOs.

3.9 Draw-Down: The process of requesting and receiving HOME funds. The City of Modesto draws down funds from a line of credit established by HUD.

3.10 Final Rule: The Final HOME Rule was published at 24 CFR Part 92 on July 24, 2013 and became effective on August 24, 2013.

3.11 Geographic Distribution: The City of Modesto distributes HOME funds geographically within its boundaries and among different categories of housing need, according to the priorities of housing need identified in its approved Consolidated Plan and HOME Program Description. The City of Modesto only invests HOME funds in eligible projects within its boundaries.

3.11.1 Proposed development being considered for HOME funding must fully comply with all federally laws and regulations, including those in Title 24 of the Code of Federal Regulations, 24 CFR 92 and be in compliance with the priorities set forth in the current Consolidated Plan. https://www.modestogov.com/Archive.aspx?AMID=109

3.11.2 The competitive selection criteria for projects, if applicable, will be published at the time applications are solicited.

3.12 HOME-Assisted Units: A term that refers to the units within a HOME project for which rent, occupancy and/or resale restrictions apply. The number of units designated as HOME-assisted affects the maximum HOME subsidies that may be provided to a project as such may be amended.

3.13 HOME Funds: All appropriations for the HOME Program, plus all repayments and interest or other returns on the investment of these funds.

3.14 Household: One or more persons occupying a housing unit.

3.15 Jurisdiction: A unit of general local government.

3.16 Low-Income Families: Families whose annual incomes do not exceed 80 percent of the median income for the area (adjusted for family size).

3.17 Match: Match is the City of Modesto's contribution to the HOME Program - the local, non- Federal contribution to the partnership. The City of Modesto's match contribution must equal not less than 25 percent of the HOME funds drawn

down for projects in that fiscal year.

3.18 New Construction: The creation of new dwelling units. Any project which includes the creation of new or additional dwelling units in an existing structure is considered new construction.

3.19 Participating Jurisdiction (PJ): The term given to any state, local government or consortium that has been designated by HUD to administer a HOME Program. HUD designation as a PJ occurs if a state or local government meets the funding thresholds, notifies HUD that they intend to participate in the program and has a HUD-approved Consolidated Plan.

3.20 Project Preferences: project preferences refer to a preferred housing population.

3.21 Program Income: Gross income received by the City of Modesto, a CHDO that does not retain CHDO Proceeds, or a sub recipient directly generated from the use of HOME funds or matching contributions.

3.22 Project: A site or an entire building or two or more buildings, together with the site or sites on which the building or buildings is located, that are under common ownership, management and financing and are to be assisted with HOME funds, under a commitment by the owner, as a single undertaking.

3.23 Project completion: All necessary title transfer requirements and construction work have been performed; the project complies with all HOME requirements; the final draw-down of HOME funds has been disbursed for the project; and the project completion information has been entered in the disbursement and information system established by HUD, except that with respect to rental housing project completion, for the purposes of § 92.502(d) of this part, project completion occurs upon completion of construction and before occupancy.

3.24 Reconstruction (also rehabilitation): The rebuilding, on the same lot, of housing standing on a site at the time of project commitment. Except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction the number of housing units on the lot may not be changed as part of the reconstruction project, but the number of rooms per unit may change. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing.

3.25 Sub recipient: A public agency or nonprofit organization selected by the City of Modesto to administer all or a portion of the City of Modesto's HOME Program. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of housing (CHDO) is not a sub recipient.

3.26 Targeting: Requirements of the HOME Program relating to the income or other characteristics of households that may occupy HOME-assisted units.

3.26.1 Very-Low-Income Families: Families whose annual incomes do not exceed 50 percent of the median income for the area (adjusted for family size).

4 APPLICATION FOR FUNDS

4.1. Application Timeline
    4.1.1. The City of Modesto accepts applications on a continuous basis, unless otherwise noted.
    4.1.2. Applications are submitted via The City of Modesto's Online Application Portal.
    4.1.3. Technical Assistance is provided at the request of the applicant by email at housing@modestogov.com
    4.1.4. No application will be accepted that is not submitted through the online application portal.
    4.1.5. Inaccurate information contained in an application can disqualify the Applicant from consideration.
4.2. Applications submitted for funding consideration must be complete for Tier 1.
    4.2.1. Tier 1 is defined as New Construction or Rehabilitation with 50% of the project funding identified
    4.2.2. Site identified and can be under contract by time of award, can obtain permits within 6 months, and can demonstrate construction can begin within 12 months of award.
    4.2.3. Note, HOME funding will not be committed until all leveraged sources are secured for the project and a complete source and uses budget has been approved.
4.3. All application for funding are ranked by the following:
    4.3.1. Development Experience and Capacity
    4.3.2. Project Readiness
    4.3.3. Urgency and Persistence of Need
    4.3.4. Past Performance
    4.3.5. Financial Management
    4.3.6. General Compliance to Regulations
    4.3.7. Budgeting, Funding and Leveraging for the proposed project development
4.4. The Minimum Threshold Requirements for each HOME application are included in the Notice of Funding Availability and periodically updated.
4.5. Applicants who fail to meet any minimum threshold requirement will not be considered for funding.
4.6. Minor corrections to applications may be allowed, but applications requiring substantial revision, or which are substantially incomplete will not be reviewed or ranked.

5 ALLOCATION

5.1 HOME program applicants must submit proposals that are consistent with the City's current Consolidated Plan (Con Plan) and HOME Program Description.

5.2 Before submitting an application, the applicant must review the Con Plan and HOME Program Description (found on the Community Development Division web site, https://www.modestogov.com/1849/Five-Year-Consolidated-Plan) to ensure that the activities are in conformance with the Plan and Description.

5.3 The amount for eligible activities on an annual basis is 90% of HUD allocated HOME funds, after allocating the allowable 10% administrative funding. Up to 90% of Program Income funds may also be used for eligible activities.

5.4 A minimum of 15% of the total HOME funds is available exclusively for certified Community Housing Development Organizations (CHDO) performing CHDO eligible activities. Please refer to the CHDO section of these policies to determine an organization's eligibility as a CHDO and also to determine eligible CHDO activities.

5.5 An additional 5% of the total annual HOME grant funding may be used for CHDO administrative expenses.

6 MAXIMUM FUNDING AMOUNT

6.1 When allocating funds, HOME considers the total amount of assistance from both public and private sources needed to ensure project feasibility.

6.2 Applicants are encouraged to request only the amount of HOME funds needed as gap financing to make the project feasible.

6.3 Requesting funds for administration is not allowed; however, applicants may request reasonable amounts for developer fees and soft costs in an amount corresponding to the following housing activities. The amount for such fee allowances are presented in a Notice of Funding Availability (NOFA) and must be approved by City staff as part of the underwriting review.

6.4 All HOME costs, including soft costs must be tied to specific housing addresses.

6.5 Eligible Project Related Soft Costs, as described in 24 CFR 92.206(d), area costs that can be directly tied to an address of the project or individual being assisted. These costs must be reasonable and necessary costs associated with the financing or development (or both) of new construction, rehabilitation, or acquisition of housing assisted with HOME funds. These include the following:

6.5.1 Project-specific fees for a HOME-assisted project (such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorney's fees, private appraisal fees, and fees for an independent cost estimate);

6.5.2 Architectural, engineering, or related professional services required to prepare plans, drawings or specifications of a project;

6.5.3 Preparation of work write-ups, work specifications, and cost estimates or review of these items if an owner has had them independently prepared;

6.5.4 Construction inspection and oversight;

6.5.5 Project document preparation;

6.5.6 Costs to process and settle the mortgage financing for a project;

6.5.7 Pre-purchase homebuyer counseling for a HOME-assisted homebuyer;

6.5.8 Costs to inspect property for compliance with property standards or to conduct a visual assessment for deteriorated paint;

6.5.9 Cost of inspection units for the presence of lead hazards or defective paint;

6.5.10 Developer fees (limited).

6.5.11 NOTE: Indirect costs are not eligible soft costs.

6.5.12 Applicants should request only the level of funding necessary to carry out their projects

and must be in combination with other proposed funding sources, to complete the proposed activities within the contract period.

6.6 Eligible Applicants/Sponsors and Capacity

6.6.1 Applicants/Sponsors must have prior experience in developing and managing the type of project they plan to undertake. Applicants/Sponsors must demonstrate that they or their development team has the skills, experience, and capacity needed to develop and operate the property for a minimum period of affordability. Collaborative efforts with experienced parties and/or experienced development teams will be considered.

6.7 The following types of organizations are eligible to apply for funds:

6.7.1 Non-profit organizations, including Community Housing Development Organizations (CHDO). The CHDO must be certified by the City of Modesto.

6.7.2 For profit entities, including individuals, partnership, corporation and limited liability companies.

6.7.3 Stanislaus Regional Housing Authority or a controlled affiliate thereof.

6.8 Joint Applicants

6.9 Two or more eligible applicants may submit one application under the following conditions:

6.10 One joint applicant is designated as the Lead Applicant during the term of the HOME project and period of affordability. The lead applicant must accept full responsibility for application submission and for administrative, regulatory, and financial management requirements.

6.11 Eligibility Requirements

6.11.1 Applicants, including all entities of a joint application, currently administering a HOME project are eligible to apply for additional HOME funds if:

6.11.1.1 The applicant is in compliance with the project implementation schedule contained within its HOME funding agreement with the City for any open HOME-assisted housing project.

6.11.1.2 There are no unresolved audit, monitoring, or performance findings for any previous HOME funding allocations to the applicant.

6.11.1.3 All projects three years or older are completed and conditionally closed out (have submitted the final draw and may just be awaiting the submittal of demographic information) before applying for additional funds

6.12 Disclaimers

6.12.1 The City of Modesto reserves the right to recommend to the Citizens Housing and Community Development Committee (CH&CDC) and City Council to not award all available funds if submitted proposals do not meet the project threshold, evaluation and funding criteria, or do not address the program priorities.

6.12.2 Funds not allocated during a funding cycle may be awarded during a subsequent application cycle. The City also reserves the right to allocate these funds to projects during the course of the year.

6.12.3 The City reserves the right to reserve and allocate HOME funds to any project and may deny HOME funds for any project, regardless of the ranking score under the project selection criteria, if applicable, if it determines, in its sole discretion, the project is unacceptable based on, but not limited to the following:

6.12.3.1 Negative comments or lack of support from community organization(s) and stakeholder(s), or

6.12.3.2 Information that a particular market is saturated with affordable housing projects, or

6.12.3.3 The likelihood that the project may not comply with HOME program requirements in a timely manner, or

6.12.3.4 The applicant's (including any related party) lack of or unacceptable prior experience and performance related to compliance with housing assistance or other government-sponsored programs, regardless of type and location.

6.13 Use of Contractors

6.13.1 In accordance with federal regulations, HOME funds may not be used to directly or indirectly employ, award contracts to, or otherwise engage the services of any contractor or Sub-recipient during any period of debarment, suspension, or placement of ineligibility status.

6.13.2 The City will require participants to certify that any contractors or sub-contractors under the General Contractor that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any equity from a federally funded transaction.

6.13.3 Any participant that remains on a debarred or suspended condition shall be prohibited from participation in the City of Modesto HOME program as long as they are classified in this manner.

6.13.4 The City will verify this information by requiring that the applicant submit its Unique Entity ID number (UEI) that was previously as accepted as the Dun and Bradstreet (DUNS) number with the project application and within the scope of a project as new contractor, subcontractor, or participant.

7 Project Threshold Criteria

7.1 All projects submitted for funding consideration through the HOME Investment Partnership Program must meet the Proposal Requirements which include the following threshold criteria to be eligible for a funding commitment:

7.2 Contributes To Implementation Of Strategic Goals Of The Consolidated Plan

7.2.1 Proposed projects must match one or more of City of Modesto Funding Priorities as listed in the Consolidated Plan. Applicants must familiarize themselves with the City of Modesto's currently approved Consolidated Plan.

7.2.2 The City does not require a preference be given to any one population for its use of HOME funds; however, it is recognized that there are scenarios such as layered funding that requires HOME units to be set-aside for a preferred population. This preference will be considered under the following conditions:

7.2.2.1 The population is included as a preference population in the current Consolidated Plan.

7.2.2.2 The Marketing Plan supports the need for the preferred population and/or it is a stipulation of the layered funding from another Federal, State, or local source investing in the project.

7.2.2.3 The preference does not violate nondiscrimination requirements in accordance

with 24 CFR 92.350.

7.2.2.4 The Tenant meets the requirements of the HOME program.

7.3 Project Information

7.3.1 For purposes of providing a detailed project description in the Integrated Disbursement and Information System (IDIS), project proposals must provide detailed project information as defined by Appendix 3 Application Outline and HOME Investment Partnership Program Basics. At a minimum, a detailed project description will include each of the outlined components which shall be used, in whole or in part, to enter a project description in IDIS.

8 General Policies and Procedures

8.1 Eligible activities.

8.1.1 HOME funds may be used by a participating jurisdiction to provide incentives to develop and support affordable rental housing and homeownership affordability through the acquisition (including assistance to homebuyers), new construction, reconstruction, or rehabilitation of non-luxury housing with suitable amenities, including real property acquisition, site improvements, conversion, demolition, and other expenses, including financing costs, relocation expenses of any displaced persons, families, businesses, or organizations; to provide tenant-based rental assistance, including security deposits; to provide payment of reasonable administrative and planning costs; and to provide for the payment of operating expenses of community housing development organizations. The housing must be permanent or transitional housing. The specific eligible costs for these activities are set forth in §§ 92.206 through 92.209. The activities and costs are eligible only if the housing meets the property standards in § 92.251 upon project completion.

8.1.2 Acquisition of vacant land or demolition must be undertaken only with respect to a particular housing project intended to provide affordable housing within the time frames established in paragraph (2) of the definition of “commitment” in § 92.2.

8.1.3 Conversion of an existing structure to affordable housing is rehabilitation, unless the conversion entails adding one or more units beyond the existing walls, in which case, the project is new construction for purposes of this part.

8.1.4 Manufactured housing. HOME funds may be used to purchase and/or rehabilitate a manufactured housing unit, or purchase the land upon which a manufactured housing unit is located. Except for existing, owner-occupied manufactured housing that is rehabilitated with HOME funds, the manufactured housing unit must, at the time of project completion, be connected to permanent utility hook-ups and be located on land that is owned by the manufactured housing unit owner or land for which the manufactured housing owner has a lease for a period at least equal to the applicable period of affordability.

8.2 Forms of assistance.

8.2.1 A participating jurisdiction may invest HOME funds as equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this part, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with the purposes of this

part and specifically approves in writing. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this part.

8.2.2 A participating jurisdiction may invest HOME funds to guarantee loans made by lenders and, if required, the participating jurisdiction may establish a loan guarantee account with HOME funds. The HOME funds may be used to guarantee the timely payment of principal and interest or payment of the outstanding principal and interest upon foreclosure of the loan. The amount of the loan guarantee account must be based on a reasonable estimate of the default rate on the guaranteed loans, but under no circumstances may the amount on deposit exceed 20 percent of the total outstanding principal amount guaranteed; except that the account may include a reasonable minimum balance. While loan funds guaranteed with HOME funds are subject to all HOME requirements, funds which are used to repay the guaranteed loans are not.

8.2.3 Minimum amount of assistance. The minimum amount of HOME funds that must be invested in a project involving rental housing or homeownership is $1,000 times the number of HOME-assisted units in the project.

8.3 Multi-unit projects. HOME funds may be used to assist one or more housing units in a multi-unit project.

8.3.1 Only the actual HOME eligible development costs of the assisted units may be charged to the HOME program. If the assisted and non-assisted units are not comparable, the actual costs may be determined based on a method of cost allocation. If the assisted and non- assisted units are comparable in terms of size, features, and number of bedrooms, the actual cost of the HOME- assisted units can be determined by prorating the total HOME eligible development costs of the project so that the proportion of the total development costs charged to the HOME program does not exceed the proportion of the HOME-assisted units in the project.

8.3.2 After project completion, the number of units designated as HOME- assisted may be reduced only in accordance with § 92.210, except that in a project consisting of all HOME- assisted units, one unit may be subsequently converted to an on-site manager's unit if the participating jurisdiction determines that the conversion will contribute to the stability or effectiveness of the housing and that, notwithstanding the loss of one HOME-assisted unit, the costs charged to the HOME program do not exceed the actual costs of the HOME- assisted units and do not exceed the subsidy limit in § 92.250(b).

8.3.3 Terminated projects. A HOME assisted project that is terminated before completion, either voluntarily or involuntarily, constitutes an ineligible activity, and the participating jurisdiction must repay any HOME funds invested in the project to the participating jurisdiction's HOME Investment Trust Fund in accordance with § 92.503(b) (except for project- specific assistance to community housing development organizations as provided in § 92.301(a)(3) and (b)(3)).

8.3.4 A project that does not meet the requirements for affordable housing must be terminated and the participating jurisdiction must repay all HOME funds invested in the project to the participating jurisdiction's HOME Investment Trust Fund in accordance with § 92.503(b).

8.3.5 If a participating jurisdiction does not complete a project within 4 years of the date of

commitment of funds, the project is considered to be terminated and the participating jurisdiction must repay all funds invested in the project to the participating jurisdiction's HOME Investment Trust Fund in accordance with § 92.503(b). The participating jurisdiction may request a one-year extension of this deadline in writing, by submitting information about the status of the project, steps being taken to overcome any obstacles to completion, proof of adequate funding to complete the project, and a schedule with milestones for completion of the project for HUD's review and approval.

8.4 Troubled HOME-assisted rental housing projects.

8.4.1 The provisions of this section apply only to an existing HOME- assisted rental project that, within the HOME period of affordability, is no longer financially viable. For purposes of this section, a HOME assisted rental project is no longer financially viable if its operating costs significantly exceed its operating revenue. HUD may approve one or both of the actions described in paragraphs (b) and (c) of this section to strategically preserve a rental project after consideration of market needs, available resources, and the likelihood of long-term viability of the project.

8.4.2 Notwithstanding § 92.214, a participating jurisdiction may request and HUD may permit, pursuant to a written memorandum of agreement, a participating jurisdiction to invest additional HOME funds in the existing HOME-assisted rental project. The total HOME funding for the project (original investment plus additional investment) must not exceed the per-unit subsidy limit in § 92.250(a). The use of HOME funds may include, but is not limited to, rehabilitation of the HOME units and recapitalization of project reserves for the HOME units (to fund capital costs). If additional HOME funds are invested, HUD may require the period of affordability to be extended, based on such considerations as the amount of additional HOME funds or additional units.

8.4.3 HUD Headquarters may, through written approval, permit the participating jurisdiction to reduce the number of HOME-assisted units, if the project contains more than the minimum number of units required to be designated as HOME-assisted under § 92.205(d). In determining whether to permit a reduction in the number of HOME-assisted units, HUD will take into account the required period of affordability and the amount of HOME assistance provided to the project.

8.5 Expenditure Time Frames

8.5.1 The City of Modesto will comply with 92.205(a)(2) Construction of the intended housing project must begin within 12 months of the HOME commitment date as evidence by the underwriting requirement reference in section 4 of this policy.

8.5.2 If the subrecipient of the City does not complete a project within 4 years of the date of commitment of funds, the project is considered to be terminated and The City may require the subrecipient to repay all funds invested in the project, unless prior approval is received from the regional HUD office extending the terms of the completion date.

8.5.3 Should a project not complete within the 4 years of the commitment date, the City may be required to pay HOME Investment Trust Fund in accordance with § 92.503(b); unless the City is granted extension approval to the 4 year completion deadline by HUD’s regional office.

8.6 Project Maximums

8.6.1 Rent Limits HOME rent limits apply to all rental housing projects. HOME rent limits are published each year by HUD. The current rent limits can be found at https://www.hudexchange.info/programs/home/home-rent-limits/

8.7 Per Unit Subsidy – Rental

8.7.1 HUD establishes maximum per unit subsidy, known as the 221(d)3 limits. The maximum per unit subsidy can be requested from CDD staff. HOME funding may not be utilized on projects that exceed these maximum per unit subsidies limits.

8.8 Homeownership Value Limit

8.8.1 HUD establishes, and updates periodically, the maximum allowable value for homeownership housing units. This is the after-rehab value for units that are either acquired or rehabilitated utilizing HOME funding. This is called the Homeownership Value Limits or the 95% limit. Section 92.254(a)(2)(iii) states that two (2) values will be established for the median purchase price/after rehab value. One is for newly constructed housing and one for existing housing. HOME funds may not be utilized on any property that exceeds these values. The current limits can be accessed at: https://www.hudexchange.info/resource/2312/home-maximum-purchase-price-after-rehab-value/

9 Other Regulations

9.1 Section 504 And Fair Housing Act

9.1.1 All projects receiving HOME funds must comply with section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act of 1988. It is the applicant's responsibility to become familiar with these legislative acts. The applicant may be asked to submit certification from a certified access specialist that the funded project design and construction complies with this requirement.

9.2 Labor Standards

9.2.1 Labor standards provisions apply to any contract for the construction of 12 or more HOME-assisted units. (Section 286, National Affordable Housing Act of 1990, as amended).

9.2.2 The City, subrecipient and any contractor(s) shall abide by the requirements of Davis Bacon and Related Acts (DBRA) for prevailing wages and of Section 3 New Rule economic opportunities for low and very low-income persons. The City shall provide appropriate guidance to both subrecipient and contractor regarding DBRA requirements, including wage determinations, and Section 3 requirements as applicable to all HOME-funded projects.

9.3 Build America, Buy America (BABA) Act

9.3.1 The Build America, Buy America Act, enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022. The domestic content procurement preference requires that all iron, steel manufactured products, and construction materials used in covered infrastructure projects are produced in the United States.

9.3.2 The BABA Act is applicable to all Federally financial assisted projects where funds

appropriated or otherwise made available and used for a project for infrastructure.

9.4 Violence Against Women Act (VAWA)

9.4.1 The Violence Against Women Act (VAWA) requirements set forth in 24 CFR part 5, subpart L, apply to all HOME tenant-based rental assistance and rental housing assisted with HOME funds, as supplemented by this section.

9.4.1.1 For the HOME program, the "covered housing provider," as this term is used in HUD's regulations in 24 CFR part 5, subpart L, refers to:

9.4.1.1.1 The housing owner for the purposes of 24 CFR 5.2005(d)(1), (d)(3), and (d)(4) and § 5.2009(a); and

9.4.1.2 The participating jurisdiction and the owner for purposes of 24 CFR 5.2005(d)(2), 5.2005(e), and 5.2007, except as otherwise provided in paragraph (g) of this section.

9.4.2 Effective date. The core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking became applicable upon enactment of VAWA 2013 on March 7, 2013. Compliance with the VAWA regulatory requirements under this section and 24 CFR part 5, subpart L, are required for any tenant-based rental assistance or rental housing project for which the date of the HOME funding commitment is on or after December 16, 2016.

9.4.3 For HOME-assisted units. The owner of HOME-assisted rental housing must provide the notice and certification form described in 24 CFR 5.2005(a) to the applicant for a HOME-assisted unit at the time the applicant is admitted to a HOME-assisted unit, or denied admission to a HOME-assisted unit based on the owner's tenant selection policies and criteria. The owner of HOME-assisted rental housing must also provide the notice and certification form described in 24 CFR 5.2005 with any notification of eviction from a HOME-assisted unit.

10 Project Implementation

10.1 Income Determination and Eligibility

10.1.1 Individuals receiving assistance through the HOME program must be determined income eligible using the most current definition of IRS Form 1040 Adjusted Annual Gross Income. Individuals receiving rental assistance must be determined income eligible using the most current definition of the "Part 5" Annual Income as defined at 24 CFR 5.609. The income eligibility determination is the responsibility of the entity providing the assistance, not that of the City of Modesto.

10.1.2 Initial income must be verified via third-party documentation. Income must be re-certified annually in accordance with HOME regulations, utilizing third-party documentation. A minimum of three (3) months of income source documentation shall be reviewed when determining income.

10.1.3 Applicant requirements and documentation must be consistent for all participants of a project (i.e. criminal history checks, credit reports, etc.)

10.2 Lead-based Paint

10.2.1 Housing that is purchased, rehabilitated, or assisted in some way with HOME is subject to the Lead-based Paint Poisoning Prevention Act, the Residential Lead-based Paint Hazard Reduction Act and the implementing regulations for these Acts.

10.2.2 HUD maintains a website for the Office of Healthy Homes and Lead Hazard Control where lead- based paint requirements are described as they apply to HUD programs. The website is www.hud.gov/offices/lead/index.cfm.

10.2.3 Applicants for HOME funds shall discuss acquisition projects where units that are older than 1978 are being purchased with City of Modesto program staff prior to purchase.

10.2.4 Testing for lead, an assessment of its presence, and a plan for stabilization or removal will be required if HOME funds are used to acquire pre-1978 units. Testing for lead, an assessment of its presence, and a plan for stabilization or removal will be required if HOME funds are used to acquire pre-1978 units, and as otherwise required to comply with all applicable HUD regulations.

10.3 Record Retention

10.3.1 All records must be maintained and accessible for a minimum of five (5) years beyond the end of the affordability period.

10.4 General

10.4.1 In the event there is a turnover in agency staff administering any HOME funded project, the City of Modesto must be notified within thirty (30) days in order to provide technical assistance to new and/or reassigned staff to ensure program compliance.

10.4.2 All applications for funding of more than one unit are required to provide an operating Pro Forma for the length of time that is required by the maximum regulation.

10.4.2.1 Pro Formas for under the maximum regulation will be considered on a case-by-case basis and must demonstrate that they are not required to operate for the max term. Applications not containing this information will not be funded.

Commented [BR1]: Does this apply?

10.5 Relocation

10.5.1 HOME projects must comply with the Uniform Relocation Act (URA) whenever displacement occurs as a direct result of HOME-assisted rehabilitation, demolition or acquisition, including acquisition for homebuyer activities. If the proposed project is occupied at the time of application, contact the City of Modesto for detailed regulations. Failure to do so may result in disqualification of your application as you may be required to submit notifications as part of your application.

10.5.2 It is the expressed policy of City of Modesto to strictly comply with the URA and to minimize displacement. Please reference the City of Modesto's Uniform Relocation Assistance and Real Property Acquisition Policies, Policies and Procedures for details. https://www.modestogov.com/1943/Housing-and-Urban-Development-Policy-Man

10.6 Cost Overruns

10.6.1 Applicants should make every effort to be realistic when developing the construction and development budgets. Construction budgets should be comprehensive and should consider items such as the removal of lead-based paint and asbestos, and other entitlement factors.

10.6.2 The City does not keep a reserve account for cost overruns.

10.6.3 Funds will not be available to pay for cost overruns.

10.6.4 Overruns will be the responsibility of the owner or developer and can only come from funds already committed to the project such as Developer Fees or other soft costs.

10.7 The protocol for payment of HOME funds to the project is:

10.7.1 GAP Financing and cannot exceed the result of the maximum subsidy layering calculation, and the City reserves the right to provide gap funding in the amount needed to successfully produce the project even if this amount is below the maximum subsidy layering calculation cap.

10.7.2 Developer fees are considered at the time of underwriting and will not exceed the amount listed in the City's Affordable Housing Notice of funding Availability guide.

10.7.2.1 The final payment of Developer fees will be the last funds paid for a project. In the event of cost overruns, developer fees must be used as a contingency fund if no other funds are available from the originally approved sources and uses budget.

10.8 Match Requirements

10.8.1 All projects for HOME assistance must provide a minimum of 25% match. Homebuyer projects will be subject to Section 92.221(d).

10.8.2 Eligible forms of project match include:

10.8.2.1 Cash contributions from non-federal sources

10.8.2.2 Participation of Federal Home Loan Bank Affordable Housing Program, Trust Fund, State and other public or private sources

10.8.2.3 Grants contributing to a below-market interest rate loan

10.8.2.4 Waived fees for a HOME-eligible project

10.8.2.5 Donation of real property

10.8.2.6 Donated labor and/or sweat equity

10.8.3 Ineligible forms of match include:

10.8.3.1 Owner equity or investment in a project

10.8.3.2 Interest rate subsidy attributable to the Federal tax-exemption on financing or Federal tax credits

10.8.3.3 Cash or other forms of contributions from applicants or recipients of HOME assistance (with the exception of sweat equity).

10.8.4 Documentation of match must be submitted to the City of Modesto at application and confirmed at project completion.

10.8.5 Agencies must also maintain documentation of match for a minimum of five (5) years after the completion of the project.

11 Types of Housing

11.1 HOME funds may be used for the construction or purchase of single-family (one unit) homes, doubles (two units sharing a common wall but owned individually), townhomes, cooperatives, and/or multi-unit rental apartments. All housing units developed with HOME assistance (homeownership and rental) must be affordable to buyer and renter households earning 80% of Area Median Income (AMI) or below.

11.2 Construction may be one or a combination of several methods including stick-built, panelized, or modular. Mobile and manufactured homes are not eligible for HOME funding assistance. For the purposes of this manual, the following definitions apply:

11.2.1 Stick-Built - a house that is constructed primarily on-site from raw materials. This construction method may utilize some pre-constructed elements such as roof framing.

11.2.2 Panelized - a house that is brought to the construction site in pre-built panels (wall sections), assembled on-site, and finished. Panelized houses are stick built houses with

some of the components constructed off-site.

11.2.3 Modular - a home which is stick-built in modules (two or more boxes) in a factory, transported to the site by truck, and placed on a permanent basement or crawl space foundation. The modules are bolted together, finished and may also involve on-site additions i.e. porches, garages, and other customization. These houses are essentially the same as stick-built on-site only the majority of the construction is accomplished in a controlled factory environment.

11.2.4 Manufactured - a house that is fully constructed as a single unit in a factory, brought to the site by truck and placed on a fixed foundation.

11.3 For projects that require acquisition of land or property, the agency may obtain a purchase option agreement in lieu of full ownership.

11.4 The agreement must state that the purchase of the property is contingent upon the results of the National Environmental Policy Act (NEPA) review and the release of funds by HUD.

11.5 Verification of acquisition is required to be submitted to the City after closing.

12 Rental Projects

12.1 HOME funds may be used for acquisition, new construction, or rehabilitation of affordable rental housing. Owners of the rental housing may be small property owners, for-profit developers, non-profit housing providers, CHDOs or government agencies. Owners will be monitored by the City to ensure compliance in occupancy, rent restrictions, affordability requirements, and property standards. Additionally, an on-site inspection will be required to be conducted a minimum of once every three (3) years.

12.2 General Requirements

12.2.1 Funds may not be committed to a project until:

12.2.1.1 all necessary project financing is secured,

12.2.1.2 a budget and time schedule are established and

12.2.1.3 underwriting and subsidy layering review are completed, as noted in Appendix 3.

12.2.1.4 Construction must commence within 12 months of the project commitment.

12.2.1.5 Agreements will not be signed until this information has been submitted to and approved by the City of Modesto.

12.2.2 Project records must be maintained by the owner for a minimum of five (5) years beyond the required affordability period.

12.3 Property Standards

12.3.1 New Construction

12.3.1.1 All newly constructed rental units must meet the applicable State and Local residential and building codes upon project completion.

12.3.1.2 All newly constructed rental units must also meet the accessibility requirements of 24 CFR Part 8 (implements Section 504 of the Rehabilitation Act of 1973) and Titles II and III of the Americans with Disabilities Act implemented at 28 CFR Parts 35 and 36, as applicable. Covered multifamily dwellings, (buildings consisting of 4 or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of 4 or more dwelling units) must also meet design and construction requirements at 24 CFR 100.205, which implements

the Fair Housing Act (42 U.S.C. 3601-3619).

12.3.2 Rehabilitation

12.3.2.1 City of Modesto has adopted a modified version of the Minimum Housing Quality Standards (HQS) as the standard for all rehabilitation work.

12.3.2.2 Eligible projects may be existing one or more multifamily buildings with rental units on a single site; or multiple sites that are under common ownership, management and financing. In no case shall funding be provided for a unit to be converted to a rental unit if the existing use or former use was owner-occupied housing.

12.3.2.3 A Capital Needs Assessment is required for rehabilitation projects with a total of 26 or more units. The City will require that the scope of the rehabilitation work and replacement reserves deposits are sufficient to ensure the useful life of essential building components throughout the required Affordability Period.

12.3.2.4 Useful Life of Major Systems and Capital Needs Assessments

12.3.2.4.1 The 2013 Final Rule requires a Capital Needs Assessment to estimate the useful life of major systems when HOME funds assist a project. To this extent, the City is required to estimate the remaining useful life of major systems (based on age and current condition). Where it is estimated that the useful life is less than the affordability period, the City through project underwriting is required to ensure that a replacement reserve is established, and annual payments made to the replacement reserve are adequate to replace and/or replace major systems when needed. The City reserves the right to inspect Major Life Systems and may require owner to conduct Capital Needs Assessment periodically during affordability period, as necessary to comply with HUD requirements.

12.3.2.4.2 HOME funds are not eligible to fund replacement reserve accounts, but a larger HOME subsidy may be permitted to reduce debt payments and overall operating expenses, allowing a larger share of operating revenue to fund the replacement reserves.

12.3.2.4.3 For homeowner acquisition and/or rehabilitation projects and rehabilitation of owner-occupied housing, the City of Modesto is required to ensure that each major system has a remaining useful life of at least five (5) years at the time of project completion.

12.3.2.4.4 Major systems with a useful life of less than five years after project completion would be required to be rehabilitated or replaced to meet this requirement.

12.3.3 Fixed/Floating Units

12.3.3.1 For properties with both HOME-assisted and Non-HOME-assisted units (which is usually the case in the City HOME Program's funding history), HOME regulations require that a choice between fixed and floating unit designation must be determined at the time of project commitment.

12.3.3.2 A fixed unit designation requires that specific units be identified for HOME rent and occupancy restrictions. A floating unit designation indicates that the HOME-assisted units may change over time as long as the total number of HOME=assisted units in the project remains constant.

12.3.3.3 It is the policy of the City HOME Program to always fund only floating units and

this designation is to be understood in all new City HOME Program funded rental projects.

12.3.4 Site and Neighborhood Standards

12.3.4.1 New construction rental projects must ensure that the project conforms to the "Site and Neighborhood Standards" as described in 24CFR 983.6(b).

12.3.5 Project Completion

12.3.5.1 Rental projects are considered complete once construction is completed and the units are ready for occupancy. All HOME units within a rental project must be rented to an initial occupant within 18 months of project completion. All HOME funding will be required to be repaid to HUD for units not occupied within the 18-month time frame.

12.3.5.2 All HOME assisted units must be completed within four (4) years of signing the funding agreement between the Owner and the City of Modesto. Funds expended on units that are not complete within the required 4 years will result in the repayment of all HOME funding to the City of Modesto for reimbursement to HUD. Funding agreements must be signed within 12 months of the beginning of the program year.

12.3.6 Funding Levels

12.3.6.1 The minimum amount of funding that can be applied to a HOME assisted unit is $1,000.

12.3.6.2 The maximum amount of funding that can be applied to a HOME assisted unit is the 221(d)(3) limit as published each year and provided to the City of Modesto by HUD. The current limit is available upon request.

12.3.7 Tenant protections and selection

12.3.7.1 Lease. There must be a written lease between the tenant and the owner of rental housing assisted with HOME funds that is for a period of not less than 1 year, unless by mutual agreement between the tenant and the owner a shorter period is specified. The lease must incorporate the VAWA lease term/addendum required under § 92.359(e), except as otherwise provided by § 92.359(b).

12.3.7.1.1 Prohibited lease terms. The lease may not contain any of the following provisions:

12.3.7.1.1.1 Agreement to be sued. Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;

12.3.7.1.1.2 Treatment of property. Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with State law;

12.3.7.1.1.3 Excusing owner from responsibility. Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;

12.3.7.1.1.4 Waiver of notice. Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;

12.3.7.1.1.5 Waiver of legal proceedings. Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

12.3.7.1.1.6 Waiver of a jury trial. Agreement by the tenant to waive any right to a trial by jury;

12.3.7.1.1.7 Waiver of right to appeal court decision. Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease;

12.3.7.1.1.8 Tenant chargeable with cost of legal actions regardless of outcome. Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses; and

12.3.7.1.1.9 Mandatory supportive services. Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

12.3.7.2 Termination of tenancy. An owner may not terminate the tenancy or refuse to renew the lease of a tenant of rental housing assisted with HOME funds, except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing or failure to follow any required transitional housing supportive services plan; or for other good cause. Good cause does not include an increase in the tenant's income or refusal of the tenant to purchase the housing. To terminate or refuse to renew tenancy, the owner must serve written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of tenancy.

12.3.7.3 The Owner must comply with the Affirmative Marketing Policy (Appendix 1). The Owner must also adopt and follow written tenant selection policies and criteria (24 CFR 92.253 (d)) that are approved as part of the Underwriting process.

12.3.7.3.1 The Owner must submit the tenant selection policies and criteria to the City of Modesto with the funding agreement.

12.3.7.3.2 These policies and criteria must be approved by the City of Modesto prior to the leasing/renting of any properties.

12.3.8 Tenant selection. An owner of rental housing assisted with HOME funds must comply with the affirmative marketing requirements established by the participating jurisdiction pursuant to § 92.351(a). The owner must adopt and follow written tenant selection policies and criteria that:

12.3.8.1.1 Limit the housing to very low- income and low-income families;

12.3.8.1.2 Are reasonably related to the applicants' ability to perform the obligations of the lease (i.e., to pay the rent, not to damage the housing; not to interfere with the rights and quiet enjoyment of other tenants);

12.3.8.1.3 Limit eligibility or give a preference to a particular segment of the population if permitted in its written agreement with the participating jurisdiction (and only if the limitation or preference is described in the participating jurisdiction's consolidated plan).

12.3.8.1.3.1 Any limitation or preference must not violate nondiscrimination requirements in § 92.350. A limitation or preference does not violate nondiscrimination requirements if the housing also receives funding from a Federal program that limits eligibility to a particular segment of the population (e.g., the Housing Opportunity for Persons with AIDS program under 24 CFR part 574, the Shelter Plus Care program under 24 CFR part 582, the Supportive Housing program under 24 CFR part 583, supportive housing for the elderly or persons with disabilities under 24 CFR part 891), and the limit or preference is tailored to serve that segment of the population.

12.3.8.1.3.2 If a project does not receive funding from a Federal program that limits eligibility to a particular segment of the population, the project may have a limitation or preference for persons with disabilities who need services offered at a project only if:

12.3.8.1.3.2.1 The limitation or preference is limited to the population of families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain housing;

12.3.8.1.3.2.2 Such families will not be able to obtain or maintain themselves in housing without appropriate supportive services; and

12.3.8.1.3.2.3 Such services cannot be provided in a nonsegregated setting. The families must not be required to accept the services offered at the project. In advertising the project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided in the project.

12.3.8.1.3.3 Do not exclude an applicant with a certificate or voucher under the Section 8 Tenant-Based Assistance: Housing Choice Voucher Program (24 CFR part 982) or an applicant participating in a HOME tenant-based rental assistance program because of the status of the prospective tenant as a holder of such certificate, voucher, or comparable HOME tenant-based assistance document.

12.3.8.1.4 Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable.

12.3.8.1.5 Give prompt written notification to any rejected applicant of the grounds for any rejection; and

12.3.8.1.6 Comply with the VAWA requirements prescribed in § 92.359.

12.3.8.1.6.1 Bifurcation of lease requirements. For the purposes of this part, the following requirements shall apply in place of the requirements at 24 CFR 5.2009(b):

12.3.8.1.6.1.1 If a family living in a HOME-assisted rental unit separates under 24 CFR 5.2009(a), the remaining tenant(s) may remain in the HOME-assisted unit.

12.3.8.1.6.2 VAWA lease term/addendum. The participating jurisdiction must develop a VAWA lease term/addendum to incorporate all requirements that apply to the owner or lease under 24 CFR part 5, subpart L, and this section, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c).

12.3.8.1.6.2.1 This VAWA lease term/addendum must also provide that the tenant may terminate the lease without penalty if the participating jurisdiction determines that the tenant has met the conditions for an emergency transfer under 24 CFR 5.2005(e), the VAWA lease term/addendum may be written to expire at the end of the rental assistance period.

12.3.8.1.6.3 Period of applicability. For HOME-assisted rental housing, the requirements of this section shall apply to the owner of the housing for the duration of the affordability period. For HOME tenant-based rental assistance, the requirements of this section shall apply to the owner of the tenant's housing for the period for which the rental assistance is provided.

12.3.8.1.7 Owners may terminate tenancy or refuse to renew a lease upon 30 days' written notice, and only for: serious or repeated violation of the terms and conditions of the lease; violation of applicable federal, state, or local law; completion of the tenancy period for transitional housing or for other good cause in accordance with 24 CFR 92.253(c).

12.3.9 Tenant Income Determinations

12.3.9.1.1 The HOME program has income targeting requirements for the HOME program and for HOME projects. Therefore, the participating jurisdiction must determine each family is income eligible by determining the family's annual income.

12.3.9.1.2 For families who are tenants in HOME-assisted housing and not receiving HOME tenant-based rental assistance, the participating jurisdiction must initially determine annual income using the method in paragraph (a)(1)(i) of this section. For subsequent income determinations during the period of affordability, the participating jurisdiction may use any one of the following methods in accordance with § 92.252(h):

12.3.9.1.2.1 Examine at least 2 months of source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

12.3.9.1.2.2 Obtain from the family a written statement of the amount of the family's annual income and family size, along with a certification that the information is complete and accurate. The certification must state that the family will provide source documents upon request.

12.3.9.1.2.3 Obtain a written statement from the administrator of a government program under which the family receives benefits and which examines each year the annual income of the family. The statement must indicate the tenant's family size and state the amount of the family's annual income; or alternatively, the statement must indicate the current dollar limit for very low- or low-income families for the family size of the tenant and state that the tenant's annual income does not exceed this limit.

12.3.9.1.3 When determining whether a family is income eligible, the owner must use adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual Federal annual income tax purposes.

12.3.9.1.4 Annual income exclusions apply to programs under at 24 CFR 5.601 and 24 CFR 5.611.

12.3.9.1.4.1 The HOME rents for very low-income families established under § 92.252(b)(2) are based on adjusted income. In addition, the participating jurisdiction may base the amount of tenant-based rental assistance on the adjusted income of the family.

12.3.9.1.4.2 For HOME-assisted units. The owner of HOME-assisted rental housing must provide the notice and certification form described in 24 CFR 5.2005(a) to the applicant for a HOME-assisted unit at the time the applicant is admitted to a HOME-assisted unit or denied admission to a HOME-assisted unit based on the owner's tenant selection policies and criteria. The owner of HOME-assisted rental housing must also provide the notice and certification form described in 24 CFR 5.2005 with any notification of eviction from a HOME-assisted unit.

12.3.10 Tenant files must be maintained on all HOME units. Files must contain a current lease signed by the tenant, documentation of income, application and household information including family composition, documentation of Section 8 subsidy showing tenant and subsidized portions and documentation of correspondence with tenant, yearly income verifications, as well as any other pertinent information on the tenant (i.e. background/criminal checks, etc.)

12.3.11 Tenant participation plan.

12.3.11.1 A community housing development organization that receives assistance under this part must adhere to a fair lease and grievance procedure approved by the participating jurisdiction and provide a plan for and follow a program of tenant participation in management decisions.

12.3.12 Occupancy

12.3.12.1 Upon initial occupancy, renters must be at or below 50% of the Area Median Income (AMI). If after initial occupancy the family's income increases above 80% AMI, the family may continue to occupy the unit with the stipulation that they pay at least thirty percent (30%) of their adjusted monthly income as rent. An exception is made for units financed with Low Income Housing Tax Credits, in which case tax credit regulations apply.

12.3.12.2 In rental project of five (5) or more units, at least twenty percent (20%) of the HOME assisted units must be occupied by families with an annual gross income at or below fifty percent (50%) of the AMI. Rents for these units must be at or below the Low HOME rents. The City of Modesto's current policy is that all HOME assisted units in rental projects are subject to Low HOME rents.

12.3.12.3 All HOME assisted units must be fully occupied within 18 months of construction/rehab completion. Project completion is specified below. If a unit is not occupied within 18 months, the Owner will be required to repay the HOME funds that have been invested on that unit.

12.3.12.4 All tenants in HOME assisted units must have a lease that meets all of the requirements of the HOME program.

12.3.12.4.1 Leases

12.3.12.4.2 Lease must be for at least one year

12.3.12.4.3 Lease may not contain any of the following provisions:

12.3.12.4.3.1 Agreement to be sued: Agreement by the tenant to be sued, to

admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease.

12.3.12.4.3.2 Treatment of property: Agreement by the tenant that the owner may seize or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This provision does not apply to disposition of personal property left by a tenant who has vacated a property.

12.3.12.4.3.3 Excusing owner from responsibility: Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent.

12.3.12.4.3.4 Waiver of notice: Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant.

12.3.12.4.3.5 Waiver of legal proceedings: Agreement of the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties.

12.3.12.4.3.6 Waiver of a jury trial: Agreement by the tenant to waive any right to a trial by jury.

12.3.12.4.3.7 Waiver of right to appeal court decision: Agreement by the tenant to waive the tenant's right to appeal or to otherwise challenge in court a court decision in connection with the lease.

12.3.12.4.3.8 Tenant chargeable with cost of legal actions regardless of outcome: Agreement by the tenant to pay attorney's fees or other legal costs, even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses.

12.3.12.4.3.9 Mandatory supportive services: Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

12.3.13 Rent Restrictions

12.3.13.1 Owners of HOME projects must keep units affordable to low-income tenants during the entire affordability period. Maximum rent limits are published by HUD annually and distributed to recipients of funds. In the event that limits go below the rate published at the time of contract execution, owners will not be required to lower rents and may retain their current rates.

12.3.13.2 Owners may request an increase in rent as rent limits change. However, the owners may not change a tenant's rent prior to the expiration date on the lease agreement. Owners must provide tenants at least thirty (30) days notification of rent increases. The City of Modesto shall review and approve all proposed rent increases.

12.3.14 Monitoring and Recordkeeping in rental housing

12.3.14.1 Third party documentation of income must be verified to determine eligibility prior to family moving in. Income documentation must be no more than three (3) months old. The tenant selection policy must conform with HUD requirements and must be approved in writing by the City.

12.3.14.2 Income must be verified annually to ensure compliance and maintained in the tenant's files. Third-party documentation must be performed every six (6) years.

12.3.14.3 Tenant files must be maintained for a minimum of five (5) years after the tenant vacates the unit.

12.3.14.4 All units must be maintained in compliance with HUD Housing Quality Standards and City of Modesto Minimum Housing Rehabilitation Standards and/or other governing jurisdiction building codes.

12.3.14.5 Owner must adhere to Equal Opportunity, Affirmative Marketing and Fair Housing (contained within these policies) practices in all marketing efforts, eligibility determinations and other transactions. Owners must solicit applications from persons in the housing market not likely to apply without special outreach efforts. All marketing efforts must be documented. The Owner may be required to complete an Affirmative Fair Housing Marketing Plan, to comply with HUD requirements.

12.3.14.6 The Equal Housing Opportunity Logo or statement must be used in all written communication and advertising of vacant units and must be displayed in the housing/ rental office.

12.3.14.7 No bidding or contracting may occur prior to written authorization of the City of Modesto. Failure to follow these requirements will cause the funding agreement to become void.

12.3.14.8 Progress inspections will be conducted by the City of Modesto in order to ensure that work is progressing in a timely manner, that the work is completed in accordance with the codes and construction contract and documents, and to initiate a progress payment. No final payment of HOME funds will be made until all construction is complete and the unit is ready for occupancy.

12.3.14.9 City of Modesto will monitor the project during the period of affordability. This will include on-site inspections to determine that the unit(s) continues to meet the property standards as well as a monitoring of files as required by HOME regulations. The Owner may be required to pay a fee that will be invoiced to the Owner by the City of Modesto to cover the cost of on-going monitoring.

13 Homeownership Activities

13.1 Construction/Rehab of Homeownership Units for Resale

13.1.1 City of Modesto HOME funds may be utilized by entities for the construction or rehabilitation of units for resale for homeownership to qualified low-income (up to 80% of AMI) individuals and/or families.

13.1.2 Income Review must be determined annual income by examining at least 2 months of source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

13.1.3 National Environmental Policy Act (NEPA) and historical reviews must be conducted by City of Modesto on every project. City of Modesto will notify the agency of

documentation needed to complete the review. It is the responsibility of the owner/developer to insure that City of Modesto has all information necessary to complete the reviews. National Environmental Policy Act (NEPA) and historical reviews will be completed prior to the award of a Grant Agreement.

13.1.4 Projects may not commence and funds may not be expended (federal or non-federal) until the review is completed and HUD releases the project.

13.1.5 Agreements will only be signed upon the submission of project timeline final commitment of all funding sources, and the approval of the Request to Release grant funds.

13.1.6 Construction plans and/or work specifications must be submitted to City of Modesto to be reviewed prior to the execution of the HOME Grant Agreement between the City of Modesto and the owner/developer (non-profit). All plans must be approved prior to commencement of construction. Any changes to the approved plans must be submitted to City of Modesto for approval.

13.1.7 Funds may not be committed to a project until all necessary project financing is secured, a budget and time schedule are established and underwriting and subsidy layering review are completed, as noted in Appendix 2. Construction must commence within 12 months of the project commitment. Agreements will not be signed until this information has been submitted to and approved by the City of Modesto.

13.1.8 The City of Modesto will not approve an agreement until a buyer is pre-approved to purchase the property upon completion.

13.1.9 HOME Grant Agreements must be signed within fourteen (14) days of the receipt of the funding agreement from the City of Modesto.

13.1.10 Construction must begin within three (3) months of plans and/or work specification approval by the City of Modesto.

13.1.11 All legal notices and advertisements pertaining to construction of the project must be reviewed by the City of Modesto prior to publication.

13.1.12 All new construction projects must meet the federal energy efficiency standards and must meet or exceed building codes as established by City of Modesto.

13.1.13 All rehabilitation projects must meet the City of Modesto Minimum Housing

13.1.14 Quality Standards adopted by the City of Modesto and adopted local applicable building codes.

13.1.15 Construction files must be maintained and accessible for a minimum of five (5) years beyond the affordability period

13.2 **Bid Procedures**

13.2.1 All projects, except for CHDO projects, must be sent out for public bid regardless of other funding sources in the project. (Projects involving Low-Income Housing Tax Credit (LIHTC) funding may request a waiver of this requirement.) Bid documents must be approved by the City of Modesto prior to advertisement. Failure to receive prior approval will result the project non-compliance and termination of the funding agreement.

13.2.2 Bid packets must be available for pickup for a minimum of two (2) weeks.

13.2.3 Bids must be sealed when submitted to the agency. All bids will be opened by the agency at a pre-designated date and time.

13.2.4 City of Modesto staff and all bidders must be notified of date and time of bid opening.

13.2.5 Normally the lowest, responsive bidder will be awarded the contract. In the event the agency selects a bid other than the lowest, they must submit the bids along with documentation to support the selection to the City of Modesto for approval. This may or may not be approved by the City of Modesto.

13.3 Payment/Release of funds

13.3.1 Entities receiving HOME funding commitments will submit requests for payment according to their funding agreement. Failure to draw funds in a timely manner could result in a reduction of funding. Requests for payment may be made as often as needed. Requests for payment will be made via the Neighborly portal platform.

13.3.2 Funds are disbursed on a reimbursement basis. If the Agency is unable to meet the cost of construction and/or services on a reimbursement basis, payment terms must be discussed and approved by City prior to construction.

13.3.3 Agencies must submit one copy of a Request for Payment form along with copies of the invoice from the contractor or service provider to support the release of funding. Claims submitted without proper documentation will be returned to the Agency.

13.3.4 The City may hold payment including final payment for the project pending inspection and approval by the City for possible Davis Bacon and all other federal requirements as well as requirements of the Grant Agreement. The funds will not be released until the City of Modesto has received and approved all required documentation. All new construction projects must have a Certificate of Occupancy from City or other governing jurisdiction. All rehab projects must be inspected by a City and have documentation indicating the property complies with building code regulations.

13.4 Project Completion

13.4.1 Upon completion, HOME rental and homebuyer housing must meet the following requirements, per 24 CFR 92.251.

13.4.1.1 For all housing types see Appendix 4 – Property Standards for HOME-Assisted Housing

14 Owner Occupied Housing Rehabilitation

14.1 The City's owner-occupied housing rehabilitation program is under guidance and direction from the Section 6 Homeowner Rehabilitation Program Policies and Procedures; https://www.modestogov.com/DocumentCenter/View/6199/Section-6---Homeowners-Rehabilitation-Program-Policies-and-Procedures

14.2 Income Review must be determined annual income by examining at least 2 months of source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

15 CHDO

15.1 Federal regulations require a minimum of 15% of the annual HOME allocation to the City be set aside for housing projects that are owned, sponsored or developed by CHDOs. A CHDO is a non-profit organization that meets a variety of criteria outlined in the HOME regulations. HUD has specific requirements to qualify as the owner, sponsor,

or developer.

15.1.1 CHDO funds are available on annual basis. Existing CHDO's are required to submit a CHDO Recertification application to the City each year.

15.2 Rental Housing

15.2.1 OWNER - A CHDO that is an owner is required to own the HOME project during the development and throughout the period of affordability, and is required to hire a project manager or have a contract with a development contractor to oversee all aspects of the development.

15.2.2 DEVELOPER - A CHDO that is a developer of rental housing must arrange for the construction financing and is in sole charge of the construction, and must own the HOME-assisted housing throughout the period of affordability.

15.2.3 SPONSOR - A CHDO that is a sponsor of HOME-assisted rental housing "owns" and "develops" the rental housing project that it agrees to convey to a private non-profit organization at a predetermined time after completion of the development of the project.

15.3 Homebuyer Projects

15.3.1 DEVELOPER - Housing is developed by a CHDO if it is the owner (in fee simple absolute, or long-term ground leases) and developer of new housing that will be constructed or existing substandard housing that is owned or will be acquired by the CHDO and rehabilitated for sale to low-income families, in accordance with 92.254. The CHDO must arrange financing of the project and be in sole charge of the construction.

15.3.2 Sole General Partner

15.3.2.1 24 CFR 92.300(a)(a1) requires that if a CHDO owns a project in partnership, or owns the project through its wholly-owned for-profit or non-profit subsidiary, it must be the managing general partner. This also extends to LLCs.

15.4 CHDO Commitment of Funds

15.4.1 Applications for City of Modesto HOME funds are solicited on a continuous basis, with the exception of CHDO funds, (subject to fund availability) and reviewed competitively.

15.4.2 CHDO funds must be committed by City of Modesto within 24 months of the obligation of HOME funds from HUD. Funds may not be committed to a project until all necessary project financing is secured, a budget and time schedule are established and underwriting and subsidy layering review are completed, as noted in Appendix 2. Construction must commence within 12 months of the project commitment.

15.4.3 The City of Modesto urges CHDOs, which plan to submit applications for projects, to plan well in advance so that all financing is secured and the budget and time schedule are completed. This ensures that HOME funding may be utilized and that no funds will be withdrawn from the project for lack of being able to move forward and meet the HOME requirements.

15.4.4 The City of Modesto will not undertake the underwriting and subsidy layering review until all funding has been identified**.**

15.4.5 The CHDO and City of Modesto will enter into a written agreement which will stipulate all of the conditions of the HOME funding as well as the legal documents that will need to be signed and/or recorded for the project.

15.4.6 CHDOs must apply for certification as a City of Modesto CHDO at the time of project application. It is recommended to begin work on this process prior to application submission as it may take some time for the City to certify.

15.4.7 CHDO Certification

15.4.7.1 An organization that meets the requirements of a CHDO found at 24 CFR 92.300 may apply for City CHDO Certification. This application must be done at the same time that application for funding is made. City of Modesto will certify only those organizations applying for CHDO set- aside funding each year. City of Modesto reserves the right to make the final determination on whether an organization meets all of the requirements of the HOME regulations.

15.4.8 CHDO Policies and Procedures

15.4.8.1 CHDO Policies and Procedures are reviewed and modified as needed on an annual basis. Those policies and procedures are included as a part of the City approved application portal https://portal.neighborlysoftware.com/MODESTOCA/participant

15.4.8.2 The applications and information should be made available to the City as well.

15.5 Community Housing Development Organizations (CHDOs) Records.

15.5.1 Written agreements committing HOME funds to CHDO projects in accordance with § 92.300(a).

15.5.2 Records setting forth the efforts made to identify and encourage CHDOs, as required by § 92.300(b).

15.5.3 The name and qualifications of each CHDO and amount of HOME CHDO set-aside funds committed.

15.5.4 Records demonstrating that each CHDO complies with the written agreements required by § 92.504.

15.5.5 Records concerning the use of CHDO setaside funds, including funds used to develop CHDO capacity pursuant to § 92.300(b).

15.5.6 Records concerning the use of funds for CHDO operating expenses and demonstrating compliance with the requirements of §§ 92.208, 92.300(e) and 92.300(f).

15.5.7 Records concerning the tenant participation plan required by § 92.303.

15.5.8 Records concerning project-specific assistance to CHDOs pursuant to § 92.301, including the impediments to repayment, if repayment is waived.

16 Monitoring

16.1 Projects will be monitored based on the specific regulatory requirements for all the layered funding source.

16.2 The City may charge fees to cover the cost of ongoing monitoring and physical inspection of developments period of affordability, that at a minimum adheres to CFR 92.252.

16.3 Some projects may have an extended affordability term to meet other funding requirements and is determined at the point of underwriting and included in the Regulatory Agreement at the time of Commitment.

16.4 Rental Projects, in accordance with the updated 2013 Final Rule, will be monitored a minimum of every 3 years.

16.5 While under construction, projects will be monitored more frequently at the discretion of City.

16.6 Follow-up monitoring and inspections will be completed in accordance with HUD guidelines. There will be a physical inspection of all HOME projects every 3 years.

16.7 During the Affordability Period, rental projects that contain 10 or more HOME-assisted units will be required to submit financial reports annually to the City.

16.7.1 Financial reports may include copies of the Operating Budget, Balance Sheet and Profit and Loss Statement, Rent Roll, as well as certified Audits.

16.7.1.1 The City will assess the financial condition of the project to ensure continued compliance with HOME Program requirements and to prevent project failure and repayment of HOME funds.

16.7.1.2 Where feasible, the City is required to take action to correct problems that threaten the project's financial viability.

16.7.1.2.1 City of Modesto actions may consist of the following:

16.7.1.2.1.1 technical assistance,
16.7.1.2.1.2 increased oversight,
16.7.1.2.1.3 financial modifications,
16.7.1.2.1.4 consultations with HUD and other project stakeholders,
16.7.1.2.1.5 foreclosure,
16.7.1.2.1.6 transfer of project ownership
16.7.1.2.1.7 receivership.

17 Affordability Period

17.1 HOME project owners/buyers are required to maintain HOME funded properties as affordable for a minimum affordability period based on the amount of HOME funds spent on the project. The guidelines are as follows:

17.1.1 HOME rental project owners are subject to a minimum 15-year affordability period (but more typically 20 years), regardless of funds invested, (See 92.206(b)(2)).

Under $15,000 per unit	5 years
$15,000 - $40,000 per unit	10 years
Over $40,000	15 years
New construction or acquisition within one year of construction (for rental)	20 years

17.1.2 A deed restriction and/or restrictive covenant will be prepared by the City of Modesto, a subrecipient, or a CHDO, and must be signed by the owner/buyer. The agreement will establish the occupancy and affordability requirements for the property as well as the owner's obligations to the City of Modesto.

17.1.3 In signing the agreement, the owner will agree to the restrictions on the use of the property set forth in the document. This agreement will be recorded by the City of Modesto, its sub-recipient, or CHDO, in the office of the Stanislaus County Clerk Recorder and bind the project owner and all subsequent owners for the full term of the agreement.

17.1.4 In the event the Property or any interest therein is sold, refinanced, conveyed or transferred without advanced written consent of CITY during the period of the Affordable Housing Covenant, CITY shall be entitled to share in the sale proceeds under the recapture provision.

17.1.5 Pursuant to 24 CFR 92.254 (a) (5) (ii), CITY requires that HUD Funds be recaptured if the Property does not continue to be the principal residence of BUYER for the duration of the Affordable Housing Covenant. If all or any portion of the Property or any interest in it is sold, refinanced, conveyed or transferred the "Equity" as hereafter defined, in the Property shall be shared between BUYER and CITY on the following basis:

Number of Years After Date of Purchase	**BUYER's Equity Share**	**CITY's Equity Share**
0-5	25%	75%
6-10	50%	50%
11-15	75%	25%
Thereafter	100%	0%

17.1.6 If, for example, the Property is sold, rented, refinanced (outside the City's allowable terms), conveyed, or transferred in the first year of the Affordable Housing Covenant, BUYER shall receive fifty percent (50%) of the Equity in the Property and the CITY shall receive fifty percent (50%) of the Equity. "Equity" is defined as the dollar amount that constitutes the difference between the sales price of the Property and the sum of the following amounts:

17.1.6.1.1 The principal on a Promissory Note and Deed of Trust from private financing; and

17.1.6.1.2 The principal on the Promissory Note, and Deed of Trust to CITY; and

17.1.6.1.3 All costs of sale, including costs of brokers' commissions, escrow fees, title costs and fees, recording charges, etc.; and

17.1.6.1.4 Current year taxes, including all pro-rata real estate taxes calculated to the date of sale; and

17.1.6.1.5 BUYER's down payment or cash contribution not including the Assumed Debt; and

17.1.6.1.6 the costs of any improvements to the Property, provided such improvements were approved by the CITY prior to construction and provided that such improvements have been documented to the satisfaction of CITY.

17.1.7 In the event that no Equity exists at the time of transfer or sale, the current balance of the Debt under the Promissory Note and Deed of Trust will still be due and payable.

17.1.8 In the event that a negative Equity exists at the time of transfer or sale, and the full amount of the current balance of the Promissory Note is not available to be recaptured, the amount of the HUD Funds required to be repaid to CITY shall be as set forth in 24 CFR 92.254(a) (ii) (A) (3). The formulas are as follows:

$$\frac{\text{HUD Funds}}{\text{HUD Funds + BUYER'S Investment}} \times \text{Net Proceeds = HUD Funds amount to be recaptured}$$

$$\frac{\text{BUYER'S Investment}}{\text{HUD Funds + BUYER's Investment}} \times \text{Net Proceeds = Amount to BUYER}$$

HUD Funds means the amount of Debt assumed under the Promissory Note and Deed of Trust.

17.1.9 BUYER's Investment means the amount of down payment or other cash contribution towards purchase of the Property and the amount of any capital improvements made by BUYER to the Property since BUYER's purchase. Capital improvements must be documented with receipts and provided to CITY at time of recapture proceedings.

18 § 92.508 Recordkeeping per 24 CFR 92.508

18.1 General. Each participating jurisdiction must establish and maintain sufficient records to enable HUD to determine whether the participating jurisdiction has met the requirements of this part. At a minimum, the following records are needed:

18.1.1 Records concerning designation as a participating jurisdiction.

18.1.1.1 For a consortium, the consortium agreement among the participating member units of general local government as required by § 92.101.

18.1.1.2 For a unit of general local government receiving a formula allocation of less than $750,000 (or less than $500,000 in fiscal years in which Congress appropriates less than $1.5 billion for this part), records demonstrating that funds have been made available (either by the State or the unit of general local government, or both) equal to or greater than the difference between its formula allocation and $750,000 (or $500,000 in fiscal years in which Congress appropriates less than $1.5 billion) as required by § 92.102(b).

18.2 Program records.

18.2.1 Records of the efforts to maximize participation by the private sector as required by § 92.200.

18.2.2 The forms of HOME assistance used in the program, including any forms of investment described in the Consolidated Plan under 24 CFR part 91 that are not identified in § 92.205(b), and which are specifically approved by HUD.

18.2.3 The underwriting and subsidy layering guidelines adopted in accordance with § 92.250 that support the participating jurisdiction's Consolidated Plan certification.

18.2.4 If existing debt is refinanced for multi-family rehabilitation projects, the refinancing guidelines established in accordance with § 92.206(b), described in the Consolidated Plan.

18.2.5 If HOME funds are used for tenant-based rental assistance, records supporting the participating jurisdiction's Consolidated Plan certification in accordance with § 92.209(b), including documentation of the local market conditions that led to the choice of this option; written selection policies and criteria; supporting documentation for preferences for specific categories of individuals with disabilities; and records supporting the rent standard and minimum tenant contribution established in accordance with § 92.209(h).

18.2.6 If HOME funds are used for tenant-based rental assistance or rental housing, records evidencing that not less than 90 percent of the families receiving such rental assistance meet the income requirements of § 92.216.

18.2.7 If HOME funds are used for homeownership housing, the procedures used for establishing 95 percent of the median purchase price for the area in accordance with § 92.254(a)(2), in the Consolidated Plan.

18.2.8 If HOME funds are used for acquisition of housing for homeownership, the resale or recapture guidelines established in accordance with § 92.254(a)(5), as set forth in the Consolidated Plan.

18.2.9 Records demonstrating compliance with the matching requirements of § 92.218 through § 92.222 including a running log and project records documenting the type and amount of match contributions by project.

18.2.10 Records documenting compliance with the 24 month commitment deadline of § 92.500(d).

18.2.11 Records demonstrating compliance with the fifteen percent CHDO set-aside requirement of § 92.300(a).

18.2.12 Records documenting compliance with the ten percent limitation on administrative and planning costs in accordance with § 92.207.

18.3 Project records.

18.3.1 A full description of each project assisted with HOME funds, including the location (address of each unit), form of HOME assistance, and the units or tenants assisted with HOME funds.

18.3.2 The source and application of funds for each project, including supporting documentation in accordance with 2 CFR 200.302; and records to document the eligibility and permissibility of the project costs, including the documentation of the actual HOME-eligible development costs of each HOME-assisted unit (through allocation of costs, if permissible under § 92.205(d)) where HOME funds are used to assist less than all of the units in a multi-unit project.

18.3.3 Records demonstrating that each rental housing or homeownership project meets the minimum per-unit subsidy amount of § 92.205(c), the maximum per-unit subsidy amount of § 92.250(a), and the subsidy layering and underwriting evaluation adopted in accordance with § 92.250(b).

18.3.4 Records (e.g., inspection reports) demonstrating that each project meets the property standards of § 92.251 at project completion. In addition, during the period of affordability, records for rental projects demonstrating compliance with the property standards and financial reviews and actions pursuant to § 92.504(d).

18.3.5 Records demonstrating that each family is income eligible in accordance with § 92.203.

18.3.6 Records demonstrating that each tenant-based rental assistance project meets the written tenant selection policies and criteria of § 92.209(c), including any targeting requirements, the rent reasonableness requirements of § 92.209(f), the maximum subsidy provisions of § 92.209(h), property inspection reports, and calculation of the HOME subsidy.

18.3.7 Records demonstrating that each rental housing project meets the affordability and income targeting requirements of § 92.252 for the required period. Records must be kept for each family assisted.

18.3.8 Records demonstrating that each multifamily rental housing project involving

rehabilitation with refinancing complies with the refinancing guidelines established in accordance with § 92.206(b).

18.3.9 Records demonstrating that each lease for a tenant receiving tenant-based rental assistance and for an assisted rental housing unit complies with the tenant and participant protections of § 92.253. Records must be kept for each family.

18.3.10 Records demonstrating that the purchase price or estimated value after rehabilitation for each homeownership housing project does not exceed 95 percent of the median purchase price for the area in accordance with § 92.254(a)(2). The records must demonstrate how the estimated value was determined.

18.3.11 Records demonstrating that each homeownership project meets the affordability requirements of § 92.254 for the required period.

18.3.12 Records demonstrating that any pre-award costs charged to the HOME allocation meet the requirements of § 92.212.

18.3.13 Records demonstrating that a site and neighborhood standards review was conducted for each project which includes new construction of rental housing assisted under this part to determine that the site meets the requirements of 24 CFR 983.57(e)(2) and (e)(3), in accordance with § 92.202.

18.3.14 Records (written agreements) demonstrating compliance with the written agreements' requirements in § 92.504.

18.4 Financial records.

18.4.1 Records, in accordance with 2 CFR 200.302, identifying the source and application of funds for each fiscal year, including the formula allocation, any reallocation (identified by federal fiscal year appropriation), and any State or local funds provided under § 92.102(b).

18.4.2 Records concerning the HOME Investment Trust Fund Treasury account and local account required to be established and maintained by § 92.500, including deposits, disbursements, balances, supporting documentation and any other information required by the program disbursement and information system established by HUD.

18.4.3 Records identifying the source and application of program income, repayments and recaptured funds.

18.4.4 Records demonstrating adequate budget control and other records required by 2 CFR 200.302, including evidence of periodic account reconciliations.

18.5 Program administration records.

18.5.1 Written policies, procedures, and systems, including a system for assessing risk of activities and projects and a system for monitoring entities consistent with this section, to ensure that the requirements of this part are met.

18.5.2 Records demonstrating compliance with the written agreements required by § 92.504.

18.5.3 Records demonstrating compliance with the applicable uniform administrative requirements required by § 92.505.

18.5.4 Records documenting required inspections, monitoring reviews and audits, and the resolution of any findings or concerns.

18.6 Records concerning other Federal requirements —

18.6.1 Equal opportunity and fair housing records.

18.6.1.1 Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME funds.

18.6.1.2 Documentation of the actions the participating jurisdiction has taken to affirmatively further fair housing pursuant to §§ 5.151, 5.152, 91.225, 91.325, and 91.425 of this title.

18.6.2 Affirmative marketing and MBE/WBE records.

18.6.2.1 Records demonstrating compliance with the affirmative marketing procedures and requirements of § 92.351.

18.6.2.2 Documentation and data on the steps taken to implement the jurisdiction's outreach programs to minority-owned (MBE) and female-owned (WBE) businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract of $25,000 or more paid, or to be paid, with HOME funds; the amount of the contract or subcontract, and documentation of participating jurisdiction's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services.

18.6.3 Records demonstrating compliance with the environmental review requirements of § 92.352 and 24 CFR part 58, including flood insurance requirements.

18.6.4 Records demonstrating compliance with the requirements of § 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying the real property on the date described in § 92.353(c)(2)(i)(A), moving into the property on or after the date described in § 92.353(c)(2)(i)(A), and occupying the property upon completion of the project.

18.6.5 Records demonstrating compliance with the labor requirements of § 92.354, including contract provisions and payroll records.

18.6.6 Records demonstrating compliance with the lead-based paint requirements of part 35, subparts A, B, J, K, M and R of this title.

18.6.7 Records supporting exceptions to the conflict of interest prohibition pursuant to § 92.356.

18.6.8 Records demonstrating compliance with debarment and suspension requirements in 2 CFR part 2424.

18.6.9 Records concerning intergovernmental review, as required by § 92.357.

18.6.10 Records of emergency transfers requested under 24 CFR 5.2005(e) and 92.359 pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of those requests.

18.6.11 Documentation of actions undertaken to meet the requirements of 24 CFR part 75 which implements section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701u).

18.7 Period of record retention. All records pertaining to each fiscal year of HOME funds must be retained for the most recent five year period, except as provided below.

18.7.1 For rental housing projects, records may be retained for five years after the project

completion date; except that records of individual tenant income verifications, project rents and project inspections must be retained for the most recent five year period, until five years after the affordability period terminates.

18.7.2 For homeownership housing projects, records may be retained for five years after the project completion date, except for documents imposing recapture/resale restrictions which must be retained for five years after the affordability period terminates.

18.7.3 For tenant-based rental assistance projects, records must be retained for five years after the period of rental assistance terminates.

18.7.4 Written agreements must be retained for five years after the agreement terminates.

18.7.5 Records covering displacements and acquisition must be retained for five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled in accordance with § 92.353.

18.8 If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

18.8.1 Access to records.

18.8.1.1 The participating jurisdiction must provide citizens, public agencies, and other interested parties with reasonable access to records, consistent with applicable state and local laws regarding privacy and obligations of confidentiality.

18.8.1.2 HUD and the Comptroller General of the United States, any of their representatives, have the right of access to any pertinent books, documents, papers or other records of the participating jurisdiction, state recipients, and subrecipients, in order to make audits, examinations, excerpts, and transcripts.

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19 Appendix 1 Affirmative Marketing Policy

19.1 Abbreviations

19.1.1 ADA - Americans with Disabilities

19.1.2 AFH - Affirmative Fair Housing

19.1.3 AMP - Affirmative Marketing Plan

19.1.4 CFR - Code of Federal Regulations

19.1.5 CHDO - Community Housing Development Organization

19.1.6 HOME - HOME Investment Partnerships Program

19.1.7 HUD - United States Department of Housing and Urban Development

19.1.8 TBRA - Tenant Based Rental Assistance

19.2 Affirmative Marketing Plan

19.2.1 To further the commitment to nondiscrimination and equal opportunity in housing, and in accordance with the regulations of the HOME Investment Partnerships Program (HOME), The City of Modesto has established procedures to affirmatively market HOME-assisted housing units.

19.2.2 The City is committed to meeting the goals of affirmative marketing in furtherance of our fair housing objectives. As part of this commitment, The City requires HOME subgrantees, including Contract Administrators, Community Housing Development Organizations (CHDOs), Developers, and other subgrantees of HOME Program funds to comply with the affirmative marketing requirements. Subgrantees administering HOME funds must adopt policies and procedures that inform the public, potential tenants, homebuyers, homeowners, and rental property owners of their program through an Affirmative Marketing Plan (AMP or Plan).

19.2.3 As part of efforts to ensure that available housing is marketed to persons not likely to apply for such housing, subgrantees are encouraged to make HOME information available in non-English languages spoken by those residing in or near the community. Furthermore, subgrantees are encouraged to distribute marketing materials to area social service agencies that work with minorities and disabled individuals.

19.3 Overview of Affirmative Marketing

19.3.1 An Affirmative Marketing Plan (Plan) and affirmative marketing procedures are required for subgrantees of HOME funds. Affirmative marketing procedures must continue throughout the length of the program, including the period of affordability. For homebuyer assistance and homeowner rehabilitation, the plan remains in effect until HOME-funded activities are completed. For single-family homeownership dwellings, the plan remains in effect until all the dwelling units are sold.

19.3.2 Affirmative marketing should be an integral part of any project's overall marketing effort. Affirmative marketing typically consists of efforts to inform persons that are "least likely to apply" or under-represented in a neighborhood or community about opportunities for housing under the HOME program. Through the Plan, a subgrantee indicates what special efforts the subgrantee will make to attract racial, ethnic, and other groups or communities who might not normally seek housing assistance.

Affirmative marketing does not limit choices; choices are expanded to include those that might not otherwise be considered because of past discrimination. Increasingly, communities which make a long-term commitment to racial and ethnic diversity have found their efforts rewarded by increasing property values.

19.3.3 Affirmative marketing adds little to the cost of a project. Most of the cost associated with affirmative marketing is already reflected in the project's broader marketing budget.

19.4 Minimum Affirmative Marketing Plan Requirements

19.4.1 Subgrantees must approve and distribute an Affirmative Marketing Plan that will be used to attract prospective applicants of all minority and non-minority groups regardless of their race, color, religion, sex, national origin, disability, familial status, or religious affiliation. Racial groups to be marketed to may include White, African American, Native American, Alaskan Native, Asian, Native Hawaiians or Other Pacific Islanders. Other groups who may be subject to housing discrimination include, but are not limited to, Hispanic or Latino groups, persons with disabilities, families with children, or persons with different religious affiliations. For multifamily developments, the Affirmative Marketing Plan must be provided to the property management and onsite staff. Single family administrators must be readily available to staff administering the program for use in selection of applicants that will be served.

19.4.2 Subgrantees are not required to use HUD forms 935.2A for multi-family projects or 935.2B for single family activities; however development owners and subgrantees are encouraged to use these forms. Regardless of format, Affirmative Marketing Plan and related records must include:

19.4.2.1 A list of the group(s) that are least likely to apply for housing without special outreach. All multi-family developments must select persons with disabilities as one of the groups identified as least likely to apply. When identifying racial/ethnic minority groups will be marketed to, factors such as the characteristics of the housing's market area should be considered.

19.4.2.2 Procedures that will be used to inform and solicit applications from persons who are least likely to apply. Specific media and community contacts that reach those groups designated as least likely to apply must be identified (community outreach contacts may include neighborhood, minority, or women's organizations, grass roots faith-based or community-based organizations, labor unions, employers, public and private agencies, disability advocates, or other groups or individuals well known in the community that connect with the identified group(s)).

19.4.2.3 How the subgrantee will assess the success of Affirmative Marketing efforts. Affirmative Marketing Plans should be reviewed on an annual basis to determine if changes should be made and plans must be updated every five (5) years to fully capture demographic changes in the housing's market area.

19.4.3 At a minimum, the Plan will require projects involving five (5) or more HOME-assisted units to comply with the following:

19.4.3.1 Prior to sales or rental activity (or marketing of homebuyer assistance, or rehabilitation program), the subgrantee shall identify community contacts

(individuals, organizations, or agencies) actively involved with serving low-income persons who would benefit from specific outreach efforts.

19.4.3.2 Any AMP which includes homeownership should require that potential home purchasers receive homeownership counseling and education.

19.4.3.3 If any rental units are publicly advertised during the period of affordability, the Equal Housing Opportunity logo must accompany the advertisement.

19.4.4 For multifamily developments, the AMP must provide that the developer will issue press releases announcing available units that will be circulated to media outlets within the marketing and outreach area. The press releases should include: location of the units; total number of units available; bedroom sizes of the units; rents or purchase price; income requirements and limits; building amenities and features; and neighborhood amenities.

19.4.4.1 Information about available units at different developments may appear in combined press releases, as appropriate; this is especially encouraged for small developments, including those with four units or less. Issuance of the initial press release will coincide with the commencement of the initial marketing period.

19.4.5 The subgrantee (or its agent, if applicable) must display the HUD fair housing poster in an area accessible to the public, such as the rental office or project office.

19.4.6 The subgrantee (or its agent, if applicable) will collect information on the race and ethnicity of program applicants to demonstrate the results of the owner's affirmative marketing efforts.

19.4.7 For rental projects, the subgrantee/owner (or its agent, if applicable) will, for the entire period of affordability, maintain information demonstrating compliance and will make such information available to The City, HUD and other regulatory agencies. Official public information requests during HOME onsite inspections may be requested as well.

19.4.7.1 The Plan must be signed by an authorized official of the sponsoring or ownership organization. By signing the Plan, the subgrantee assumes full responsibility for its implementation and agrees to make any changes which may be required to assure continued compliance with the marketing requirement of 24 CFR §200.620. The agreement to make changes is also applicable to plans covering rental projects during the affordability period. With respect to single family subdivisions, the subgrantee may request changes to the Plan only during the initial sales period.

19.4.7.2 The Plan must reference and include methods for informing the public, owners, and potential tenants about the following state and federal laws and executive orders, including, but not limited to:

19.5 The Fair Housing Act – Title VIII of the Civil Rights Action of 1968, as amended;

19.5.1 Title VI of the Civil Rights Act of 1964;

19.5.2 Section 504 of the Rehabilitation Act of 1973, as amended;

19.5.3 Executive Order 11063, as amended by Executive Order 12259;

19.5.4 Executive Order 12892, Leadership and Coordination of Fair Housing;

19.5.5 The California Civil Rights Department (CRD); and

19.5.6 Americans with Disabilities Act, as applicable.

19.5.7 Procedures for Implementing an Affirmative Marketing Plan

19.5.8 When implementing the AMP, the subgrantee must do the following:

19.5.8.1 Targeting: Identify the segments of the eligible population that are least likely to apply for housing without special outreach efforts.

19.5.8.2 Outreach: Outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.

19.5.8.3 Indicators: State the indicators to be used to measure the success of the marketing program. The effectiveness of the marketing program can be determined by noting if the program effectively attracted buyers or renters who are:

19.5.9 Under-represented in the population of the housing market area where the HOME program will be operated;

19.5.9.1 Persons with disabilities and their families;

19.5.9.2 Families with children, unless exempted; or

19.5.9.3 Are members of a protected class.

19.5.9.4 Staff Training: Demonstrate the capacity to provide training and information on fair housing laws and objectives to project or rental staff.

19.5.10 Good Faith Effort: Subgrantees are required to make a good faith effort to carry out the provisions of their approved plan. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Examples of such efforts include:

19.5.11 Advertising in print and electronic media that is used by those identified as least likely to apply. The press release or electronic media should contain the Equal Housing Opportunity slogan for press releases and the electronic media should contain the Equal Housing Opportunity logotype.

19.5.12 Marketing housing to specific community groups or organizations frequented by those least likely to apply.

19.5.13 Developing a brochure or handout that describes the HOME program that will be administered and the housing that will be constructed by the subgrantee or the rental assistance program that will be offered to applicants. The brochure or handout may include a range of information which influences decisions regarding housing choices.

19.5.14 The brochure or handout should communicate the subgrantees Equal Housing Opportunity policy. The Equal Housing Opportunity policy should be consistent with the Fair Housing Advertising guidelines. All brochures and handouts must contain the Equal Housing Opportunity logotype.

19.5.15 For those subgrantees that administer the HOME Homeowner Rehabilitation program, highlighting the benefits, such as accessibility modifications, energy efficiency of the homes that will be reconstructed/constructed and increased property value is valuable.

19.5.16 For those subgrantees that administer the HOME homebuyer or down payment assistance programs the brochure should highlight the benefits of homeownership and the type of down payment assistance that will be provided.

19.5.17 For subgrantees that administer a CHDO, HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. The

subgrantee must indicate whether the poster will be displayed in the sales/rental office(s)/subgrantee's office and/or model units and/or other places.

19.5.18 Ensuring that the project/administrative staff have read and understood the Fair Housing Act, and the purpose and objectives of the Plan

19.5.18.1 Developing a referral network with the local fair housing agency

19.5.18.2 Establish System for Documenting Outreach

19.5.18.3 Establish a system for documenting activities and maintaining records of such AFH activities. At minimum, the subgrantee must maintain documentation pertaining to:

19.5.18.4 The special outreach activities undertaken to attract groups that are least likely to apply and also the general public that applies for the housing;

19.5.18.5 How the groups considered least likely to apply were identified;

19.5.18.6 Race and ethnicity of all persons applying for the housing; and

19.5.18.7 Race and ethnicity of all individuals who visited the project in person.

19.5.18.8 A copy of training materials used to train project management/staff on Federal, State local civil rights laws and fair housing laws;

19.5.18.9 The selection of the community contacts who assisted or may assist in implementing the Plan. In addition, the subgrantee must:

19.5.18.10 List, with names and addresses, groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities.

19.5.18.11 List, with names and addresses, community contact(s) that serve the disabled community, such as an independent living center (ILC).

19.5.18.12 Indicate the method of contact for each of these outreach organizations e.g., community meetings, brochures, briefing sessions, etc., approximate date the group or individuals are to be contacted and how the project manager/agent/subgrantee will document such contact.

19.5.19 Communications with community contacts listed in the Plan;

19.5.19.1 Copies of public advertisements, brochures, leaflets, etc.;

19.5.19.2 The training given to staff on Federal, State and local civil rights laws;

19.5.19.3 Subgrantees must develop an affirmative marketing report that includes summaries of affirmative marketing efforts. The report details affirmative marketing activities and identifies actions to undertake or to correct any non-compliance with affirmative marketing policies or to mitigate any non-performance problems in implementing plans. If corrective measures have been identified, actions taken on such measures must be reported. The City may review reports at any time to determine compliance with affirmative marketing regulations.

19.5.19.4 Subgrantees must keep a record of complaints of unfair marketing and must notify The City in writing of the complaint.

19.5.19.5 Affirmative Marketing And Outreach To Minority And Women Owned Businesses Policy

19.5.19.6 The City shall administer its HOME Program in a manner that will further the purposes of federal, state, and local affirmative marketing and equal opportunity requirements. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available

housing without regard to race, color, national origin, sex, religion, familial status, or disability. To that end, the City of Modesto will:

19.5.19.6.1 Conduct its affirmative marketing and outreach to minority (MBE) and women owned businesses (WBE) in conformance with 24 CFR Part 92.351

19.5.19.6.1.1 Compile and utilize a listing of all known MBE's and WBE's, their capabilities, services, supplies and/or products in the Modesto area.

19.5.19.6.1.2 Encourage MBE's and WBE's to participate in the City of Modesto's HOME Program.

19.5.19.6.1.3 Require HOME sub-recipients to take affirmative steps to use MBE's and/or WBE's in HOME funded projects.

19.5.19.6.1.4 Require HOME sub-recipients to maintain appropriate records to document the number and types of contracts and subcontracts it awards, the dollar value of each award, and the gender and ethnic/racial status of the management/ownership of the business.

19.5.19.6.1.5 Compile an annual record of MBE's and WBE's participating in the HOME Program and conduct an annual review to assess the effectiveness of efforts to encourage participation by minority and women owned businesses.

19.5.20 Section 3: Requires that employment and other opportunities generated by federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance by the City of Modesto.

19.6 Affirmative Marketing Recordkeeping

19.6.1 The documentation of activities should be maintained in the project file. This information must be collected and maintained during the federal period of affordability and must be made available for review throughout the period.

19.6.2 Up-to-date records based on census data, application and surveys about community residents, applicants for housing units, residents of the project, and records about tenant selection or rejection must be kept in the project file.

19.6.3 Racial and ethnic data on all persons applying for housing units and participants must be collected and kept in the project file.

19.6.4 Data obtained voluntarily from applicants with disabilities should be collected and kept in a separate file.

19.6.5 Examples of documentation that should be maintained include:

19.6.5.1 Copies of newspaper advertisements and flyers or other printed material used;

19.6.5.2 Copies of mailing lists to organizations that were sent flyers and other material;

19.6.5.3 Copies of press releases and description of circulation;

19.6.5.4 Evidence of broadcast of television and radio advertisement ;

19.6.5.5 Photographs of site signs;

19.6.5.6 The racial, ethnic and gender characteristics of tenants;

19.6.5.7 List the names and addresses, of groups or organizations identified as serving least likely to apply populations and those serving special populations who may be served by the project, including those with physical disabilities; and

19.6.5.8 List the names and addresses, of community contact(s) that serve the disabled community, such as an independent living center (ILC).

19.7 Sample Documents to Demonstrate Compliance

19.7.1 Affirmative Fair Housing Marketing Plan - Multifamily Housing (HUD-935.2A)

19.7.2 Affirmative Fair Housing Marketing Plan - Single Family Housing (HUD-935.2B)

20 Appendix 2: Application Outline for HOME Investment Partnership Program Applications

20.1 HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) PROGRAM BASICS

20.1.1 HOME program regulations can be found at 24 CFR Part 92.

20.1.1.1 Jurisdiction for HOME funds

20.1.1.2 City of Modesto may only invest its HOME funds in eligible developments within its boundaries, or in jointly funded developments within the boundaries of the City of Modesto.

20.1.2 Site and neighborhood standards

20.1.2.1 City of Modesto provides HOME funds for housing that furthers compliance with civil rights laws and that promotes greater choice of housing opportunities. Proposed new construction developments must meet site and neighborhood standards as outlined in 24 CFR 983.57(e)(2) and (3).

20.1.3 Property standards

20.1.3.1 New Construction – Housing that is newly constructed with HOME funds must meet applicable state and local codes, ordinances, and zoning requirements. HOME-assisted new construction developments must meet state or local residential and building codes, as applicable or, in the absence of a state or local building code, the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. The housing must meet the applicable requirements upon development completion. In addition, the following apply:

20.1.3.1.1 The housing must meet the accessibility requirements of 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act implemented at 28 CFR Part 35 and Part 36, as applicable. Covered multi-family dwellings, as defined at 24 CFR §100.201, must also meet the design and construction requirements at 24 CFR Part 100.205, which implements the Fair Housing Act.

20.1.3.1.2 Where relevant, the housing must be constructed to mitigate the impact of potential disasters (e.g., earthquakes, hurricanes, flooding, and wildfires), in accordance with state and local codes, ordinances or other state and local requirements, or such other requirements HUD may establish.

20.1.3.2 Existing Rental Housing – Existing rental housing that is acquired with HOME funding that was constructed or rehabilitated less than 12 months before receipt of a commitment of HOME funds, must meet the property standards required for new construction and rehabilitation developments as included in 24 CFR 92.251.

20.1.3.2.1 City of Modesto will document compliance with the regulations based upon a review of approved building plans and Certificates of Occupancy, and an inspection that is conducted no earlier than 90 days before the commitment of HOME funding.

20.1.3.2.2 All other existing rental housing that is acquired with HOME funding must meet the HOME rehabilitation property standards requirements.

20.1.3.2.3 City of Modesto will document compliance with the regulations based on an inspection that is conducted no earlier than 90 days before the commitment of HOME funding. If the property does not meet these standards, HOME funds cannot

be used unless the property is rehabilitated to meet the standards as included in 24 CFR 92.251.

20.1.4 Broadband infrastructure - Construction and rehabilitation developments funded in part with HOME funds must include the installation of broadband infrastructure as defined in 24 CFR 5.100.

20.1.5 Vacant land - Acquisition of vacant land or demolition with HOME funds may be undertaken only for a particular affordable housing development on which construction will begin within 12 months. HOME funds may not be used to acquire property or demolish structures on land for which there is not an immediate, planned HOME-eligible use.

20.1.6 HOME-assisted units - Only units receiving HOME funds are considered "HOME-assisted units." HOME per unit subsidy limits, rent limits, and HOME occupancy requirements apply only to "HOME-assisted units." The proportion of rent restricted units to the total number of units in the development must, at a minimum, equal the proportion of Modesto's investment in the total development cost. Unrestricted units are not eligible for HOME subsidy.

20.1.7 HOME subsidy limits - The minimum HOME investment in rental housing may not exceed the per-unit dollar limitations established under section 221(d)(3)(ii) or the National Housing act (12 U.S.C.17151(d)(3)(ii)) for elevator-type projects that apply to the area in which the housing is located. See 24 CFR 92.250 for additional information.

20.1.8 HOME affordability requirements - HOME-assisted units must be affordable at initial occupancy and as defined in the development regulatory agreement. If HOME assisted units remain unoccupied six months following the completion date in IDIS additional information will be required to be reported to HUD. If, within 18 months from the date of development completion in IDIS HOME assisted units remain unoccupied, HUD will require repayment of all HOME funds invested in the development.

20.1.9 OCCUPANCY REQUIREMENTS FOR HOME-ASSISTED UNITS - HOME-assisted units must be initially occupied by families who have annual incomes that are 60 percent or less of City of Modesto's Area Median Income. In developments of five or more HOME units, at least 20 percent of the HOME-assisted units must be continually occupied by families who have annual incomes that are 50 percent or less of City of Modesto's Area Median Income. See Attachment E for income limits.

20.1.10 Maximum initial rents for HOME-assisted rental units - Every HOME-assisted unit is subject to rent controls called "HOME rents." For properties of five or more units, there are two HOME rents established for every development: "High HOME rents" and "Low HOME rents." HOME rent limits include both the rent and utilities (or utility allowances). Review and approval of rents for each HOME-assisted rental development is required each year to ensure that rents comply with the HOME limits and do not result in undue increases from the previous year. Refer to the HOME regulations at 24 CFR §92.252 for a full definition.

20.1.11 Utility allowances - 24 CFR §92.252(d) requires Modesto to determine an individual utility allowance for each HOME rental development, either (1) by using the HUD Utility Schedule Model, or (2) by otherwise determining the allowance based upon the specific utilities used at the development.

20.1.11.1 The model can be found at: http://huduser.org/portal/resources/utilmodel.html. As more developments are constructed or rehabilitated to higher energy-efficiency standards, the use of a standard utility allowance may not represent actual utility costs and is difficult to justify.

20.1.12 HOME-assisted unit restrictions - Tenant incomes and rents are strictly controlled during the affordability period. Owners are required to examine tenant incomes annually to ensure that tenants meet the HOME income requirements.

20.1.12.1 The rent and occupancy restrictions will be incorporated into a regulatory agreement and will bind the development for the full term of the regulatory agreement regardless of prepayment, sale, or transfer. In order to be effective, affordability restrictions will be recorded in the regulatory agreement.

20.1.12.2 Leases are required for all HOME-assisted rental units, consistent with §92.209(g). The lease term must be for a period of at least one year unless a shorter period is mutually agreed upon.

20.1.12.3 INCOME DETERMINATIONS - Applicants are responsible for ensuring income determination for HOME assisted units are in compliance with the following regulations, 24 CFR Section 92.230.

20.1.12.4 PROPERTY INSPECTION REQUIREMENTS - Developments must be inspected at time of acquisition and throughout the affordability period to ensure that the units meet the required property standards. On-site inspections will occur within 90 days of occupancy and at least once every 3 years thereafter during the period of affordability. Inspections may occur more often based on changes in program rules and/or at the City's discretion.

20.2 Community Housing Development Organization (CHDO) - A CHDO is a specific type of private nonprofit entity. CHDOs must meet certain requirements pertaining to their legal status; organizational structure; and capacity and experience. The HUD Exchange provides resources related to requirements for CHDOs at: **https://www.hudexchange.info/programs/home/topics/chdo/#policy-guidance-and-faqs. The regulatory references are included in 24 CFR Part 92 Subpart G.**

20.2.1 An overview of these requirements is provided below:

20.2.1.1 Legal Status:

20.2.1.1.1 The 501 (c) nonprofit must be organized under state/local law.

20.2.1.1.2 The CHDO must identify the provision of decent affordable housing as a purpose of its existence. This commitment must be evidenced in the CHDO's Charter, Articles of Incorporation, or By-Laws.

20.2.1.1.3 There must be no individual benefit from earnings.

20.2.1.1.4 The CHDO must have a clearly defined service area (e.g. a neighborhood(s), citywide, countywide, or multi-county area).

20.2.1.2 Organizational Structure:

20.2.1.2.1 At least one-third of its board of directors must be low-income residents, reside in a low-income area, or serve as an elected representative of the low-income community.

20.2.1.2.2 No more than one-third may be public officials or employees of the City of Modesto.

20.2.1.2.3 The balance of board make-up is unrestricted; may include people such as human and social service providers, lenders, individuals with access to philanthropic resources, or others willing to contribute their professional expertise.

20.2.1.2.4 The CHDO must additionally provide a formal process for input from the low-income community. The process must be described in writing and must be included in the organization's by-laws or a board resolution.

20.2.1.3 Capacity and Experience:

20.2.1.3.1 The CHDO must demonstrate that it has at least one year of experience serving the community where it intends to develop the HOME-assisted housing.

20.2.1.3.2 CHDO must demonstrate that their key staff has the capacity to carry out the proposed HOME-assisted activities:

20.2.1.3.3 Experienced key staff who have successfully completed similar projects to those proposed; or staff with little or no experience and will use experienced consultants for the planning and development of proposed activities, with a plan in place for consultant to train the key staff.

20.2.1.3.4 The CHDO must also have financial accountability standards that conform to 24 CFR § 84.21, "Standards for Financial Management Systems."

20.2.2 CHDO Roles

20.2.2.1 CHDO set-aside funds may be used by CHDOs for those HOME activities where the CHDO acts as the owner, developer, and/or sponsor of the housing. Each role is described below.

20.2.2.1.1 Owner: The CHDO is an "owner" when it holds valid legal title to or has a long-term (99-year minimum) leasehold interest in a rental property. The CHDO may be an owner with one (1) or more individuals, three (3) corporations, partnerships, or other legal entities. Example: A CHDO owns a property and contracts with another entity (for-profit or nonprofit) to act as a developer, and to construct new buildings or rehabilitate existing building(s). After completion of the development, the CHDO will maintain ownership of the property.

20.2.2.1.2 While the CHDO may be the sole owner, with another entity acting as a developer, it may also be the owner and developer of its own project. The CHDO may own a property in partnership with either a majority or minority interest. However, the CHDO, in partnership with a wholly owned for-profit or nonprofit subsidiary, must be the managing general partner with effective control (in decision-making authority) of the project.

20.2.2.1.3 Developer: A CHDO is a "developer" when it (1) either owns a property and develops a project or has a contractual obligation to a property owner to develop a project; and (2) performs all the functions typically expected of for-profit developers and assumes all the risks and rewards associated with being the project developer.

20.2.2.1.4 If the CHDO owns the property, it must obtain financing and rehabilitate or construct the project.

20.2.2.1.5 For HOME-assisted rental housing: At project completion, the CHDO may maintain ownership and manage the project over the long term, or it may transfer the project to another entity for long-term ownership and management.

20.2.2.1.6 For HOME-assisted homebuyer project: The CHDO transfers title of the property and the HOME obligations to an eligible homebuyer within a specified timeframe of project completion.

20.2.2.1.7 If the CHDO does not own the property, it must be under a contractual obligation with the owner to obtain financing and rehabilitate or construct the project. Under this scenario, the CHDO assumes all of the risks and rewards associated with being the project developer. A written agreement between the CHDO and the property owner must detail the CHDO's specific obligations.

20.2.2.1.8 For HOME-assisted rental housing: The CHDO may at project completion, manage the project for the owner.

20.2.2.1.9 For homebuyer housing: The owner must transfer title of the property and the HOME obligations to eligible homebuyers within a specified timeframe of project completion.

20.2.2.1.10 If the CHDO develops the property for an owner pursuant to a written or other agreement with the Participating Jurisdiction (PJ), the CHDO is acting in the capacity of a subrecipient and not as a CHDO.

20.2.2.2 Sponsor: A CHDO is a "sponsor" for HOME-assisted rental housing according to the circumstances outlined below. In either case, the CHDO must always own the property prior to the development phase of the project.

20.2.2.2.1 For Rental Housing: The CHDO develops a project that it solely or partially owns and agrees to convey ownership to a second nonprofit organization at a predetermined time. The conveyance may take place prior to, during or upon completion of the development phase.

20.2.2.2.2 The HOME funds are invested in the project owned by the CHDO sponsor.

20.2.2.2.2.1 The CHDO sponsor identifies the particular nonprofit organization that will obtain ownership of the property prior to commitment of HOME funds.

20.2.2.2.2.2 The other nonprofit will assume from the CHDO at a specified time all HOME obligations (including repayment of loans and tenant and rent requirements) for the project. If the property is not transferred to the nonprofit organization, the CHDO sponsor will remain liable for the HOME obligations.

20.2.2.2.2.3 The other nonprofit organization must be financially and legally separate from the CHDO sponsor.

20.2.2.2.3 The CHDO sponsor must provide sufficient resources to the nonprofit organization to ensure the completion of development and long-term operation of the project.

20.2.2.2.4 For Homebuyer's Program: A CHDO may not serve as a sponsor of homebuyer housing under the 2013 HOME rule.

20.2.2.2.5 A community-based nonprofit organization may meet all of the regulatory requirements to be designated as a CHDO. However, in order for CHDO activities to count toward the CHDO set-aside, the CHDO must select their role as developer, sponsor and/or owner of the HOME-assisted housing project as defined above.

20.2.3 CHDO Set Aside Funding

20.2.3.1 The City of Modesto is required to set aside a minimum of 15% of each year's allocation for housing development activities in which qualified Community Housing

Development Organizations (CHDO) develop affordable housing. Per HOME regulations, HOME funds will be used for development of affordable housing through the 15% CHDO set aside funds.

20.2.3.2 A CHDO is a private nonprofit, community-based service organization whose primary purpose is to provide and develop decent, affordable housing for the community it serves. CHDOs must receive certification the City of Modesto indicating that they meet certain HOME Program requirements and therefore are eligible for HOME CHDO funding. The HOME Program definition of a CHDO is found at 24 CFR Part 92.2.

20.2.4 CHDO Operating

20.2.4.1 Certified CHDOs may receive funds from PJs to be used for operating expenses. This allocation does not count towards the required 15 percent (15%) CHDO set-aside funds that are to be used by CHDOs for projects. A CHDO can be provided with CHDO operating expense funds if it is expected that it will be receiving CHDO project set-aside funds within 24 months of receiving funds for operating expenses.

20.2.4.2 The PJ must enter into a written agreement with the CHDO specifying the terms and conditions upon which this expectation is based (§92.300(e)).

20.2.4.3 Eligible operating expenses: Operating expenses for which CHDOs may use the funds allocated by PJs include:

20.2.4.3.1 Organizational support

20.2.4.3.2 Housing education

20.2.4.3.3 Administrative expenses

20.2.4.3.4 Operating expenses

20.2.4.4 Funds Included in the CHDO Operating Expenses Cap: A PJ may elect to give operating funds to eligible CHDOs. However, HOME assistance for CHDO's operating expenses in each fiscal year may not exceed $50,000 or 50% of the CHDO's total annual operating expenses for that year, whichever is greater. The following types of funds are included as part of the maximum $50,000/50% rule a PJ is allowed to award to a CHDO:

20.2.4.5 Funds awarded to the CHDO by the PJ for operating expenses. (Under 24 CFR Part 92.208.)

20.2.5 Funds provided to the CHDO by HUD through intermediaries for organization support and housing education. (24 CFR Part 92.302)

20.2.6 Eligible Uses:

20.2.6.1 Operating expenses must be reasonable and necessary costs for the operation of the CHDO including:

20.2.6.2 Salaries, wages, benefits, and other employee compensation.

20.2.6.3 Rent and utilities;

20.2.6.4 Taxes and insurance; and

20.2.6.5 Equipment, materials, and supplies

20.3 Low-income tax credit and home

20.3.1.1 Qualified LIHTC units must not exceed LIHTC rent limits. HOME-assisted units must meet High and Low HOME rent requirements.

20.3.1.2 Combining HOME and tax credit affects rental properties in various complex ways

and applicants are urged to consult a subject expert prior to submitting their proposal.

20.3.1.3 Fees charged by project owners

20.3.1.3.1 Project owners may not charge fees to tenants that are not reasonable or customary, such as a monthly fee for access to laundry facilities. Fees that are allowable include parking fees in neighborhoods where such fees are customary and the cost of non-mandatory services such as meal or bus service (as long as the services are voluntary). Note that HOME funding may support special needs rental housing projects. However, the use of services by residents may not be imposed on a mandatory basis. HOME requires that supportive services are made available on a voluntary basis.

20.4 Project commitment and completion

20.4.1.1 Commitment of HOME funds is defined as full execution of the City of Modesto loan documents. Modesto will not commit HOME funds to a new construction or rehabilitation project until:

20.4.1.1.1 All necessary financing is secured.

20.4.1.1.2 A budget and production schedule is established. Use of HOME funds must be clearly identified by line item.

20.4.1.1.3 Underwriting and subsidy layering reviews are completed.

20.4.1.1.4 Market assessment is completed.

20.4.1.1.5 Assessment of the experience and financial capacity of the developer/applicant is completed.

20.4.1.1.6 Construction is expected to start within 12 months.

20.4.1.1.7 Projects must be fully occupied within four years from the date the written agreement is executed (project commitment). A development will be terminated if not completed within four years and repayment of the HOME funds will be triggered. In the event that a development is not completed within the four-year timeframe, the City may request a 12-month extension from HUD. The request should provide information about the status of the development, steps being taken to overcome obstacles to completion, proof of adequate funding to complete the development, and a schedule with milestones for completion of the development.

20.5 Application Outline

20.5.1 Development narrative

20.5.1.1 Development Overview - Provide a brief overview description including but not limited to development location, the existing use of the site and proposed development/design including number of units, unit types, development amenities, population to be served, supportive services provided, and extent to which the development will involve community organizations and partnerships. Also include program goals/objectives as applicable.

20.5.1.2 Describe how the development meets the needs, as identified in the City of Modesto's 2020-2025 Consolidated Plan

20.5.1.3 How does the development incorporate housing and/or City initiatives that meet and/or exceed current standards: Housing First as applicable per funding source and the City of Modesto's Strategic Plan,

20.5.1.4 Describe the degree to which Owner/Developer/Applicants and/or proposed development will integrate or comply with any of the initiatives listed above.

20.5.1.5 Provide documentation as applicable.

20.5.1.6 How will the proposed development address racial equity and inequities for the target population including any local disproportionate impact by race and other protected classes?

20.5.2 Development Timeline

20.5.2.1 Describe the development's timeline and applicant's ability to complete in a timely manner.

20.5.2.2 Enforceable Commitments and Financial Feasibility

20.5.2.3 Provide a list of enforceable commitments or other enforceable reservations of funds for all needed development funding. All funds other than tax credits must be secure prior to applying for funds available through this NOFA due to program commitment and expenditure requirements. Tier 1 - Proposals that have not provided evidence of enforceable funding commitments from all funding sources, will be deemed "non-responsive" to the NOFA.

20.5.2.4 Provide list of enforceable commitments or reservations of rental or operating subsidies as well as any fundraising plans.

20.5.2.5 Describe how the development will leverage other funding sources, including capital financing, housing subsidies and complementary supportive services. Provide evidence of terms and the status of those commitments to the proposed developments. City of Modesto will require senior lenders to subordinate to its regulatory restrictions. City of Modesto must be advised if the applicant will be requesting that the City subordinate financial interests.

20.5.2.6 Describe a plan for repayment of the requested amount of City of Modesto NOFA funds. At the City's discretion, consideration of forgivable loans or grants will be case by case where funding rules allow it.

20.5.2.7 If the funding for the proposed development is in part dependent upon the award of Low- Income Housing Tax Credits or bonds, describe how the development will be implemented in the event financing is denied. Be specific as to the amount, sources, likelihood, and timing of alternative funding, as well as how the development will be scaled down, if necessary.

20.5.2.8 Describe the plan to maintain operations and financial feasibility for the full affordability period.

20.5.2.9 Describe any in-kind contributions to the development. Include the name(s) of the contributors, the items or services that are being contributed and the value of the contributions.

20.5.3 Development Site

20.5.3.1 Describe all Community Project Partnerships related to this development.

20.5.3.2 Describe all Community outreach and engagement related to this development.

20.5.3.3 Are there other housing developments or facilities that address the same need in the area?

20.5.3.4 Describe how the development will not overly concentrate low-income housing in the community?

20.5.3.5 Attach sample lease and tenant agreement.
20.5.3.6 Attach your Housing First Policy
20.5.3.7 Provide a detailed description of the development location; attach detailed street map(s) identifying the development and neighborhood boundaries, highlight local amenities, community resources, goods and services, access to transportation, etc.
20.5.4 Target Population and Support Services
20.5.4.1 Attach sample lease and tenant agreement.
20.5.4.2 If supportive services will be provided for the populations listed above, include the following:
20.5.4.3 Supportive service provider experience, including tenant population descriptions
20.5.4.4 Support services descriptions, including service model, services offered, staffing plan with FTEs, and location of services (on site or off site)
20.5.4.5 Role of Peers in service delivery
20.5.4.6 Services budget and funding sources
20.5.4.7 If the support services provider is a separate organization, a description of partnership history and draft MOU.
20.5.5 Project Readiness
20.5.5.1 Provide proof of site control?
20.5.5.2 Is the development consistent with the site zoning, General Plan designation, and the local community plan?
20.5.5.3 Provide proof that all necessary land use, zoning, permitting, or building plans have been approved or a reasonable plan and timeline detailing how the applicant will obtain any discretionary approvals for the project.
20.5.5.4 Evidence from approving body of completion of all necessary environmental clearances (CEQA, NEPA), and completion of a Phase I Environmental Site Assessment and Phase II Environmental Site Assessment (if applicable).
20.5.5.5 Market Study
20.5.5.6 Attach a market study documenting supply and demand for the proposed development. Data must be recent (within the last six months), for at least three rental housing developments similar in size and amenities to the proposed development.
20.5.5.7 Development Design and Implementation
20.5.5.8 Describe preliminary site plan(s), floor plans, etc. Attach plans and photos as applicable.
20.5.5.9 Describe environmentally sustainable development features and technologies.
20.5.5.10 Describe various levels of safety design features, technologies, and policies for tenants.
20.5.5.11 If applicable, how will the development incorporate the use of universal design principles and/or design features for special needs populations.
20.5.6 Applicant Experience
20.5.6.1 Describe in detail Owner/Developer/Applicants experience as listed below. Provide supportive attachments as applicable:
20.5.6.2 Mission Statement
20.5.6.3 Past activities/experience

20.5.6.4 Administrative structure/organizational chart
20.5.6.5 Supportive Policies (Upload in the Financial Management Section)
20.5.6.6 Diversity, Equity, and Inclusion Statement and/or governing practices/policies
20.5.6.7 Procurement Policy
20.5.6.8 Housing First Policy
20.5.6.9 Displacement/Relocation Policy
20.5.6.10 Financial Management Policies
20.5.6.11 Tenant Selection Process
20.5.6.12 Affirmative Action Marketing Plan Policy
20.5.6.13 Describe the degree in which Owner/Developer/Applicants integrates Diversity, Equity, and Inclusion within the organization, including but not limited to; workplace values, hiring and training practices, executive leadership, Board of Directors, etc.

20.5.7 Technical Capacity

20.5.7.1 Describe Owner/Developer/Applicant's technical capacity. Describe the project team's experience, including but not limited to; acquisition, sale, rehabilitation, construction, management and/or support services. Describe your organization's ability to deliver high quality services to the target resident population.
20.5.7.2 Attach resumes of staff specifically assigned to this project. Include the credentials of the development's team members.
20.5.7.3 Include a list or description of the organization's ability to successfully develop and manage the real estate component of the project.
20.5.7.4 Number of rental housing developments/units completed
20.5.7.5 Number of rental housing developments/units currently owned
20.5.7.6 Number of rental housing developments/units currently managed.
20.5.7.7 Number of rental housing developments/units in development phase (funding committed but not ready for occupancy)

20.5.8 Required Documents at Application

20.5.8.1 Articles of Incorporation as a nonprofit corporation from the California Secretary of State
20.5.8.2 By-Laws as registered with the California Secretary of State
20.5.8.3 Letter from the California Franchise Tax Board determining tax-exempt status under Section 23701d
20.5.8.4 Board Resolution authorizing Applicant to submit application to the City of Modesto
20.5.8.5 Organizational Chart
20.5.8.6 501(c)(3)
20.5.8.7 Project Staff Resume(s)
20.5.8.8 Site Control
20.5.8.9 Project location maps
20.5.8.10 Documentation to support past projects
20.5.8.11 Statistical back-up or supplemental project summary
20.5.8.12 History of Fundraising Efforts
20.5.8.13 Certified Audit and/or Financial Statement (most recent)
20.5.8.14 Documentation for findings or concerns issued by any audits

20.5.8.15 Policies and Procedures that support compliance with Local, State, and Federal Regulations (included but not limited to)
20.5.8.16 Administrative structure/organizational chart
20.5.8.17 Supportive Policies (Upload in the Financial Management Section)
20.5.8.18 Diversity, Equity, and Inclusion Statement and/or governing practices/policies
20.5.8.19 Procurement Policy
20.5.8.20 Housing First Policy
20.5.8.21 Displacement/Relocation Policy
20.5.8.22 Financial Management Policies
20.5.8.23 Procurement Policies
20.5.8.24 Fiscal Policies & Procedures
20.5.8.25 Tenant Selection Policy
20.5.8.26 Affirmative Marketing Plan
20.5.8.27 For CHDO Applicants
20.5.8.28 Required Documents for Commitment
20.5.8.29 Business License (If Applicable)
20.5.8.30 Proof of Insurance: Provide a copy of the Insurance Certificate per the requirements on the template
20.5.8.31 Sample Lease/Tenant Agreement
20.5.8.32 Preliminary Construction Documents
20.5.8.33 Engineering Report
20.5.8.34 Phase One Environmental Documents
20.5.8.35 Appraisal
20.5.8.36 Market Study prior to Execution of HOME Agreements.
20.5.8.37 Award Letters
20.5.8.38 Documents supporting leverage/match funds
20.5.8.39 Displacement/Relocation Policies
20.5.8.40 Non-Displacement Certification

21 Appendix 2 Subsidy Layering Review and Underwriting Guidelines:

21.1 As described in 24 CFR 92.250, the City of Modesto is required to:

21.1.1 Evaluate subsidy layering and conduct or examine the underwriting of all projects to ensure that the HOME subsidy is not excessive and does not result in an undue or excessive return to the owner; and

21.1.2 Assess, at a minimum, the current market demand in the neighborhood in which the project will be located, the experience of the developer, the financial capacity of the developer, and firm financial commitments for the project.

21.1.3 Underwriting capacity does not apply to owner-occupied rehabilitation projects where is assistance is provided as a grant or deferred, forgivable loans to owner-occupants, or to homebuyer assistance projects that do not involve development or rehabilitation of housing, such as down payment assistance.

21.1.3.1 Underwriting capacity does apply to owner-occupied rehabilitation projects with an amortizing HOME-funded rehabilitation loan.

21.1.3.2 The City of Modesto also will not be required to perform neighborhood market analyses or evaluate developer capacity for owner-occupied rehabilitation projects,

or projects involving HOME-funded down payment assistance, but no HOME-funded development.

21.2 The City of Modesto will use the following types of subsidy layering review before committing HOME program funds to any project:

21.2.1 A subsidy layering review produced by HUD, when the source of funding is provided by HUD, and HUD conducts a subsidy layering review;

21.2.2 Subsidy layering analysis produced when Low-Income Housing Tax Credit (LIHTC)is used, and an evaluation to determine whether there are excess tax subsidies;

21.2.3 A subsidy layering analysis produced by the developer and reviewed by the City of Modesto in accordance with the guidelines in HUD Notice CPD 98-1

21.2.4 Documentation Needed:

21.2.4.1 Project Pro Forma including sources and uses of funds statement, operating pro forma (rate of return on equity investment) that covers the entire HOME affordability period of the proposed

21.2.4.2 project, project development budget along with certification of federal assistance. The pro forma should include achievable rent levels, market vacancies, and operating expenses.

21.2.5 Sources of Funds

21.2.5.1 Commitment letters with all terms and conditions for all mortgages, grants, subordination agreements, bridge (interim) loans and investment tax credits (historical, low-income, if applicable); and

21.2.5.2 If a partnership, a copy of the partnership agreement, which indicates the cash contribution by the general partner(s) and/or limited partner(s)

21.2.5.3 Documentation of owner cash equity and any deferred developer fees

21.2.6 Uses of Funds

21.2.6.1 Earnest money agreement; option or closing statement for land and/or buildings

21.2.6.2 Construction cost estimate including acquisition costs, rehabilitation or new

21.2.6.3 construction costs, financing costs and professional fees

21.2.6.4 Construction contract or preliminary bid(s)

21.2.6.5 Agreements governing the various reserves which are capitalized at closing (to verity

21.2.6.6 that the reserves cannot be withdrawn later as fees or distributions)

21.2.6.7 Appraisal (to substantiate the value of the land and the value of the property after

21.2.6.8 rehabilitation or construction of the structure being built)

21.2.6.9 If low-income tax credits are utilized, documentation on the syndication costs (legal,

21.2.6.10 accounting, tax opinion, etc) from the organization/individual who will syndicate and sell the offering to ensure that the project can support the fees necessary to syndicate/fund the project

21.2.6.11 Supporting documentation for all other costs specified in the Sources/Uses of Funds statement

21.3 Certification of Federal Assistance

21.3.1 Formal certification concerning any other governmental assistance provided or to be provided to the project - one certification for each funding source

21.3.2 If no other governmental assistance, certification to this affect

21.3.3 If this changes during the course of the project, the City of Modesto needs to be informed immediately in the form of a new certification.

21.4 Project Development Budget

21.4.1 The City of Modesto will review the project development budget to determine that the development costs are necessary and "reasonable". The budget will include all costs associated with the development, regardless of the funding sources.

21.4.2 "Reasonableness" of costs shall be based on the following factors:

21.4.2.1 Cost of comparable projects in the same geographical area;

21.4.2.2 The qualifications of the cost estimators for the various budget line items; and

21.4.2.3 Comparable costs published by recognized industry cost index services.

21.5 Underwriting Standards

21.5.1 City of Modesto HOME projects will utilize the underwriting criteria as set forth below.

21.5.1.1 Generally underwriting will review the risk analysis of the project including market risk, developer risk, and project risk.

21.5.1.1.1 Market risk is defined as the likelihood that the units can be sold. Developer risk is defined as the likelihood that the developer can complete the project on-time and budget. Project risk is defined as the adequacy and reasonableness of the costs and sources to complete and sell the project.

21.5.1.1.2 Developer fees & overhead and any consultant fees may not exceed the sum of: 15% of total rehabilitation and new construction eligible basis; and 5% of total acquisition eligible basis; however a fee up to 10% of total acquisition eligible basis will be permitted for projects that require the approval of HUD for the transfer of the property.

21.5.1.1.3 Limits for Contractor Fee, Contractor Overhead and General Requirements will be calculated as follows:

21.5.1.1.3.1 Contractor Fee = 6% of hard construction costs

21.5.1.1.3.2 Contractor Overhead = 2% of hard construction costs

21.5.1.1.3.3 General Requirements = 6% of hard construction costs.

21.5.1.1.4 Total soft costs may not exceed 35% of total eligible basis.

21.5.1.1.5 Total soft costs equal the sum of general requirements, contractor overhead, contractor profit, architectural fees, survey costs, engineering fees, permanent loan fees, cost of tax-exempt bond issuance, taxes, appraisal, market study, environmental reports, rent-up/marketing costs, title & recording fees, non-syndication legal fees, accounting fees, developer fees & overhead, consultant fees, organizational fees, and syndication expenses.

22 Appendix 4 - Property Standards for HOME-Assisted Housing

Project Type	Upon completion, HOME rental and homebuyer housing must meet the following requirements, per 24 CFR 92.251	Documentation

New Construction	• State/local codes & standards; or, in their absence, International Residential Code or International Building Code of the International Code Council, for the property type
	• Accessibility, per Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8); Titles II and III of the American Disabilities Act; and, for multifamily dwellings, design and construction requirements of the Fair Housing Act (24 CFR 100.205)
	• Disaster mitigation, as applicable
	• Broadband infrastructure for buildings with five or more units, if HOME funds committed after 1/19/2017, except in limited situations when PJ makes exception
		• Scope of work in construction contract and related documents – must be in sufficient detail to perform inspection and determine costs are reasonable
		• Plans and specifications
		  o Consistent with scope of work
		  o Evidence of accessibility, as applicable
		  o Evidence of broadband infrastructure, as applicable
		• Progress inspection(s) reports – must verify compliance with standards and scope of work in construction contract
		• Final inspection report – must verify compliance with applicable property standards upon completion
		• Evidence of disaster mitigation, as applicable

Rehabilitation	• PJ's written rehabilitation standards - details methods, materials, & requirements. Must include:
	  o State/local codes & standards, or in their absence, International Existing Building Code of the International Code Council for the property type
	  o Health and safety -life threatening deficiencies that must be addressed immediately if housing is occupied
	  o Evaluation of remaining useful life of major systems
	  ▪ *For rental housing with more than 26 units* in project, capital needs assessment required
	  ▪ *For rental housing,* if remaining useful life is less than affordability period, system must be replaced as part of rehab or sufficient capital reserves must be set aside for replacement later
	  ▪ *For homeownership housing*, upon completion, each major system must have remaining useful life of 5 year minimum, or the major system(s) must be rehabilitated or replaced as part of the rehabilitation work
		• Initial (pre-rehab) inspection report – to identify deficiencies to be addressed in rehab (i.e., scope of work)
		• Scope of work in construction contract and related documents – must be in sufficient detail to ensure compliance with rehab standard and correct deficiencies identified in initial inspection
		• Plans and specifications
		  o Consistent with scope of work evidence of accessibility, if applicable
		  o Evidence of broadband infrastructure, for rental housing, as applicable
		• Progress inspection(s) reports – must verify compliance with standards and scope of work in

	o Lead-based paint (pre-1978 housing), per 24 CFR part 35	construction documents • If lead paint present – evidence of evaluation and treatment of paint per 24 CFR part 35 along with clearance and issuance of all required notices • Final inspection report – must verify compliance with PJ's written rehab standards • Evidence of disaster mitigation, as applicable
	o Accessibility, per Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8); Titles II and III of the American Disabilities Act; and, for multifamily dwellings, design and construction requirements of the Fair Housing Act (24 CFR 100.205) o Disaster mitigation, as applicable o Housing must be decent, safe, sanitary and in good condition; must correct certain minimum deficiencies based on inspectable items and areas in HUD's Uniform Physical Condition Standards, as identified by HUD o Broadband infrastructure, for buildings with 5 or more units that are substantially rehabilitated (as defined in 24 CFR 5.100), if HOME funds committed after 1/19/2017, except in limited situations if PJ makes exception	
Acquisition	• For **rental housing** that will be acquired: o New construction standards apply when housing was newly constructed within 12 months of commitment date o Rehabilitation standards apply when housing was rehabilitated within 12 months of commitment date o PJ must inspect property within 90 days of commitment. If housing does not meet standards, it must be rehabbed to meet rehab standards • For **homeownership** units that will be acquired: o Housing must meet PJ-established standards of decent, safe, sanitary and in good repair at the time title is transferred to the buyer. o PJ standard must include state and local standards and must address, at a minimum, specific deficiencies based on inspectable items and areas in HUD's Uniform Physical Condition Standards, as identified by HUD o PJ must inspect property within 90 days of commitment. If housing does not meet standards, it must be rehabbed to meet rehab standard	• Approved building plans and certificate of occupancy, if recently constructed or rehabilitated • Copy of property inspection report, no earlier than 90 days before the commitment of HOME funds for acquisition

Manufactured Housing - new or replacement unit (reconstruction)	• Manufactured Home Construction and Safety Standards codified at 24 CFR part 3280 (pre-empts State and local codes that do not meet federal standards)
	• Applicable State and local laws or codes for manufactured housing; in their absence, must follow manufacturer's instructions for installation
	• Permanent foundation must comply with 24 CFR 203.43f(c)(i)
	• At completion, unit must be connected to permanent utility hook-ups
	• Manufactured housing unit owner must own land where unit is installed, or have lease for length of affordability period, at minimum
	• *For rehab of existing manufactured housing:*
	  o Foundation and anchoring must meet applicable State and local codes and requirements; in their absence, it must meet Model Manufactured Home Installation Standards at 24 CFR part 3285
	  o Upon completion, unit must meet PJ's written rehabilitation standard, described under *Rehabilitation* above
	• See Notice CPD-03-05, *Guidance on Manufactured Housing under the HOME Program* for more information on the standards that apply to manufactured housing.
		• Copy of inspection report, per PJ's inspection procedures
		• Title search or land records search showing land ownership by manufactured housing unit owner; or if manufactured housing unit owner is leasing the land on which the unit sits, copy of lease

Ongoing Property Condition Standards *(Rental housing)*	• PJ-established standards to ensure property remains in decent, safe, and sanitary condition throughout affordability period
	• Must include:
	  o Compliance with State/local codes and standards; or in their absence, address inspectable items and areas from the Uniform Physical Conditions Standards (UPCS), as identified by HUD
	  o Health & safety – must be free of health and safety defects; life-threatening defects must be addressed immediately
	  o Ongoing compliance with lead-based paint requirements, per 24 CFR part 35
	• For projects with HOME funding commitments made prior to 1/24/15, all applicable State or local housing quality standards or code requirements apply; absent such standards/codes, the housing must meet the HUD housing quality standards at 24 CFR 982.401
		• Annual certification by owner that units are suitable for occupancy
		• PJ inspection procedures that include:
		  o Inspection checklists
		  o Description of how and by whom inspections will occur
		  o Frequency of inspections
		  o Procedures for training and certifying inspectors
		  o Procedures for ensuring timely corrective and remedial action by owners to correct deficiencies.
		• Inspection reports to determine if property meets applicable standards
		  o If deficiencies found, re-inspection report(s) conducted within 12 months to show deficiencies are corrected, or other documentation for non-hazardous deficiencies
		  o Inspections dated w/in 12 months of completion & at least every 3 years during affordability period

Tenant-based Rental Assistance Programs	• HUD housing quality standards at 24 CFR 982.401	• Inspection report prior to initial move-in • Annual re-inspection reports for duration of tenancy

NOTE: On January 13, 2021, HUD issued a Proposed Rule related to the implementation of National Standards for the Physical Inspection of Real Estate (NSPIRE). This proposed Rule would revise the way HUD-assisted housing is inspected and evaluated. It proposes to align and consolidate the inspection regulations used to evaluate HUD housing and create a unified assessment of housing quality across HUD programs. Any changes to the HOME property standards requirements that may result from these efforts will be announced on the HUD Exchange.

Appendix 5

City of Modesto Emergency Transfer Plan
For Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

1. The City of Modesto in accordance with the federal Violence Against Women Act at 42 U.S.C. 13925 and 42 U.S.C. 14043e et seq. ("VAWA") and the implementing regulations for VAWA at 24 CFR part 5, subpart L (the "Implementing Regulations"), is required by law to extend special concerns and efforts to and on behalf of a certain class of tenants who live in housing located within Modesto city limits or, under certain programs, a certain class of tenants who live in eligible housing located within Modesto city limits, and a certain class of homeless persons who live within Modesto city limits, each of whom benefit from or are supported by funding provided by certain programs of the U.S. Department of Housing and Urban Development ("HUD") (such persons, collectively, "Eligible Persons").
   1.1. About VAWA
      1.1.1. VAWA provides certain protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not limited only to women but, instead, are available equally to all qualifying individuals regardless of sex, sexual orientation or gender identity.
      1.1.2. The relevant HUD programs for City purposes are: (i) the HOME Program, (ii) the Emergency Solutions Grants (ESG) program, (iii) the Housing Opportunities for Persons With AIDS (HOPWA) program, and (iv) the Continuum of Care (CoC) program (collectively, "HUD Programs"). For purposes of this Plan, eligible housing within the City of Modesto, that is supported by funding provided through any of these four HUD Programs, shall be called "HUD Program- Supported Housing."
   1.2. About this VAWA Emergency Transfer Plan
      1.2.1. Under the Implementing Regulations, an Eligible Person who is a victim of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in the Implementing Regulations, is eligible for an emergency transfer, if the Eligible Person expressly requests the transfer and
         1.2.1.1. The Eligible Person reasonably believes there is a threat of imminent harm from further violence if the Eligible Person remains within the same dwelling unit that the Eligible Person is currently occupying; or
         1.2.1.2. In the case of an Eligible Person who is a victim of sexual assault, either the Eligible Person reasonably believes there is a threat of imminent harm from further violence if the Eligible Person remains within the same dwelling unit that the Eligible Person is currently occupying, or the sexual assault occurred on the premises during the 90- calendar-day period preceding the date of the request for transfer.
      1.2.2. An Eligible Person requesting an emergency transfer must expressly request the transfer with the appropriate covered housing provider as described below.
         1.2.2.1. An Eligible Person who is not in good standing under the Eligible Person's HUD Program- Supported Housing may still request an emergency transfer if the Eligible Person meets the eligibility requirements herein.
   1.3. The City is not a landlord and operates no HUD Program-Supported Housing directly.

Therefore, the City will undertake the following actions under this Plan. However, nothing in this Plan is intended to supersede any eligibility or other occupancy requirements that may apply under any individual HUD Program-Supported Housing program.

1.4. This Plan may be amended from time to time by the City.

1.5. Assisting Covered Housing Providers in Fulfilling Their VAWA Responsibilities Generally

1.5.1. The City, through its contractual relationships with covered housing providers such as the owners of HOME, ESG subrecipients, delegate agents for HOPWA and CoC delegate agencies, will undertake to assist them in fulfilling their VAWA responsibilities. This will include:

1.5.1.1. Adding requisite text concerning VAWA, including changes to tenant lease addenda and lease bifurcation text, to delegate agency agreements, HOME loan agreements, HOME regulatory agreements, and the like;

1.5.1.2. Ensuring that covered housing providers give priority, if so required under the relevant HUD Program, to Eligible Persons who qualify for an emergency transfer over other categories of tenants seeking transfers and individuals seeking placement on waiting lists;

1.5.1.3. Seeking confirmation that covered housing providers have an emergency transfer plan in place, and that they have provided all required VAWA information to all appropriate tenants and applicants; and collecting from covered housing providers all information that the City is required to collect under the Implementing Regulations.

1.6. Emergency Transfer Plan Procedures for Each HUD Program-Supported Housing Program

1.6.1. To request an emergency transfer, the Eligible Person should follow the procedures listed for the particular HUD Program that provides the Eligible Person's housing. The Eligible Person should be prepared to present the covered housing provider the written documentation referred to in the Emergency Transfer Request Documentation section below.

1.6.1.1. Information specific to each program will also be listed in the Eligible Person's lease and/or notice for reference.

1.6.1.2. If an Eligible Person requests an internal transfer, as defined in the Implementing Regulations, the covered housing provider will facilitate the provision of VAWA protections for the Eligible Person as set out in the program-specific regulations below.

1.6.1.3. If an Eligible Person requests an external transfer, as defined in the Implementing Regulations – whether the transfer would be out of a covered housing provider's project, or into a covered housing provider's project – the covered housing provider will assist the Eligible Person in the provision of a safe and available unit for the Eligible Person.

1.6.1.4. The City may also coordinate with covered housing providers that are providing HUD Program- Supported Housing to develop their emergency transfer plans, to make referrals, and to facilitate emergency transfers to safe and available units.

1.6.1.5. The City is aware that nothing precludes an Eligible Person from seeking

an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

1.6.2. HOPWA

1.6.2.1. If an Eligible Person seeks VAWA protections, the Eligible Person must submit such request through the project sponsor—the delegate agency that receives HOPWA funds.

1.6.3. HOME

1.6.3.1. If an Eligible Person seeks VAWA protections, the request may be made through the Eligible Person's housing or facility owner, or manager. If a request for internal or external transfer is made, the housing or facility owner, or manager may, in addition to other actions indicated above, provide a list of properties within the City limits that include HOME-assisted units.

1.6.3.2. The City maintains a list of HOME-assisted properties and can be obtained by contacting the Community Development Division at housing@modestogov.com or calling 209-577-5211. The list includes the following information for each property: The property's address, contact information, the unit sizes (number of bedrooms) for the HOME-assisted units, and, to the extent known, any tenant preferences or eligibility restrictions for the HOME-assisted units.

1.6.4. ESG

1.6.4.1. For ESG tenant-based rental assistance arrangements, the City will assist delegate agencies with the provision of VAWA protections and quick moving assistance for Eligible Persons. The City will also require subrecipient agencies to have procedures that will specify what will happen with respect to the non-transferring family member(s) if the family separates in order to affect an emergency transfer.

1.6.5. CoC

1.6.5.1. For the Eligible Person or for families receiving tenant-based rental assistance under CoC, the City will assist the delegate agency or tenant to the CoC Collaborative Applicant to assist with the appropriate provisions under CFR 24 CFR 578.93(b)(1), (4), (6), or (7).

1.7. Emergency Transfer Request Documentation

1.7.1. Written documentation required under all HUD Programs shall be either as described in (i) or (ii) below:

1.7.2. The Eligible Person's submission of a written certification that the Eligible Person reasonably believes there is a threat of imminent harm from further violence if the Eligible Person remains within the same dwelling unit that the Eligible Person is currently occupying, or

1.7.3. One of the following:

1.7.3.1. A completed and signed Certification on the form attached hereto

1.7.3.2. A document that is (A) signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; (B) signed by the Eligible Person; and (C) that specifies, under penalty of perjury, that the professional believes in the

occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under VAWA

1.7.3.2.1. Court order of protection in favor of the Eligible Person

1.7.3.2.2. A statement or other evidence provided by the applicant or tenant

1.8. Confidentiality

1.8.1. The City will keep confidential any information that an Eligible Person submits to the City related to the exercise of the Eligible Person's rights under VAWA, including the fact that the Eligible Person is exercising rights under VAWA.

1.8.2. If the City learns that an Eligible Person has relocated to a safe unit, the City will not disclose the location of that unit to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the Eligible Person.

1.8.3. The City will not allow any individual administering assistance or other services on behalf of the City in connection with the exercise of an Eligible Person's rights under VAWA (for example, employees and contractors) to have access to confidential information about the Eligible Person unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

1.8.4. The City will not enter an Eligible Person's information into any shared database (e.g., a database outside the City's control) or disclose the information to any other entity or individual. The City, however, may disclose the information provided if:

1.8.4.1. The Eligible Person gives written permission to the City to release the information on a time limited basis; or

1.8.4.2. The City needs to use the information in an eviction or termination proceeding, such as to evict the Eligible Person's abuser or perpetrator or to terminate such abuser or perpetrator from assistance under this program; or

1.8.4.3. A law requires the City to release the information. VAWA does not limit the City's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

1.9. City Cannot Assist With Eviction Problems

1.9.1. The City is not a landlord for any HUD Program-Supported Housing. The City does not have any new or special duties under this Plan or the Implementing Regulations to assist Eligible Persons experiencing eviction problems.

1.10. This Plan Does Not Replace Other Laws

1.10.1. This Plan, and VAWA and the Implementing Regulations, do not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. Eligible Persons may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

1.11. Recordkeeping and Reporting

1.11.1. The covered housing provider is required, under the Implementing Regulations, to keep certain information in its files.

1.11.2. The covered housing provider must keep a record of all emergency transfer requests made or the outcomes of such requests, and (i) retain records of such requests and outcomes for three years (four years for HOPWA), and (ii) while not violating the confidentiality requirements listed above, report certain information to HUD annually.

1.12. Safety and Security of Eligible Persons

1.12.1. Pending processing of the transfer and the actual transfer, if it is approved and occurs, the Eligible Person is urged to take all reasonable precautions to be safe. Eligible Persons who have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1– 800–799–7233 (English and Spanish), locally Haven's 24-Crisis Line 209-577-5980 for assistance in creating a safety plan. For persons with hearing impairments, the National Domestic Violence Hotline can be accessed by calling 1– 800–787–3224 (TTY). For General Assistance contact 211 or 711 for Hearing Impaired.

1.12.2. Eligible Persons who have been victims of sexual assault are encouraged to contact the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800–656–HOPE or visit the online hotline at https://ohl.rainn.org/online/.

1.12.3. Eligible Persons who have been victims of stalking are encouraged to contact the National Center for Victims of Crime's Stalking Resource Center at https://victimsofcrime.org/stalking-resource-center/about-us/

1.13. For Additional Information

1.13.1. The Violence Against Women Act at 42 U.S.C. 13925 and 42 U.S.C. 14043e et seq. the Implementing Regulations at https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf

Attachments: Please see the attached Certification of Domestic Violence form

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 06/30/2017

[Insert name of covered housing provider]

Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers

[Insert name of covered housing provider (acronym HP for purposes of this model plan)] is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),[1] HP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.[2] The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model

[1] Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.
[2] Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **[insert name of program or rental assistance here]** is in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to **[HP to insert location]**. HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HP's program; OR

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to

which the tenant has been transferred. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-541

RESOLUTION APPROVING THE PROPOSED ADMINISTRATIVE AMENDMENT NO. 1 TO THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2015-2020 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE ANY REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Modesto is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City of Modesto through a formula-based allocation: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, on August 5, 2015, by Resolution 2015-281, the City Council approved the Program Year 2015-2020 Consolidated Plan through which CDBG, ESG, and HOME Program funds for were allocated and programmed; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires the City of Modesto, as an entitlement community, to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds; and

WHEREAS, Council adopted the City of Modesto's Program Year 2017-2018 Annual Action Plan on June 27, 2017 by Resolution No.2017-259. And on May 09,2023, by Resolution 2023-224, the City Council approved the Program Year 2023-2024 Annual Action Plan. These plans provide the plan by which CDBG, ESG, and HOME Program funds were allocated and programmed; and

WHEREAS, HUD allows the City to amend its Consolidated Plan and an Annual Action Plan administratively when it makes changes to priorities and or activities; and

WHEREAS, to broaden the ability for the City to fund projects that serve priority or specialized populations within the City limits of Modesto, the City is required to administratively amend its the Consolidated Plans and Annual Action Plans where there are open activities, projects, or proposed projects that are proposed to serve populations either not listed as priority when it was drafted and to clarify the practice that allows for specialized priority populations; and

WHEREAS, to do this City Staff is recommending an administrative amendment to the 2015-2020 Consolidated Plan's Section "H-1 Increase affordable rental housing" to add in addition to Income level: Extremely Low, Low, Family Types: Large Families, Public Housing Residents; and

WHEREAS, this Amendment will additionally include the Homeless Population as a priority population for the City's HUD funding as Homeless, Rural, Chronic Homelessness, Individuals, Families with Children, Mentally Ill, Chronic Substance Abuse, Veterans, Persons with HIV/AIDS, Victims of Domestic Violence, Unaccompanied Youth; and

WHEREAS, this allows for all projects already funded or recently completed to specify and serve our most vulnerable populations. Through the approved procedure described in the City's HOME Policy and the proposed Annual Action Plan Amendments; and

WHEREAS, public comment for Administrative Amendments, the City per its Citizen Participation Plan for the utilization of HUD funds will be soliciting public input

through the City Website, and notifications sent through the local government email groups such as Stanislaus Homeless Alliance, Stanislaus Community System of Care, and the City's Community Development listserv to solicit feedback.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approving the proposed Administrative Amendment No. 1 to the Consolidated Plan for Program Year 2015-2020.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-542

RESOLUTION APPROVING THE PROPOSED ADMINISTRATIVE AMENDMENTS NO. 1 TO THE CITY'S ANNUAL ACTION PLAN FOR PROGRAM YEARS 2017-2018 AND 2023-2024 ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE ANY REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Modesto is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City of Modesto through a formula-based allocation: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, on August 5, 2015, by Resolution 2015-281, the City Council approved the Program Year 2015-2020 Consolidated Plan through which CDBG, ESG, and HOME Program funds for were allocated and programmed; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires the City of Modesto, as an entitlement community, to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds; and

WHEREAS, Council adopted the City of Modesto's Program Year 2017-2018 Annual Action Plan on June 27, 2017 by Resolution No.2017-259. And on May 09,2023, by Resolution 2023-224, the City Council approved the Program Year 2023-2024 Annual

Action Plan. These plans provide the plan by which CDBG, ESG, and HOME Program funds were allocated and programmed; and

WHEREAS, HUD allows the City to amend its Consolidated Plan and an Annual Action Plan administratively when it makes changes to priorities and or activities; and

WHEREAS, to broaden the ability for the City to fund projects that serve priority or specialized populations within the City limits of Modesto, the City is required to administratively amend its the Consolidated Plans and Annual Action Plans where there are open activities, projects, or proposed projects that are proposed to serve populations either not listed as priority when it was drafted and to clarify the practice that allows for specialized priority populations and the Annual Action Plan should align and support the priorities in the City's five-year Consolidated Plan; and

WHEREAS, it was identified that there are projects already funded or recently funded in both the 2017-2018 and 2022-2023 program year Annual Action Plans.
In this amendment the changes to the section AP-20, AP-35, and AP-90 of the respective Annual Action Plans; and

WHEREAS, the City does not require a preference be given to any one population for its use of funds including but not limited to HOME funds; however, it is recognized that there are scenarios such as layered funding or community need that would requires a project to set-aside units for a preferred population; and

WHEREAS, this preference may be considered under the following conditions the population is included as a preference population in the current Consolidated Plan, the Marketing Plan supports the need for the preferred population and/or it is a stipulation of the layered funding from another Federal, State, or local source investing in the project,

the preference does not violate nondiscrimination requirements in accordance with 24 CFR 92.350, and the Tenant meets the requirements of the HOME program; and

WHEREAS, public comment for Administrative Amendments, the City per its Citizen Participation Plan for the utilization of HUD funds will solicit public input through the City Website and notifications sent through the local government email groups such as Stanislaus Homeless Alliance, Stanislaus Community System of Care, and the City's Community Development listserv to solicit feedback.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approving proposed Administrative Amendments No. 1 to the City's Annual Action Plan for Program Years 2017-2018 and 2023-2024 Annual Action Plan.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-543

RESOLUTION APPROVING A FIRST AMENDMENT EXTENDING THE CATERING AND CONCESSIONAIRE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HOSPITALITY, LLC, BY A SIX-MONTH PERIOD ENDING JUNE 30, 2024 FOLLOWED BY A MONTH-TO-MONTH BASIS TO PROVIDE CATERING AND CONCESSIONAIRE SERVICES TO THE MODESTO CENTRE PLAZA, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO NEGOTIATE, AND EXECUTE THE AMENDMENT

WHEREAS, the City operates and manages the Modesto Centre Plaza (MCP) as a destination conference center and community facility; and

WHEREAS, on May 5, 2009, by Resolution No. 2009-197, Council approved a ten-year agreement with Modesto Hospitality Lessee, LLC which owned and operated the hotel as The DoubleTree at that time; and

WHEREAS, the agreement was extended by letter agreement from May 5, 2019 to

December 31, 2019; and

WHEREAS, in November 2019, by Resolution No. 2019-488, Council approved a four-year agreement between the City of Modesto and Modesto Hospitality, LLC, to provide catering and concessionaire services for events booked or hosted at MCP; and

WHEREAS, the Doubletree pays the City catering and concessionaire fees as well as commissions for audiovisual services; and

WHEREAS, the terms of the current agreement were based on the retirement of the

debt service bond on December 31, 2023 with the future of the facility yet to be determined.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment extending the Catering and Concessionaire Agreement between the City of Modesto and Modesto Hospitality, LLC, by a six month period ending June 30, 2024 followed by a month-to-month basis to provide catering and concessionaire services to the Modesto Centre Plaza.

BE IT FURTHER RESOLVED that the City Manager, or designee, is authorized to negotiate, and execute the Amendment in form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-544

RESOLUTION APPROVING THE FIFTH AMENDMENT TO AGREEMENT REGARDING JOHN THURMAN FIELD WITH THE BASEBALL CLUB OF MODESTO, LLC, AS SUCCESSOR IN INTEREST TO HWS BASEBALL IV, LLC, EXTENDING THE EXPIRATION DATE OF THE ACCELERATED TERMINATION PROVISION FROM DECEMBER 31, 2023 TO FEBRUARY 29, 2024 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE, AND EXECUTE THE FIFTH AMENDMENT TO THE AGREEMENT

WHEREAS, the City is the owner of the property, stadium, and parking facilities that comprise John Thurman Field; and

WHEREAS, by Resolution No. 2016-503, Council approved a ten (10) year Agreement ("Agreement") with HWS Baseball IV, LLC, aka The Modesto Nuts Baseball Club, ("Club") for the use, operation, and management of John Thurman Field; and

WHEREAS, by Resolution No. 2018-451, Council approved the First Amendment to the Agreement to advance one (1) annual deposit to help fund the replacement of a video board and stadium seating as well as various minor changes; and

WHEREAS, by Resolution No. 2020-007, Council approved the Second Amendment to the Agreement with The Baseball Club of Modesto, LLC, as the successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2027, waive the 2020 annual license payment, and defer the fiscal year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026; and

WHEREAS, by Resolution No. 2021-497, Council approved the Third Amendment to the Agreement with the Baseball Club of Modesto, as successor in interest

to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2021 to December 31, 2022; and

WHEREAS, by Resolution No.2022-464, approved the Fourth Amendment to the Agreement with the Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2022 to December 31, 2023; and

WHEREAS, long term negotiations between the City and the Club are ongoing requiring an extension of the accelerated termination provision to February 29, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment to Agreement Regarding John Thurman Field with The Baseball Club of Modesto LLC, as successor in interest to HWS Baseball IV, LLC, extending the expiration date of the accelerated termination provision from December 31, 2023 to February 29, 2024.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute the Fifth Amendment to the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-545

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MAA SHAKTI JAGRAN AND RAYMAYNA SANSTHA INC., A CALIFORNIA NON-PROFIT CORPORATION, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 4801 TULLY RD (APN: 046-006-009) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Maa Shakti Jagran and Raymayna Sanstha Inc., a California Non-Profit Corporation, own property located at 4801 Tully Road; and

WHEREAS, the owners are proposing to construct a Temple on the property; and

WHEREAS, a representative of the property owners has requested a water service connection to the property; and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001; and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas; and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001; and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval; and

WHEREAS, the property located at 4801 Tully Road is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection; and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development; and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction; and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement between the City of Modesto and Maa Shakti Jagran and Raymayna Sanstha Inc., a California Non-Profit Corporation, to connect to the City of Modesto's existing water system for the property located at 4801 Tully Road (APN: 046-006-009).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve Letter and execute the Outside Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-546

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT WITH PANNA YI AND RAVIN YI, HUSBAND AND WIFE AS JOINT TENANTS, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 2012 BLUE GUM AVENUE (APN: 081-022-007), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, PANNA YI and RAVIN YI, husband and wife as joint tenants, own residential property located at 2012 Blue Gum Avenue which is located within Modesto City Limits and the City's Sphere of Influence, and

WHEREAS, the property located at 2012 Blue Gum Avenue, is not connected to City's sewer system and is requesting a sewer connection due to a failing septic system, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 2012 Blue Gum Avenue is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, pursuant to Government Code Section 56133, a city may provide extended services outside its jurisdictional boundaries only if it first requests and receives written approval from the Stanislaus Local Agency Formation Commission (LAFCO), and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Will Serve Letter and Outside Service Agreement with Panna Yi and Ravin Yi, Husband and Wife as joint tenants, to connect to the City of Modesto's existing sewer system for the property located at 2012 Blue Gum Avenue (APN: 081-022-007).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter and execute the Outside Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-547

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STATE ROUTE 99/PELANDALE INTERCHANGE RECONSTRUCTION PHASE II - PELANDALE AVENUE AND SISK ROAD, CML 5059(258) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO UNITED PAVEMENT MAINTENANCE, INC. OF HUGHSON, CA, IN THE AMOUNT OF $1,669,217, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $166,922 (10% OF THE ORIGINAL CONTRACT PRICE), FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $1,836,139 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the State Route 99/Pelandale Interchange Reconstruction Phase II - Pelandale Avenue and Sisk Road project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the State Route 99/Pelandale Interchange Reconstruction Phase II - Pelandale Avenue and Sisk Road project, were publicly opened at 11:00 a.m. on October 24, 2023, and later tabulated by the Director of Engineering Services Department for the consideration of Council; and

WHEREAS, the Director of Engineering Services Department has recommended that the bid of $1,669,217 received from United Pavement Maintenance, Inc. of Hughson, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to United Pavement Maintenance, Inc.; and

WHEREAS, the Director of Engineering Services is authorized to approve Change Orders up to the cumulative amount of $166,922 (10% of the original contract price); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual services, to follow the formal bid procedures; and

WHEREAS, an award of $1,669,217 and agreement for construction with United Pavement Maintenance, Inc. of Hughson, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and United Pavement Maintenance, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the State Route 99/Pelandale Interchange Reconstruction Phase II - Pelandale Avenue and Sisk Road, CML 5059(528) project, accepting the bid, and awarding a contract to United Pavement Maintenance, Inc. of Hughson, CA, in the amount of $1,669,217, authorizing the Director of Engineering Services to approve Change Orders up to the cumulative amount of $166,922 (10% of the original contract price) for a total agreement amount not to exceed $1,836,139.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-548

RESOLUTION APPROVING A SECOND AMENDMENT TO INCREASE THE AGREEMENT WITH BADGER METER, INC. FOR THE PURCHASE OF BADGER WATER METERS, AUTOMATED METER READERS, AND RELATED PARTS BY $1,612,120 FROM $1,500,880 PER YEAR TO A REVISED ANNUAL ESTIMATED TOTAL OF $3,113,000 PER YEAR AND INCREASING THE TOTAL AMOUNT BY $4,836,360 FROM $7,504,400 TO A NEW REVISED TOTAL NOT TO EXCEED $12,340,760 OVER FIVE (5) YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City is in the process of installing water meters and automated meter reading equipment on all service connections within the City's service area, and

WHEREAS, the Water Services Division has contracted with Badger Meter, Inc. since 2006 for residential and industrial meters and automated meter reading equipment, and

WHEREAS, on May 4, 2021, by Resolution No. 2021-167, Council authorized the Sole Brand purchase of Badger Meter water meters, automated meter readers, and related parts to Badger Meter, Inc. for an amount not to exceed $3,059,022 over five years, and

WHEREAS, on March 8, 2022, by Resolution No. 2022-122, Council amended the agreement for the purchase of additional water meters and parts for a new total amount not to exceed $7,504,400 over five years, and

WHEREAS, Badger meters are installed on nearly 75,000 of the service connections in Modesto and outlying systems, or over 99% of existing meters, and

WHEREAS, meters are failing more rapidly and in larger quantities than previously anticipated, and

WHEREAS, the large meter health analytics program identified approximately 200 meters requiring major repair, and

WHEREAS, shipping delays of six (6) to nine (9) months have significantly affected the vendors ability to meet ordering expectations in a timely manner, and

WHEREAS, additional funds are required to maintain approximately 25% more stock, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases in excess of one hundred thousand dollars ($100,000) generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, MMC 8-3.204(f) provides that where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement in order to increase efficiency and avoid delays or disruptions to City projects. Therefore, staff recommends increasing funds and approving this second amendment to ensure that parts are available as needed.

WHEREAS, funds have been budgeted in the following Water Fund cost centers, 4100-45020-53150, 4100-45040-53150, 4100-45060-53150, and various Water Fund CIP's.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to increase the Agreement with Badger Meter, Inc. for the purchase of Badger water meters, automated meter readers, and related parts by $1,612,120 from $1,500,880 per year to a revised annual estimated total of $3,113,000 per year and increasing the total amount by $4,836,360 from $7,504,400 to a new revised total not to exceed $12,340,760 over five (5) years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to execute the Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-549

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE STANISLAUS COUNTY FIRE WARDEN'S OFFICE (SCFW) FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE FOR A THREE-YEAR TERM AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, the City of Modesto approved a Hazardous Materials Response agreement on March 2, 2021 by Resolution 2021-075, with the purpose to reestablish a hazardous materials team to respond to hazardous materials incidents throughout Stanislaus County; and

WHEREAS, the previous agreement expired in 2005 and the cities and County had not been able to enter into another agreement until the approval of this MOU in 2021; and

WHEREAS, since 2005, the Modesto Fire Department, through local mutual aid, had still provided hazmat response throughout the County, but without a formal agreement in place; and

WHEREAS, this Memorandum of Understanding will renew the operational agreement for hazmat response in Stanislaus County that has been successful for the last three years; and

WHEREAS, the primary objective of this MOU is to ensure efficient operational capabilities and effectiveness to meet a "minimum" state of readiness for Hazardous Materials mitigation involving Hazmat Levels II through IV; and

WHEREAS, both Stanislaus County Fire Warden and the Modesto Fire Department (MFD) believe this is a prudent and cost-efficient way to deliver important public safety services in an improved manner; and

WHEREAS, in order to meet Hazmat level requirements, MFD will upgrade to State Certified Hazmat Type I Team, which is appropriately equipped and trained to mitigate, and can function in all categories for all unknown industrial chemical hazards: liquids, aerosols, powders, solids, vapors and gas forms. MFD will also retain the Special Operations Branch to address the needs of the County and City, as well as continue to provide an Administrative Battalion Chief that will provide administrative oversight and support to the Hazardous Materials Team as established by Resolution 2021-076; and

WHEREAS, the term of this MOU is for three (3) years, beginning February 1, 2024 through January 31, 2027; and

WHEREAS, there is no estimated cost for City under this MOU; SCFW shall provide $250,000 from Less Than County-Wide (LTCW) tax dollars annually to City to cover personnel costs assigned to the Modesto Fire Department Hazmat Team, salary reimbursement for one Administrative Battalion Chief, and cost recovery for the incentive pay for additional Hazmat team members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) with the Stanislaus County Fire Warden's Office (SCFW) for Hazardous Materials Emergency Response for a three-year term.

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the MOU, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-550

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH ZOOM VIDEO COMMUNICATIONS, INC., FOR PROFESSIONAL DEPLOYMENT SERVICES IN THE AMOUNT OF $53,297 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in February 2023 the City of Modesto successfully implemented a pilot program for Zoom Rooms with a cost of $48,957.26 under the authority of the City Manager, and

WHEREAS, the pilot room has been utilized for hybrid Committee meetings where members of the public could attend in-person or remotely via Zoom, and

WHEREAS, this room has also been utilized by staff for internal hybrid meetings, and

WHEREAS, the Zoom Room is sometimes difficult to reserve as it has experienced a growth in demand due to its functionality and positive user experience, and

WHEREAS, users are seeking implementation of more rooms, an expansion of the current pilot room's capabilities, and an alternate back-up room for Committee meetings ensuring ongoing public engagement should issues occur within the existing Zoom Room, and

WHEREAS, the Fire Department had been searching for a cost-effective way to technologically unite its Headquarters, 3 Battalion stations, and Training station to better coordinate firefighting strategy, collaboration, and training/certification processes, and

WHEREAS Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS staff recommends approving the Sole Source Agreement with Zoom Video Communications, Inc., for Professional Deployment Services and that this purchase should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since they are the current and sole provider and integrator of this service, and

WHEREAS Modesto Municipal Code Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, this purchase of these services conforms to the Modesto Municipal Code, and

WHEREAS, under this agreement, the one-time implementation services from Zoom Video Communications, Inc. will be $53,297.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sole Source Agreement with Zoom Video Communications, Inc., for Professional Deployment Services in the amount of $53,297.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-551

RESOLUTION APPROVING A PURCHASE ORDER FOR THE SOLE SOURCE PURCHASE OF ZOOM ROOM EQUIPMENT FROM THINK FAST TRACK IN THE AMOUNT OF $175,593 PLUS AN 8% CONTINGENCY OF $12,714 FOR A TOTAL AMOUNT NOT TO EXCEED $188,307 AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, in February 2023 the City of Modesto successfully implemented a pilot program for Zoom Rooms with a cost of $48,957.26 under the authority of the City Manager, and

WHEREAS, the pilot room has been utilized for hybrid Committee meetings where members of the public could attend in-person or remotely via Zoom, and

WHEREAS, this room has also been utilized by staff for internal hybrid meetings, and

WHEREAS, the Zoom Room is sometimes difficult to reserve as it has experienced a growth in demand due to its functionality and positive user experience, and

WHEREAS, users are seeking implementation of more rooms, an expansion of the current pilot room's capabilities, and an alternate back-up room for Committee meetings ensuring ongoing public engagement should issues occur within the existing Zoom Room, and

WHEREAS, the Fire Department had been searching for a cost-effective way to technologically unite its Headquarters, 3 Battalion stations, and Training station to better coordinate firefighting strategy, collaboration, and training/certification processes, and

WHEREAS Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, staff recommends approving the Sole Source purchase of Zoom Room equipment from Think Fast Track and that they should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since they are the only vendor from which all required equipment can be obtained from a single source, and

WHEREAS Modesto Municipal Code Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, the one-time equipment purchasing costs from Think Fast Track will be $175,593, and

WHEREAS, an 8% contingency of $12,714 will be added to the project to account for any unforeseen, but necessary costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sole Source purchase of Zoom Room equipment from Think Fast Track in the amount of $175,593 plus an 8% contingency of $12,714 for a total amount not to exceed $188,307.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-552

RESOLUTION APPROVING THE PURCHASE OF BI-OCULAR BOX (BOB) CAMERAS WITH DOTWORKZ SYSTEMS FOR A TOTAL AMOUNT NOT TO EXCEED $859,332; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Modesto continually seeks to enhance public safety and improve the quality of life for its residents; and

WHEREAS, one effective strategy the city utilizes is leveraging camera technology by installing video camera systems in strategic areas of the city to reduce and deter crime, proactively detect crime, aid in quicker response times to criminal activity, capture important evidence, and increase the safety of community members; and

WHEREAS, in 2016, the Modesto Police Department (MPD) created a Real Time Crime Center (RTCC) with the primary goal of increasing the effectiveness of police department staff by providing pertinent real-time information to field personnel as they responded to calls for service from the community; and

WHEREAS, real-time video information derived from cameras connected to the RTCC has been critical to achieving this goal; and

WHEREAS, information and recordings gathered from both public and private video cameras have been instrumental in solving a variety of crimes including homicides, assaults, shootings, vandalism, illegal dumping, drug use/sales, and theft; and

WHEREAS, the effectiveness of the RTCC is only limited by the number of cameras deployed within the city; and

WHEREAS, there are still large areas of the city that do not have video camera coverage including most parks, open spaces, and areas frequented with illegal dumping.

Vandalism, illegal dumping, and criminal activity in these areas continue to be a source of complaints from the community and strain city staff time and resources as they regularly respond to, resolve, and repair issues in these areas; and

WHERAS, City of Modesto will purchase sixty-two assembled video camera systems and one prototype camera; and

WHEREAS, the Bi-Ocular Box (BOB) cameras will be installed in the downtown area, city parks and areas frequented by illegal dumping; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to be formally bid. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Here, Dotworkz solely manufactures, sells, and distributes the Bi-Ocular Box with active cooling and there are no other item(s) or product(s) available for purchase that would serve the same purpose, function, and customizations. Therefore, staff recommend the purchase of Bi-Ocular Box with active cooling be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204 (b) since Dotworkz is the sole manufacturer of the Bi-Ocular Box with active cooling.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the purchase of Bi-Ocular Box (BOB) cameras with Dotworkz for an amount not to exceed $859,332.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to take the necessary steps to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-553

RESOLUTION APPROVING THE PURCHASE OF CRADLE POINTS WITH AT&T FIRSTNET FOR A TOTAL AMOUNT NOT TO EXCEED $158,376; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department, the Parks, Recreation Neighborhoods Department and the Public Works Departments have partnered together to provide camera systems in parks, open spaces and areas frequented with illegal dumping; and

WHERAS, City of Modesto will purchase cradle point routers for the camera systems; and

WHEREAS, purchasing cradle point routers directly through AT&T FirstNet allows each unit to come configured for the management software used by the City to manage each unit; and

WHEREAS, the City has a long-standing contract with AT&T FirstNet who has a direct representative assigned to the city and provides a direct contact for configuring and troubleshooting issues; and

WHEREAS, Modesto Municipal Code Section 3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." Here, AT&T provides the standardized cradle

point router the City utilizes throughout its camera program, which utilizes AT&T FirstNet network for which the MPD has an existing contract. Therefore, staff recommends the purchase of cradle point routers with NetCloud and AT&T network services be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-36.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves purchase of cradle point routers with AT&T FirstNet for total amount not to exceed $158,376.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to take the necessary steps to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-554

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 MULTI-YEAR NON-CAPITAL BUDGET TO CREATE A NEW PROJECT AND ESTABLISH APPLICABLE REVENUE, EXPENSE AND TRANSFER BUDGETS FOR THE PARKING GARAGE CAMERA PROJECT TO BE FUNDED WITH MEASURE H FUNDS IN THE AMOUNT OF $529,338 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on November 8, 2022, Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022 by Resolution No. 2022-453 the Modesto City Council certified the election results; and

WHERAS, Measure H is expected to provide the City with approximately $42 million annually in additional sales tax revenue into its General Fund; and

WHEREAS, the City is purchasing and installing camera systems in the City to help enhance public safety and improve the quality of life for residents.

WHEREAS, the project will be funded with $529,338 in Measure H funds; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby amends the fiscal year 2023-2024 Multi-Year Non-Capital budget to create a new project and establish applicable revenue, expense and transfer budgets for the parking garage camera project to be funded with Measure H funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-555

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC., SCOTTSDALE, AZ, BY UTILIZING THE COMPETITIVE BID PROCESS WITH OMNIA, UNIVERSITY OF NEBRASKA, NE, FOR BODY WORN CAMERAS, TASERS AND RELATED EQUIPMENT AND SOFTWARE, FOR A FIVE YEAR AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED $6,125,690; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Axon is the leading provider of body worn camera and taser systems issued to uniformed personal; and

WHERAS, the Modesto Police wishes to enter into a five year agreement with Axon Enterprise, Inc, Scottdale, AZ for body worn cameras, tasers and related equipment and software; and

WHEREAS, the term of this agreement is January 15, 2024 through January 14, 2029, and

WHEREAS, the estimated total cost for this agreement is $4,900,690, with payment year one in the amount of $783,226 being funded and encumbered through the existing Police Department Fiscal Year 2023-2024 Operating for this agreement.

WHEREAS, the Modesto Police Department seeks authorization to add a contingency of $1,225,000 (approximately 25%) to the overall proposed contract amount to enable proper equipment and training of future employees during the term of the this agreement.

WHEREAS, the total not to exceed amount over the five year agreement, inclusive of the contingency, is $6,125,690.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment or contractual

services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. By utilizing Omnia Partners, the City is complying with the requirements defined under this code for body worn cameras and related products and services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves a Purchasing Agreement with Axon Enterprise, Inc., Scottdale, AZ, utilizing the competitive bid process with Omnia, University of Nebraska, NE, for body worn cameras, tasers and related equipment and software, for a five year agreement for a total amount not to exceed $6,125,690.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023 -556

RESOLUTION APPROVING AN AGREEMENT WITH OFFICER NICHOLAS LARGENT FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, HANK IN THE AMOUNT OF $1; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Chief of Police for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, the City Council approved the sale of retired police canines for $1 with Council Resolution, 99-370, and

WHEREAS, Modesto Police Canine Hank has had a surgery to repair his back and is unable to resume full duties as a police service dog, and

WHEREAS, City of Modesto, Officer Nicholas Largent, wishes to purchase and assume possession of the canine, Hank, upon the dog's official retirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Office Nicholas Largent for the purchase of retired police canine, Hank, in the amount of $1.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-557

RESOLUTION ACCEPTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION GRANT IN THE AMOUNT OF $970,370 IN GRANT FUNDS WITH NO MATCH REQUIREMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT ACCEPTANCE

WHEREAS, the Department of Health and Human Services of the Federal Government offered the Substance Abuse and Mental Health Services Administration (SAMHSA) grant. Funding is made available to agencies on the state and local level to support programs that promote the prevention or treatment of mental health disorders, and substance abuse, by providing rehabilitation, outreach and other support services, and

WHEREAS, the Modesto Police Department (MPD) was the lead agency on the grant application and it was submitted May 3, 2023, and

WHEREAS, the MPD has been notified that is being awarded $970,370 in grant funds from the Department of Health and Human Services Substance Abuse and Mental Health Services Administration grant, and

WHEREAS, the Police Department has a detailed work and spending plan for the $970,370 in grant funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Substance Abuse and Mental Health Services Administration Grant in the amount of $970, 370 in grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute and submit all documents which may be necessary hereby for the completion of the grant acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City A~~ttorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-558

RESOLUTION AMENDNG THE FISCAL YEAR 2023-2024 ANNUAL OPERATING AND MULTI-YEAR NON-CAPITAL PROJECT BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE TOTAL AMOUNT OF $970,370 RELATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION GRANT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of $970, 370 from the Department of Health and Humans Services for the Substance Abuse and Mental Health Services Administration grant; and

WHERAS, certain budgetary adjustments are necessary to account for the programming of revenues and expenses related to the Substance Abuse and Mental Health Services Administration grant to allow for the receipt of grant revenue and appropriation of expenditure budgets in both operating cost centers and multi-year non-capital project expenditure budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-2024 Annual Operating and Multi-Year Non-Capital Budget by a total of $970,370 in revenues and expenses in grant funds for the Substance Abuse and Mental Health Services Administration Grant Program.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-559

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH MANSFIELD, LIERLY AND ASSOCIATES FOR POLYGRAPH EXAMINATION SERVICES FOR A NEW TOTAL AMOUNT NOT TO EXCEED $231,485 OVER THREE YEARS AND EXTENDING THE TERM OF THE AGREEMENT TO JULY 12, 2024; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on February 2, 2021, Mansfield, Lierly and Associates, entered into an agreement with the City of Modesto to perform polygraph examination services for pre-employment screenings for an amount not to exceed $45,225 annually; and

WHEREAS, on September 13, 2022, City Council approved a First Amendment to the agreement for approval an annual estimated from $45,225 to $72,025 for the furnishing of polygraph examination services, and

WHEREAS, the hiring process for both sworn and civilian employees is a long and extensive process of which the polygraph is an early and critical screening tool; and

WHEREAS, the department has been processing a higher than usual volume of candidates through the hiring process resulting in an increased number of candidates going through the polygraph phase of hiring in an effort to fill department vacancies; and

WHEREAS, the Modesto Police Department seeks approval to increase the funds available on the agreement by $42,210 and extend the term of the agreement to July 12, 2024, so that the department can continue polygraph screenings in a timely manner while staff work with the Purchasing Division on a formal Request for Proposal process for a new agreement for polygraph examination services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the agreement with Mansfield, Lierly and Associates, increasing the agreement to a revised total amount of $231,485.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-560

RESOLUTION APPROVING A PURCHASE ORDER WITH VIGILANT SOLUTIONS, LLC, DALLAS, TX, FOR THE UPDATE AND EXPANSION OF THE MODESTO POLICE DEPARTMENT'S AUTOMATED LICENSE PLATE READER PROGRAM, FOR AN AMOUNT NOT TO EXCEED $2,939,812; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of $6,003,419 from the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Prevention Grant program; and

WHERAS, the Modesto Police Department has partnered with Stanislaus County District Attorney's office, as well as retailers through out the City of Modesto, to implement this grant; and

WHERAS, Vigilant Solutions has provided the current Automated License Plate Reader program, equipment, software installation and warranty to Modesto Police Department, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process area granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." Here, the specific equipment is unique to each vendor and while there may be similar available vendors, the specified equipment cannot be exactly replicated by other vendors, existing infrastructure is not interchangeable with

other vendors (original equipment manufacturer/distributor) and/or demonstrated quality, durability and service are unmatched in the industry. Therefore, staff recommends the purchase with Vigilant Solutions, LLC for equipment, software, installation, and warranty for ALPR camera systems and ALPR camera trailers be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves a Purchase Order with Vigilant Solutions, LLC, Dallas, TX, for the update and expansion of the Modesto Police Department's Automated License Plate Reader program, for the amount not to exceed $2,939,812 over the grant period.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-561

RESOLUTION APPROVING A PURCHASE ORDER WITH SPECIAL SERVICES GROUP (SSG), MARINA, CA, FOR THE PURCHASE OF EQUIPMENT, SOFTWARE, INSTALLATION AND WARRANTY FOR CAMERAS AND TRACKERS FOR AN AMOUNT NOT TO EXCEED $122,366; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of $6,003,419 from the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Prevention Grant program; and

WHERAS, the Modesto Police Department has partnered with Stanislaus County District Attorney's office, as well as retailers through out the City of Modesto, to implement this grant; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process area granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." Here, the specific equipment is unique to each vendor and while there may be similar available vendors, the specified equipment cannot be exactly replicated by other vendors, existing infrastructure is not interchangeable with other vendors (original equipment manufacturer/distributor) and/or demonstrated quality, durability and service are unmatched in the industry. Therefore, staff recommends the purchase with Special Services Group for equipment, software, installation, and warranty

for lamp head cameras, pole cameras, covert trackers, and a bait car camera and recording system be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves a Purchase Order with Special Services Group for the purchase of equipment, software, installation, and warranty for cameras and trackers, in an amount not to exceed $122,366.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-562

RESOLUTION APPROVING A PURCHASE ORDER WITH DOTWORKZ, SAN DIEGO, CA, FOR THE PURCHASE OF EQUIPMENT, SOFTWARE AND WARRANTY FOR QUAD/PTZ CAMERA SYSTEMS, FOR AN AMOUNT NOT TO EXCEED $357,528, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of $6,003,419 from the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Prevention Grant program; and

WHERAS, the Modesto Police Department has partnered with Stanislaus County District Attorney's office, as well as retailers through out the City of Modesto, to implement this grant; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process area granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." Here, the specific equipment is unique to each vendor and while there may be similar available vendors, the specified equipment cannot be exactly replicated by other vendors, existing infrastructure is not interchangeable with other vendors (original equipment manufacturer/distributor) and/or demonstrated quality, durability and service are unmatched in the industry. Therefore, staff recommends the purchase with Dotworkz for equipment, software and warranty for quad/PTZ camera

systems be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves a Purchase Order with Dotworkz for the purchase of equipment, software, and warranty for quad/PTZ camera systems, for an amount not to exceed $357,528.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-563

RESOLUTION APPROVING A PURCHASE ORDER WITH VORP ENERGY, REXBURG, ID, FOR THE PURCHASE OF EQUIPMENT, SOFTWARE, AND WARRANTY FOR CAMERA TRAILERS, FOR AN AMOUNT NOT TO EXCEED $218,883, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of $6,003,419 from the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Prevention Grant program; and

WHERAS, the Modesto Police Department has partnered with Stanislaus County District Attorney's office, as well as retailers through out the City of Modesto, to implement this grant; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process area granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." Here, the specific equipment is unique to each vendor and while there may be similar available vendors, the specified equipment cannot be exactly replicated by other vendors, existing infrastructure is not interchangeable with other vendors (original equipment manufacturer/distributor) and/or demonstrated quality, durability and service are unmatched in the industry. Therefore, staff recommends the purchase with Vorp Energy for equipment, software and warranty for boom camera

trailers be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves a Purchase Order with Vorp Energy, Rexburg, ID, for the purchase of equipment, software, and warranty for camera trailers, for an amount not to exceed $218,883.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-564

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH BLACK WATER CONSULTING ENGINEERS, OF MODESTO, CA, FOR THE PARADISE-GRIMES-OHIO AREA STRENGTHEN AND REPLACE WATER MAINS PROJECT IN THE AMOUNT OF $445,000, PLUS $44,500 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $489,500 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Paradise-Grimes-Ohio Area has deficient water mains that are undersized, lack pressure, and are prone to leaks, and

WHEREAS, the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project will replace and upgrade water mains, associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four (4) pre-qualified local consultants for Civil Engineering Services for various Capital Improvement Program Projects, and

WHEREAS, staff received and distributed three (3) proposals to a selection committee consisting of Utilities Engineering staff, and

WHEREAS, the selection committee evaluated the proposals and determined Black Water Consulting Engineers to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) agreements for professional services are exempt from formal bidding as long as competitive quotations or proposals have been sought informally from at least three qualified entities, and

WHEREAS, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 that complied with the requirements of Section 8-3.204(a), and

WHEREAS, staff recommends approval of an Engineering Services Agreement with Black Water Consulting Engineers for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Black Water Consulting Engineers, in the amount of $445,000, plus $44,500 in additional services (if needed), for a total amount not to exceed $489,500 for the Paradise-Grimes-Ohio Area Strengthen and Replace Water Mains Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-565

RESOLUTION APPROVING A GRANT OF EASEMENT RIGHTS TO THE SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, Reclamation District (RD) 2091 is comprised of 26 landowners, representing approximately 7,015 acres. The City of Modesto owns approximately 4,500 of the associated acres, or 64% of RD 2091, as part of the City's Regional Water Recycling Facility-Jennings Campus. This district is governed by the RD 2091 Board of Trustees, which is comprised of three (3) landowner members, including a representative of the City of Modesto; and

WHEREAS, in 2012, RD 2091 and Department of Water Resources (DWR) performed inspections on the RD 2091 levee system where stability issues were identified at five (5) damaged levee site locations, totaling approximately 11,038 feet; and

WHEREAS, consultants were hired by RD 2091 to evaluate and develop the scope of work necessary to address the identified levee damages and coordinate the construction efforts to repair and stabilize the levee along the San Joaquin River and adhere to all Federal and State mandated requirements; and

WHEREAS, the City determined it was in the best interest to protect its assets from future flood risk and grant approximately 19.63 acres from the adjacent City of Modesto property to RD 2091. This area includes an easement, approximately 15 feet wide, to accommodate a required access road at the base of the berm. The easement is necessary for routine access to the levee for continued inspections and maintenance requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a grant of easement rights to the Sacramento and San Joaquin Drainage District.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the documents necessary to grant easement rights to the Sacramento and San Joaquin Drainage District in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-566

RESOLUTION APPROVING A LAND GRANT TO RECLAMATION DISTRICT 2091 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, Reclamation District (RD) 2091 is comprised of 26 landowners, representing approximately 7,015 acres. The City of Modesto owns approximately 4,500 of the associated acres, or 64% of RD 2091, as part of the City's Regional Water Recycling Facility-Jennings Campus. This district is governed by the RD 2091 Board of Trustees, which is comprised of three (3) landowner members, including a representative of the City of Modesto; and

WHEREAS, in 2012, RD 2091 and Department of Water Resources (DWR) performed inspections on the RD 2091 levee system where stability issues were identified at five (5) damaged levee site locations, totaling approximately 11,038 feet; and

WHEREAS, consultants were hired by RD 2091 to evaluate and develop the scope of work necessary to address the identified levee damages and coordinate the construction efforts to repair and stabilize the levee along the San Joaquin River and adhere to all Federal and State mandated requirements; and

WHEREAS, seepage berms were constructed to accommodate changing river levels without eroding the levee system in high-risk areas to mitigate the damage to the levee. The project required an extension of the levee toe and associated easement on public land owned by the City of Modesto; and

WHEREAS, the City is the sole property owner of land adjacent to the entire stretch of the RD 2091 levee system. To meet "in kind" contribution to the repair of the levee system, the City will grant a portion of the parcels listed below to RD 2091. In doing so, DWR will contribute a monetary match to RD 2091 to offset repair costs. The land contribution for this Project involves all real property that was required to physically construct the seepage berms as well as property utilized to extend the right-of-way easement; and

WHEREAS, the City determined it was in the best interest to protect its assets from future flood risk and grant approximately 19.63 acres from the adjacent City of Modesto property to RD 2091. This area includes an easement, approximately 15 feet wide, to accommodate a required access road at the base of the berm. The easement is necessary for routine access to the levee for continued inspections and maintenance requirements; and

WHEREAS, pursuant to Government Code section 54221(f)(1)(D), the transfer of this property is not subject to the requirements of the Surplus Land Act because it involves a transfer of property to another public agency for its use.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a land grant to Reclamation District 2091.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the documents necessary to grant the land to Reclamation District 2091 in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2023-567

RESOLUTION APPROVING THE ABANDONMENT OF A 0.548-ACRE PORTION OF E. GLENN AVENUE, LOCATED EAST OF RELIANCE STREET AND WEST OF THE UNION-PACIFIC RAILROAD

WHEREAS, a verified application by G3 enterprises requesting the abandonment of an approximately 0.548-acre segment of E. Glenn Avenue located generally between Reliance Street and the Union-Pacific Railroad, and shown by reference in the **attached Exhibits**, was received by the City of Modesto; and

WHEREAS, a title report was submitted with the abandonment request which vests fee title of the described land with G3 Enterprises, Inc.; and

WHEREAS**,** the proposed abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received; and

WHEREAS, the section of E. Glenn Avenue proposed for abandonment has not been improved with street improvements and, per the City Engineer, will not be improved in the future; and

WHEREAS, pursuant to Section 8313 of the Streets and Highways Code and Section 65402 of the Government Code, the Planning Commission held a public hearing on November 6, 2023, and recommended the approval of the proposed abandonment to the City Council and confirmed the abandonment's conformity with the General Plan; and

WHEREAS, the City Council certifies it has received and reviewed Environmental Assessment No. EA/C&ED 2023-18, which concluded that the project has already been considered by a previous environmental review, Initial Study Environmental Checklist C&ED No. 2023-14, and that pursuant to Section 15162 of the CEQA

Guidelines, no new environmental review is required; and

WHEREAS, the location of the proposed abandonment is further described and depicted in **Exhibit A**, **attached** hereto in incorporated herein; and

WHEREAS, the City Council has determined that the section of E. Glenn Avenue proposed for abandonment is excess and unnecessary for present or prospective public use and the abandonment thereof is in the best interests of the City of Modesto; and

WHEREAS, Pursuant to the provisions of Section 8320, *et seq.* of the Streets and Highways Code, a notice of the hearing for this matter has been published for two successive weeks in the Modesto Bee newspaper, on November 27 and December 4, 2023, and notices of the hearing for this matter have been placed on the site of the abandonment along the line of the property to be vacated for fourteen days prior to the hearing since November 27, 2023; and

WHEREAS, pursuant to the provisions of Section 8330 *et seq.*, of the Streets and Highways Code, the City Council seeks to summarily vacate the described portion of E. Glenn Avenue.

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

1. The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City set forth below.

2. The portion of E. Glenn Avenue described and depicted in **Exhibit A**, **attached** hereto and incorporated herein, is excess and unnecessary for present or prospective public use.

3. Pursuant to Chapter 4 of Part 3 of Division 9 of the California Streets and

Highways Code, the portion of E. Glenn Avenue is hereby summarily vacated and abandoned. From and after the date this Resolution is recorded, the abandoned area shall no longer constitute a city facility and the land shall revert to the holder of its fee title. This abandonment is subject to the following conditions:

a. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

b. All landscaping, fences, and walls shall be maintained in good condition and the premises shall be kept free of weeds, trash, and other debris.

c. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

d. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the Utility Companies and City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required. Easements and improvements shall include but not be limited to the following:

    i. The developer shall dedicate to the City of Modesto a minimum 30-foot Public Utility Easement (PUE) along Glenn Avenue from Reliance Street to Union Pacific Railroad, to contain the 24-inch (east/west) sewer trunk main, and the 12-inch (east/west) water main, unless otherwise directed by the Utilities Department to remove or realign these utility mains as part of this abandonment. Such PUE is further described in **Exhibit B**, **attached** hereto and incorporated herein.

    ii. Per comments received from the Turlock Irrigation District, a portion of the proposed 30' public utility easement is anticipated to be needed for provision of electric service to the planned warehouses to the north.

4. The project applicant shall indemnify, defend, and hold harmless the City

of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the street abandonment (File No. ABD-23-001), and any related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

5. The City Clerk is hereby directed to record a certified copy of this Resolution in the office of the Stanislaus County Recorder pursuant to Streets and Highways Code section 8335.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: _____
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibits:

A. Legal Description of Abandonment and Plat Map
B. Legal Description of Public Utility Easement and Plat Map

CHECK PRINT NOT FOR RECORDING

EXHIBIT A

LEGAL DESCRIPTION OF
GLENN AVENUE ABANDONMENT

All of the real property as described in the Grant Deed recorded as DOC-2023-0023606, Stanislaus County Records, lying in Section 9, Township 4 South, Range 9 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

That certain 40.00 foot wide strip of Glenn Avenue along the South side of Parcel 2 of the Parcel Map filed October 19, 1989 in Book 42 of Parcel Map, Page 42, Stanislaus County Records, and the 15.00 foot radius return, which property has been dedicated, but not accepted, by the City of Modesto, subject, however, to the future acceptance by the City of Modesto, said strip more particularly described as follows:

BEGINNING at the Southeast corner of said Parcel 2 being on the West line of Tidewater Southern Railroad as shown on said Parcel Map; thence along said West line, South 0°19' 10" East, 40.00 feet to the East-West quarter Section line of said Section 9 as shown on said Parcel Map; thence along said East-West quarter Section line, North 89°56' 28" West, 595.96 feet to the Southerly extension of the East line of Reliance Street as shown on said Parcel Map; thence along said Southerly extension, North 0°00' 50" East, 54.99 feet to the North return of the Northeast corner of said Reliance Street and said Glenn Avenue as shown on said Parcel Map, being a point of cusp; thence Southeasterly, 23.55 feet, along the tangent curve of said point of cusp, concave to the Northeast, having a radius of 15.00 feet and a central angle of 89°57' 18", to the North line of said Glenn Avenue as shown on said Parcel Map; thence along said North line, South 89°56' 28" East, 580.74 feet to the point of beginning.

EXCEPTING THEREFROM all minerals and all mineral rights of every kind and character now known to exist or hereinafter discovered, as reserved by Union Pacific Railroad Company, a Utah corporation in the Deed recorded December 22, 1989 as Instrument No. 13126, Official Records.

Containing: 23,882 square feet / 0.548 acres, more or less.

Assessor's Parcel Number: 086-012-085

A plat entitled "EXHIBIT B" and attached hereto is hereby made a part of this Legal Description.

END OF DESCRIPTION

LICENSED LAND SURVEYOR
SCOTT THOMAS DELAMARE
No. 8078
STATE OF CALIFORNIA
PRELIMINARY CHECK PRINT June 16, 2023

DF ENGINEERING, INC.
CIVIL ENGINEERING AND SURVEYING
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350
TELEPHONE (209) 529-7450 · EMAIL DFENGINEERING@DFENGINEERING.COM
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SIGNED: Scott Thomas De la Mare June 16, 2023
SCOTT THOMAS DELAMARE LS 8078 DATE

R:\ACTIVE PROJ\2023\2302\Dwg\Abandonment\2302Abndnmnt.dwg, Desc, Jun 16, 2023, 3:22pm, Scott

PAGE	1 OF 1
JOB	2302
AUTHOR	STD
CK. BY	NIP
SCALE	N/A
DATE	Jun.,2023

Printed June 16, 2023 - Ready for 1st Submittal

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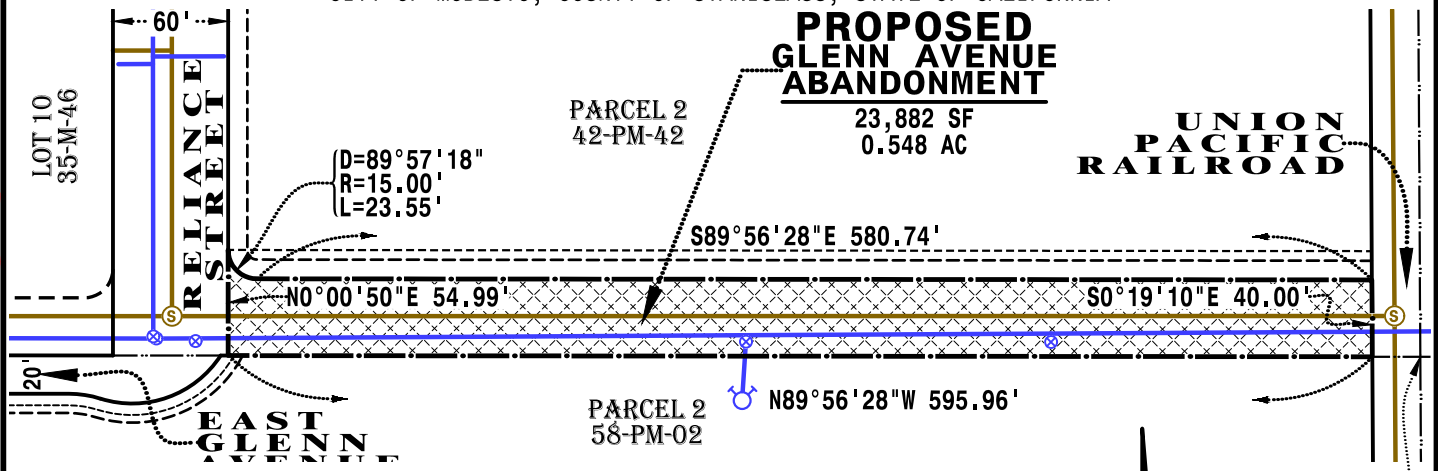
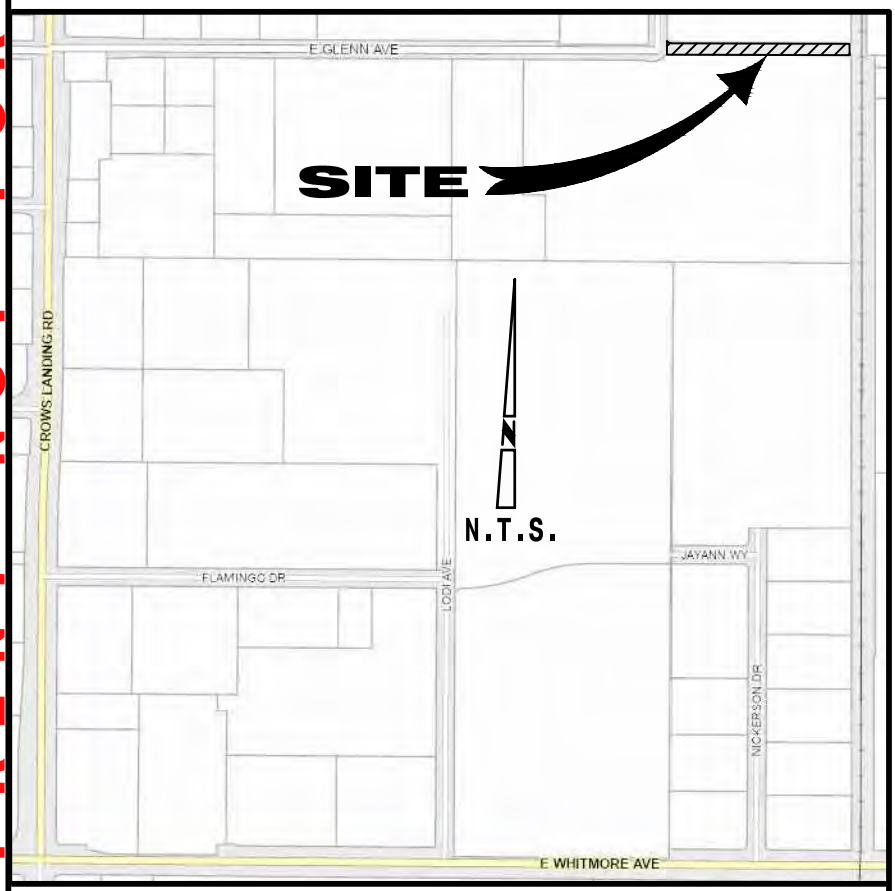
EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION OF
GLENN AVENUE ABANDONMENT

LYING IN SECTION 9, T.4 S., R.9 E., M.D.M.
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA





VICINITY MAP

INT. 1/4 COR. SEC. 9, T.4 S., R.9 E.

N

SCALE 1"= 100'

GRAPHIC SCALE

0 50 100 200

LEGEND

- PROPOSED ABANDONMENT
- RIGHT-OF-WAY
- PARCEL LINE
- 1/4 LINE SECTION 9
- 10' PUE
- 15' IRR. EASEMENT
- 6' PLANTING EASEMENT
- SANITARY SEWER W/MH
- WATER W/VALVE
- FIRE HYDRANT
- THE CROSSHATCHED AREA REPRESENTS PROPOSED ABANDONMENT

LICENSED LAND SURVEYOR
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PARCEL CLOSURE
MAP CHECK FOR
GLENN AVENUE ABANDONMENT

North: 3000.00000' East: 3000.00000'

Segment #1 : Line
Course: S0°19'10"E Length: 40.00'

North: 2960.00062' East: 3000.22301'

Segment #2 : Line
Course: N89°56'28"W Length: 595.96'

North: 2960.61315' East: 2404.26333'

Segment #3 : Line
Course: N0°00'50"E Length: 54.99'

North: 3015.60315' East: 2404.27666'

Segment #4 : Curve
Length: 23.55' Radius: 15.00'
Delta: 89°57'18" Tangent: 14.99'
Chord: 21.20' Course: S44°57'49"E
Course In: S89°59'10"E Course Out: S0°03'32"W
RP North: 3015.59951' East: 2419.27666'

End North: 3000.59952' East: 2419.26124'

Segment #5 : Line
Course: S89°56'28"E Length: 580.74'

North: 3000.00264' East: 3000.00093'

Perimeter: 1295.23' Area: 23,882 SF / 0.548 AC
Error Closure: 0.00280 Course: N19°30'34"E
Error North: 0.002635 East: 0.000934
Precision 1: 462585.71

LICENSED LAND SURVEYOR
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EXHIBIT A

LEGAL DESCRIPTION OF PUBLIC UTILITY EASEMENT

All of the real property as described in the Grant Deed recorded as DOC-2023-0023606, Stanislaus County Records, lying in Section 9, Township 4 South, Range 9 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

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Containing: 23,882 square feet / 0.548 acres, more or less.

Assessor's Parcel Number: 086-012-085

A plat entitled "EXHIBIT B" and attached hereto is hereby made a part of this Legal Description.

END OF DESCRIPTION

LICENSED LAND SURVEYOR
SCOTT THOMAS DELAMARE
No. 8078
STATE OF CALIFORNIA
PRELIMINARY CHECK PRINT June 26, 2023

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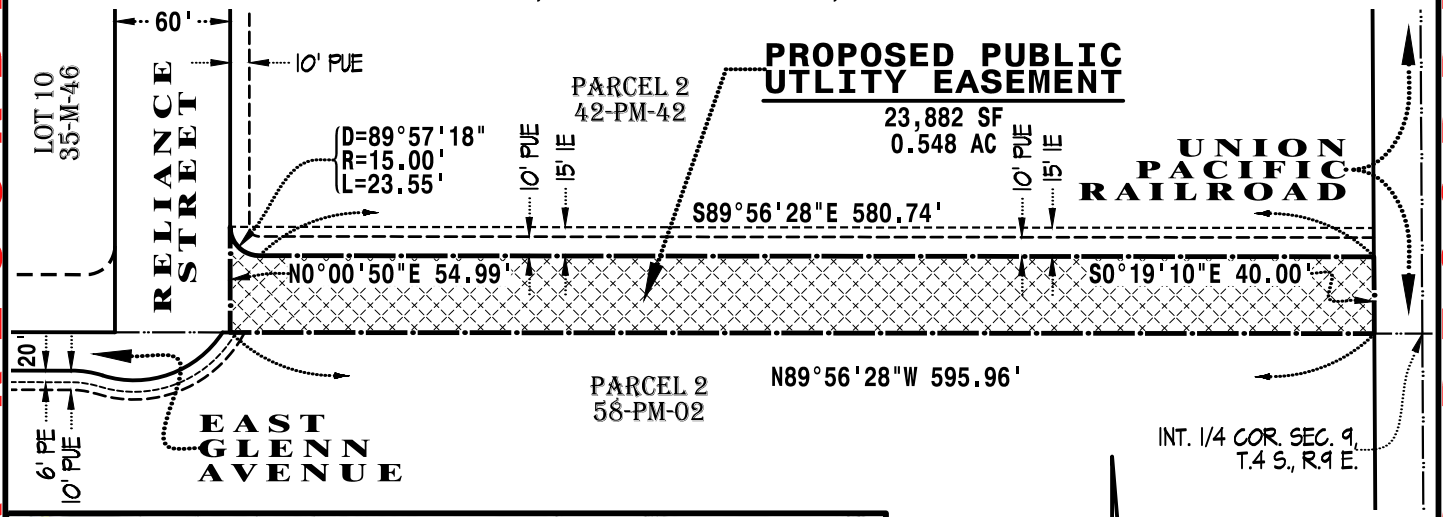
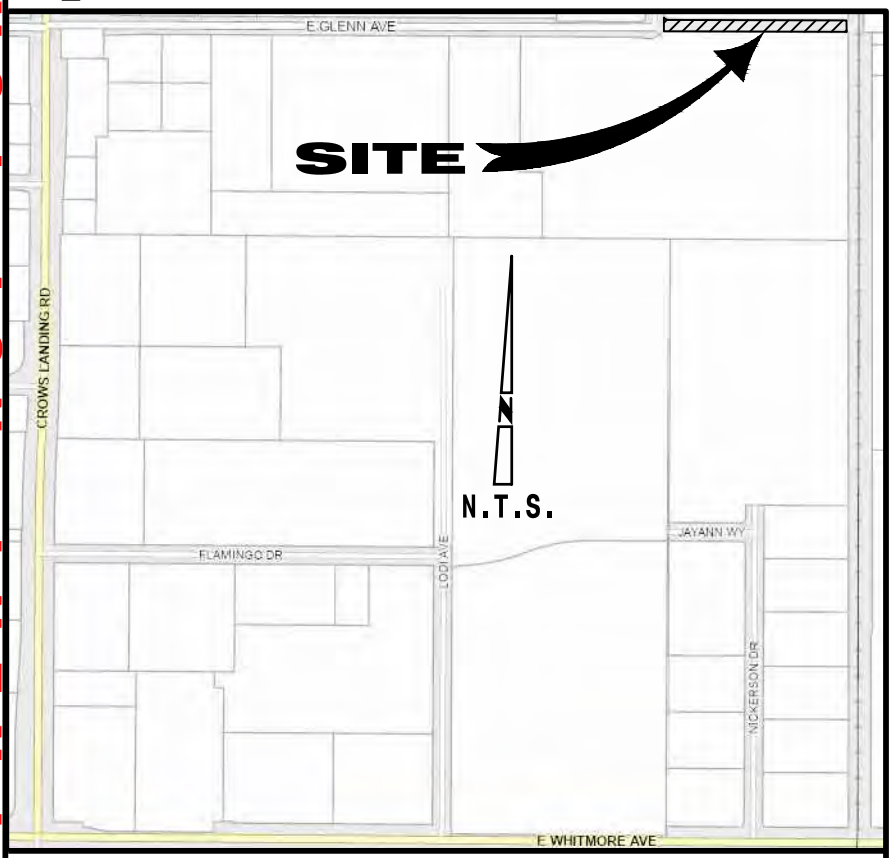
EXHIBIT B

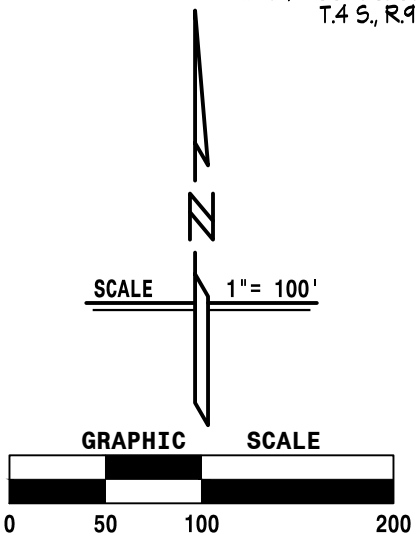
PLAT TO ACCOMPANY LEGAL DESCRIPTION OF
PUBLIC UTILITY EASEMENT

LYING IN SECTION 9, T.4 S., R.9 E., M.D.M.
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA





VICINITY MAP



LEGEND

- PROPOSED PUBLIC UTILITY EASEMENT
- RIGHT-OF-WAY
- PARCEL LINE
- 1/4 LINE SECTION 9
- EXISTING 10' PUBLIC UTILITY EASEMENT (PUE)
- EXISTING 15' IRRIGATION EASEMENT (IE)
- EXISTING 6' PLANTING EASEMENT (PE)
- THE CROSSHATCHED AREA REPRESENTS THE PROPOSED EASEMENT DESCRIBED

LICENSED LAND SURVEYOR
SCOTT THOMAS DELAMARE
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STATE OF CALIFORNIA
PRELIMINARY CHECK PRINT June 26, 2023

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PAGE	1 OF 1
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PARCEL CLOSURE
MAP CHECK FOR
PUBLIC UTILITY EASEMENT

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